

Recommendation Report for Planning Permission

REF NO: BR/139/26/PL

LOCATION: 58 High Street
Bognor Regis
PO21 1SP

PROPOSAL: Shopfront alterations including the replacement of the stall riser, entrance doors and fascia. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	Vacant retail / commercial unit.
CHARACTER OF LOCALITY	Predominately retail / commercial with some residential uses, usually flats.

RELEVANT SITE HISTORY

BR/140/26/A	Installation and display of 4 No. internally illuminated fascia signs and 1 No. internally illuminated projecting sign.	ApproveConditionally 24-09-26
BR/141/26/PL	Change of use of a betting shop (Sui Generis) to an adult gaming centre (Sui Generis). This application is in CIL Zone 4 (Zero Rated) as other development.	

REPRESENTATIONS

Bognor Regis Town Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration - No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comment noted.

POLICY CONTEXT

Built-Up Area Boundary.
Town Centre Retail Boundary.
Economic Growth Area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the proposal would not result in harm to the visual amenity or character of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not subject to statutory BNG.

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The application seeks planning permission for alterations to a shopfront including replacement of the stall riser, entrance doors and fascia. The advertisements proposed as part of the alterations have been assessed and approved under BR/140/26/A.

The new fascia would have plywood background lining and framework. The shopfronts and concrete pillars are proposed to be rubbed down and treated in readiness for painting (in "off black"). Similarly, the existing aluminium window frames are to be rubbed down and prepared for painting (in charcoal / black), as will the handrail serving the courtyard on Bedford Street.

Both door frames, serving High Street and Bedford Street, are proposed for retention but will be restored in same manner as the window frames. New powder colour coated glazed entrance doors are proposed that will match the colour of the frames where possible. New porcelain tiles are proposed on the replacement stall riser and will be of a similar colour to the window frames and concrete pillars.

The proposals would not harm the character or visual amenity of the site or the surrounding area and are acceptable in accordance with Arun Local Plan policies D DM1 and D DM4.

RESIDENTIAL AMENITY

The development would not result in any overshadowing or overbearing impacts on neighbouring properties. Furthermore, the development does not include provision for any new openings to the side or rear elevations, and as such, the proposal would not result in any loss of privacy to nearby occupiers. The alterations to the front fenestration would have an outlook along the street scene and there will be no overlooking impact.

The proposal is therefore in accordance with Arun Local Plan policies D DM1 and D DM4.

HERITAGE ASSETS

The site sits opposite a row of locally listed buildings, on the southern side of High Street. Arun Local Plan policy HER DM2 requires proposals to protect the character of these buildings, in the absence of statutory protection.

Policy HE7 of the NPPF states that development proposals which would have a positive effect on a non-designated heritage asset should be supported.

The proposed shopfront would be typical for its setting in a commercial / retail area. The repairs and amendments proposed would improve the appearance of the site and its relationship with the street scene, resulting in no harm to the appearance or setting of the non-designated heritage assets.

The proposal is therefore in accordance with Arun Local Plan policy HER DM2 and NPPF Policy HE7.

SUMMARY

The proposed development is in accordance with relevant development plan policies and is therefore recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION**APPROVE CONDITIONALLY**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan
Site Plan
Proposed Shopfront 957-PL-105 00

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.
- 3 Based on the information available, this permission is exempt from the requirement to provide

a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the NPPF.