

Recommendation Report for Planning Permission

REF NO: BR/142/19/PL

LOCATION: 31A - 33 Station Road
Bognor Regis
PO21 1QD

PROPOSAL: Connection of 2 No. A3 units into 1 No. A3 unit with new shop front alterations. This application may affect the setting of a listed building & may affect the character & appearance of the Bognor Regis Railway Station Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to convert No.2 separate A3 units into 1 No.A3 unit with a new shopfront.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property is open to the front situated at the road frontage.
SITE CHARACTERISTICS	The site is occupied by 2 ground floor units 1 of which is empty and 1 is in use as a takeaway, with residential space above.
CHARACTER OF LOCALITY	The area has mixed use with both commercial and residential units nearby. The site is located opposite a Conservation Area and Bognor Train Station.

RELEVANT SITE HISTORY

BR/143/19/A	1 No. internally illuminated fascia sign on front elevation.	ApproveConditionally 24-06-19
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Relevant planning history noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council
Bognor Town Council provided no objection.
No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Environmental Health

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Environmental Health - The number of toilets proposed is unsatisfactory for the number of diners in the restaurant. Include a condition relating to suitable provision of sanitary accommodation.

Conservation Officer - The proposal is located opposite the Conservation Area. The current shopfront does not make a positive contribution and there is opportunity to enhance the appearance of the building. It is considered there will be less than substantial harm and public benefit needs to be considered.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Discussion has been made with the agent regarding the number of toilets and it has been confirmed the seats numbers have been reduced to 50 to comply with requirements as shown in 'Provision of sanitary accommodation in food businesses' and will be conditioned.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#)

Delivery of the Vision

Bognor Regis Neighbourhood Plan 2015 Policy 2

Promoting the Seaside Identity

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 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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Bognor has a 'made' Neighbourhood Plan in which the proposal complies with relevant policies.

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 it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. As stated in SDSP2 the key policies considered are D DM1, D DM4, QEDM1, RETDM1 and QESP1 of the Arun Local Plan.

Bognor has a 'made' Neighbourhood Plan with policy 1 and 2 of relevance to the application. The proposal complies with these policies.

DESIGN AND VISUAL AMENITY

The existing elevation is formed by 2 separate units. 1 of which is empty and boarded to the front. The other forms Charcoal Grill. The proposal includes alterations to the shopfront which will enable the units to be utilised as one.

The existing 2 shopfronts consists of a mixture of materials. This will alter in such that the windows be replaced and enlarged slightly, with black frames. To the front elevation of No.31a there is grey tile and

at No.33 there is white render. This will be replaced with brick pillars. New signage has already been approved under a previous application with sign running along the elevation of units No.31 and No.33. The existing entrances will be retained for access.

The new design is considered to allow the units to appear well integrated and as one shopfront. The design is not considered out of character for the area with various styles of shopfronts within the vicinity.

As a result of the current appearance the alterations to the shopfront are considered to improve the appearance of the units upon the street scene which allow for matching materials and the reinstatement of an empty premises and as such accord with DDM1 and DDM4 of the Arun Local Plan.

CONSERVATION AREA

The proposal is located opposite the Conservation Area. The current shopfront does not make a positive contribution to the area and there is opportunity to enhance the appearance of the building.

The proposal will involve unification of the shopfront so it covers the entire facade of the new unit. The shop front removes the middle corbel which forms the older fascia and the replacement fascia sign stretches across the entire shop front when it could be designed to reflect the historical facade treatment. The proposal will have less than substantial harm to the setting of the Conservation Area and public benefit should be considered. The development will bring back into use a vacant shop and this is considered to result in public benefit to the economy and as a result accords with HERDM3 of the Arun Local Plan and the NPPF..

RESIDENTIAL AMENITY

The connection of No.2 A3 units into 1 is not considered to give rise to additional adverse impacts upon neighbouring amenity. With the use type remaining the same the conversion into 1 unit is not considered to give rise to an increase in noise or significantly alter the intensity of the development.

The connection of units is not considered to harm amenity by way of overbearing, overlooking or overshadowing and is deemed to comply with D DM1, D DM4 and QE DM1 and of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is 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

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.

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
 - Block Plan
 - Existing and Proposed Floor Plan - 23.0319.01
 - Details of Proposed Elevations and Side Elevation - 23.0319.05
 - Existing and Proposed A-A and B-B Side Elevation - 23.0319.04
 - Existing and Proposed Rear Elevation - 23.0319.03
 - Existing and Proposed Front Elevation - 23.0319.02
 - Email confirming seat occupancy - 12th July.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The described provision of two unisex toilets, both with separate wash hand basins, will be sufficient for up to and including 50 customers and therefore the seated capacity shall not exceed this.

Reasons: In the interests of maintaining adequate amenity to local residents and visitors to the area in accordance with DDM1 of the Arun Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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 National Planning Policy Framework.