



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: BR/143/18/PL

1 To Addressee

H J Concepts Ltd
 Suite 100 Fareham Reach
 166 Fareham Road
 Gosport
 Hampshire
 PO13 0FW

2 Site Address

6-8 Waterloo Square
 Bognor Regis
 PO21 1SU

3 Description of Development

Change of use from vacant arcade (Sui Generis) to include A1 (Shops), A3 (Restaurant & Cafe) & A4 (Drinking Establishment) & outdoor seating area, change of ground floor external facade & installation of external bin store. This application affects the character & appearance of The Steyne Conservation Area.

In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions

- 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 plan:

"Proposed Floors & Elevations plans including Block plan" dwg. 18-1236 P 02

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and HER DM3 of the Arun Local Plan.

- 7 Details of the number of bins and the management of stored waste ready for collection within the approved bin store shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the units. The bins shall thereafter be permanently provided for the uses.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and QE DM3.

- 8 Prior to the occupation of the class A3 cafe/restaurant use, the owner/occupier shall submit a noise assessment report for approval by the Local Planning Authority, to assess the impact of the use on the residents living above the premises and to specify mitigation measures if considered necessary. The report shall also take account of any extraction equipment to be installed (whether internal or external). The cafe/restaurant shall not then be occupied unless and until the approved mitigation measures have been implemented in full and these measures shall be permanently maintained thereafter.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 9 Prior to the occupation of the class A4 public house/bar use, the owner/occupier shall submit a noise assessment report for approval by the Local Planning Authority, to assess the impact of the use on the residents living above the premises and to specify mitigation measures if considered necessary. The report shall also take account of any extraction equipment to be installed (whether internal or external). The public house/bar shall not then be occupied unless and until the approved mitigation measures have been implemented in full and these measures shall be permanently maintained thereafter.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 10 (a) Deliveries by commercial vehicles shall only be made to or from the A1 retail unit/s, between 07:00 hours and 20:00 hours Monday to Saturday and between 09:00 hours and 17:00 hours on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

(b) Deliveries by commercial vehicles shall only be made to or from the A3 cafe/restaurant unit/s, between 07:00 hours and 20:00 hours Monday to Saturday and between 09:00 hours and 17:00 hours on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

(c) Deliveries by commercial vehicles shall only be made to or from the A4 public house/bar unit/s, between 07:00 hours and 20:00 hours Monday to Saturday and between 09:00 hours and 17:00 hours on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity in accordance with Arun Local Plan policies QE SP1 and QE DM1.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated).

This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).



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- 2 The development hereby approved shall be carried out in accordance with the following approved plan:

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Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and HER DM3 of the Arun Local Plan.

- 3 Unless and until an extraction system as agreed in writing with the Local Planning Authority, has been installed to serve the proposed class A3 cafe/restaurant or class A4 public house/bar uses then any such class A3 or A4 use/s shall be restricted to the preparation of non-odorous cooking methods only and therefore there shall be no frying, grilling or griddling within any A3 or A4 unit. The extraction systems so installed shall be maintained in good working order in perpetuity.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies QE SP1 and QE DM3.

- 4 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work and the careful selection of plant and machinery;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development; and
- d. measures to control the emission of dust and dirt during construction.

Reason: In the interests of the amenities of the area and of adjacent residential occupiers in accordance with policies D DM1, QE SP1, QE DM1 & QE DM3 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to construction starting on the site.

- 5 No development above damp proof course (DPC) level shall take place unless and until a colour schedule of materials and finishes to be used for the new shop front have been submitted to and approved by the Local Planning Authority and the materials/colours so approved shall be used in the construction of the new shop front.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character & appearance of the Conservation Area by endeavouring to achieve a building of visual quality in accordance with policies HER SP1 & HER DM3 of the Arun Local Plan.

- 6 No development above damp proof course (DPC) level shall take place unless and until colour details of the paints to be used for the repainting of the existing canopy, support posts and timber fascia have been submitted to and approved by the Local Planning Authority and the colour of paint so approved shall be used in the proposed repainting.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character & appearance of the Conservation Area by endeavouring to achieve a building of visual quality in accordance with policies HER SP1 & HER DM3 of the Arun Local Plan.

- 7 Details of the number of bins and the management of stored waste ready for collection within the approved bin store shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the units. The bins shall thereafter be permanently provided for the uses.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and QE DM3.

- 8 Prior to the occupation of the class A3 cafe/restaurant use, the owner/occupier shall submit a noise assessment report for approval by the Local Planning Authority, to assess the impact of the use on the residents living above the premises and to specify mitigation measures if considered necessary. The report shall also take account of any extraction equipment to be installed (whether internal or external). The cafe/restaurant shall not then be occupied unless and until the approved mitigation measures have been implemented in full and these measures shall be permanently maintained thereafter.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 9 Prior to the occupation of the class A4 public house/bar use, the owner/occupier shall submit a noise assessment report for approval by the Local Planning Authority, to assess the impact of the use on the residents living above the premises and to specify mitigation measures if considered necessary. The report shall also take account of any extraction equipment to be installed (whether internal or external). The public house/bar shall not then be occupied unless and until the approved mitigation measures have been implemented in full and these measures shall be permanently maintained thereafter.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 10 (a) Deliveries by commercial vehicles shall only be made to or from the A1 retail unit/s, between 07:00 hours and 20:00 hours Monday to Saturday and between 09:00 hours and 17:00 hours on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

(b) Deliveries by commercial vehicles shall only be made to or from the A3 cafe/restaurant unit/s, between 07:00 hours and 20:00 hours Monday to Saturday and between 09:00 hours and 17:00 hours on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

(c) Deliveries by commercial vehicles shall only be made to or from the A4 public house/bar unit/s, between 07:00 hours and 20:00 hours Monday to Saturday and between 09:00 hours and 17:00 hours on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity in accordance with Arun Local Plan policies QE SP1 and QE DM1.

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(a) The A1 retail use hereby permitted shall only be open between the hours of 07:00 hours and 23:00 hours Monday to Saturday and between 07:00 hours and 22:30 hours on Sundays, Bank or other Public Holidays.

(b) The A3 cafe/restaurant use hereby permitted shall only be open between the hours of 07:00 hours and 23:00 hours Monday to Saturday and between 07:00 hours and 22:00 hours on Sundays, Bank or other Public Holidays.

(c) The A4 public house/bar use hereby permitted shall only be open between the hours of 07:00 hours and 23:00 hours Monday to Saturday and between 07:00 hours and 22:00 hours on Sundays, Bank or other Public Holidays.

Reason: In the interests of amenity in accordance with Arun Local Plan policies QE SP1 and QE DM1.

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.

INFORMATIVE: The A3 and A4 uses may require registration under the Food Safety Act 1990 and will need to comply with the standards (including sanitary facilities) contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact the Councils Food Safety team for further information - food.safety@arun.gov.uk or 01903 737755.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Date of Decision:

4 October 2018

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

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