

Recommendation Report for Planning Permission

REF NO: BR/145/20/PL

LOCATION: 5-7 Station Road
Bognor Regis
PO21 1QB

PROPOSAL: Change of use from restaurants & cafe (A3 Restaurants & Cafes) to hot food take away (A5 Hot Food Takeaway). This application is in CIL Zone 4 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use of restaurant & cafe (C3), Victoria Fish & Chips to hot food take away (A5). There are no external or internal changes proposed. The drawings show details of an existing extraction system.
SITE AREA	124.6 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected.
BOUNDARY TREATMENT	1.5m brick wall to sides and rear. None to front. Property bounds the highway.
SITE CHARACTERISTICS	Two storey end terraced property with restaurant & cafe at ground floor and flats above and to the rear. Part traditional shop front, part uPVC panelled windows with tiled elements and a large wraparound fascia sign. Flat roof white rendered upper floor, Georgian in style. Servicing area to the rear of the property. Double yellow lines on both the High Street & Crescent Road.
CHARACTER OF LOCALITY	Town centre location with retail/restaurant uses at ground floor and commercial and residential uses above. The neighbouring property, no. 3 is occupied by a Grocers with a residential flat above. There are other A3/A5 uses in the locality. Crescent Road is formed of two storey residential dwellings.

RELEVANT SITE HISTORY

BR/281/17/PL	Installation of new shopfront.	ApproveConditionally 04-01-18
BR/199/17/PD	Application for prior notification under Class C for change of use from Shop (A1) to Restaurant (A3)	No Object'n + Conds 06-09-17

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Change of use under Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) from Class A1 (shop) to a A3(Restaurants and Cafes) under reference BR/199/17/PD.

REPRESENTATIONS

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health: no objection subject to condition restricting business hours to those quoted by applicant.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Pagham harbour Access Management Zone B
Within built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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.

Bognor Regis has a "made" Neighbourhood Plan and there are no relevant policies to be taken into account.

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 not considered to conflict with the relevant Development Plan policies in that it would not have a materially adverse effect on the visual amenities of the locality and the residential amenities of the adjoining properties, and it would not have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PROPOSAL**

The unit is in the centre of Bognor Regis at the junction of Station Road and Crescent Road. The restaurant has a floor area of approximately 124.6 square metres. The floorplan indicates the same layout as existing and details of an existing kitchen extraction system which was approved and conditioned by BR/199/17/PD. The surrounding area is characterised by a mix of retail, commercial and professional services and residential. There are flats above the proposal site.

PRINCIPLE

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it accords with other policies of the Local Plan covering such issues as the change of use, visual/residential amenity, highway safety and parking.

The site is located in a centre of Bognor Regis. Restaurants and Hot Food Take away are in different use classes the only difference is that Restaurants are for the sale of food and drink for consumption on the premises and Take Aways for the sale of hot food for consumption off the premises. The change of use from restaurant to take away may impact on neighbours due to increased movement but it is in an area where other uses exist and a restaurant can undertake a level of takeaway without needing a change of use.

Regard should be had to policy SD SP1 of the Arun Local Plan which states: "When considering

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development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." The site is in a sustainable suburban centre location in easy walking & cycling distance of a range of shops, facilities and services including bus stops.

The purpose of the NPPF is to contribute to sustainable development and to ensure that the planning system supports economic growth. Paragraph 9 stresses that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Local Planning Authorities should allow a rapid response to changes in economic circumstances.

The proposal is therefore considered to be compliant with relevant National and Local Planning Policy.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. D DM1 requires new housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part G.O1 which deals with Neighbourhood, Centres and Local Facilities stresses that the accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood.

The area is a mix of commercial and residential development. The proposal seeks to use an existing restaurant as a take away. There are no changes proposed with regard to the external appearance of the property therefore it is not considered that the change will have an adverse effect on the character of the street scene and generally on the character of surrounding area.

The development complies with ALP policies D DM1 and D SP1.

RESIDENTIAL AMENITY INC NOISE AND ODOUR:

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The development is at the ground floor of end terrace property with a residential use at first floor level. The proposed use as a take away would have unlikely larger impact on surrounding residential area than that an existing restaurant. The kitchen extraction system has been approved and conditioned under recent application BR/199/17/PD.

The development is not considered to have unacceptable impacts on the residential amenity of any neighbouring properties and would comply with policies D DM1 and QE DM1.

HIGHWAYS & PARKING:

Arun Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Parking Standards Supplementary Planning Document, January 2020 states in Principle 1:

2.12 Parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety and avoiding increased on-street parking demand.

The plan does not indicate any provision of parking spaces, however the development comprises the same arrangement as previously approved and it is not considered that the use would result in a severe intensification of use of the site or result in any capacity issues on the public highway.

SUMMARY

There is no in principle objection to the change of a restaurant for take away on this site in the built up area and the proposal complies with development control criteria concerning highway safety, change of use, character and residential amenity. It is considered the application is acceptable in all regards and should be approved subject to conditions.

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

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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.

SECTION 106 DETAILS

A Pagham Harbour contribution would not be appropriate; there is no increase in residential units.

CIL DETAILS

This application is in CIL Zone 4 (Zero Rated) as 'other development'.

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
Floor Plans & Elevations; dated 30/06/20

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The hot food takeaway use hereby permitted shall only be open between the hours of 11:30am - 9:30pm 7 days a week.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies D DM1, QE DM1 and QE DM3.
- 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.