

Recommendation Report for Planning Permission

REF NO: BR/165/21/PL

LOCATION: Blake House
71 High Street
Bognor Regis
PO21 1RZ

PROPOSAL: Change of use from class sui generis (drinking establishment) to Class E (a) shop. This application affects the character & appearance of The Steyne, Bognor Regis Conservation Area & is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for a change of use of unit 4 from existing micro-pub to retail E(a) (clothes shop). There are minor internal alterations proposed but no changes to the existing external facades.
	Refuse and recycling bins will be provided within the courtyard space at the end of the units.
SITE AREA	124 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	2m wall to rear. None to front, bounds the highway.
SITE CHARACTERISTICS	Ground floor unit and outside area of two storey terraced building.
CHARACTER OF LOCALITY	Old town of Bognor Regis, limited width highway with 2 and 3 storey buildings to either side forming a commercial road in a conservation area, buildings about the highway. Mixed commercial/residential. This part of the High Street is in the Steyne and Waterloo Square Conservation Area which has a distinct character of its own, relating back to the Victorian layout.

RELEVANT SITE HISTORY

BR/37/20/PL	Change of use of units 1, 2 & 3 from A1 (shops) to 1 No skin care shop, 1 No nail bar & 1 No. tatoo shop (Sui Generis). This application affects the character & appearance of the Steyne Bognor Regis Conservation Area.	ApproveConditionally 08-04-20
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BR/10/18/PL	Change of use from shop (A1 Shop) to micro-pub (A4 Drinking Establishment). This application affects the character & appearance of The Steyne, Bognor Conservation Area.	ApproveConditionally 15-03-18
BR/330/14/PL	Conversion of existing garage/store into 1 No. one bedroom dwelling with addition of north facing dormer window. This application affects the character & appearance of The Steyne & Waterloo Square Conservation Area.	ApproveConditionally 30-03-15
BR/48/14/	Conversion of existing vacant buildings into 4no. ground floor retail units with independent cafe and 3no. first floor one bedroom flats.	App Cond with S106 15-07-14

Permission granted for change of use to the unit to A1 retail in 2014, not implemented.

REPRESENTATIONS

Bognor Regis Town Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: No objection subject to conditions.

CONSERVATION OFFICER: No objection; the proposal will not cause harm to the significance of the conservation area, or the building itself. The application should be determined in accordance with the relevant policies in the Development Plan, along with these comments.

ECONOMIC REGENERATION: Support this application. This is a logical return to the original use of these premises.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary;
The Steyne Conservation Area;
Wider Town Centre Area; and
Old Town Restaurant & Cultural Quarter.

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
ENVSP1	ENV SP1 Natural Environment
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
RETSP1	RET SP1 Hierachy of Town Centres
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

Bognor Regis Neighbourhood Plan 2015 Policy 1 Delivery of the Vision

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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 policy 4 "Reducing Underuse of Property in the Town Centre" of the Bognor Regis Neighbourhood Plan 2015 is considered to be relevant to determination of this application.

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it 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

PRINCIPLE

The site is in the built up area boundary where development is acceptable subject to other policies in the Development Plan. The site lies in the Bognor Regis Steyne Conservation Area and new development must either preserve or enhance the character of the area. The site is outside of, but adjacent to, the defined Bognor Regis shopping area and for this reason Policy RET DM1 applies.

Policy RET DM1 of the Arun Local Plan in section 2. criterion b. requires provision for a window display, appropriate to a shop front, which is in keeping with the character of the shopping area and in criterion b. stresses that there is no detrimental effect on the character or amenities of the area through smell, litter or noise.

The proposal is for a change of use to a ground floor unit. No changes are proposed to the exterior of the building, with minor internal alterations. This part of the conservation area contains a mix of uses and it is considered that the change of use will not harm the character of the building/the conservation area. Under BR/10/18/PL the use of Unit 4 was changed from shop A1 (E(a)) to micro-pub (A4 Drinking Establishment), no external changes to the building were proposed. The development acceptable in terms of impact on visual amenity and the conservation area, the appearance of which it preserves.

The Bognor Regis Neighbourhood Development Plan (BRNDP) policy 4 supports the reuse of currently empty or underuse properties to make more space for local people to work and to contribute to more vitality and activity in the town centre area. The change provide services for local people as such contributing to the vibrancy of this area.

As ADC Economic Regeneration pointed out, the proposal is a logical return to the original use of these premises. Therefore it is considered that the proposal complies with policy RET DM1.

IMPACT ON THE CHARACTER & APPEARANCE OF THE CONSERVATION AREA

Policy HER DM3 states planning permission will be granted for development which preserves or enhances the character and appearance of a Conservation Area or its setting. The buildings in the Steyne and Waterloo Square Conservation Area date from the 1820's and are the original buildings of Sir Richard Hotham seaside resort. Little High Street is a small service street which contrasts with the large formal buildings of the main square.

Paragraph 199 (NPPF 2021) states when considering the impact of a development on Conservation

Areas, great weight should be given to conserving the heritage asset. Significant features can be harmed or lost through alterations. Paragraph 201 states where a development will lead to substantial harm to the heritage asset, it should be refused.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in the exercise, with respect to any buildings or other land in a conservation area, of any any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Since the change of use does not involve any external changes and the existing shop windows, stall risers, fascias, windows and doors would retain, it is considered the development is acceptable and it would not harm the heritage asset. Conservation Officer hasn't raised an objection.

IMPACT ON THE VITALITY & VIABILITY OF THE TOWN CENTRE

Paragraph 86 (NPPF 2021) states town centres are the heart of the community and the viability and vitality of town centres should be supported. Primary shopping areas should be clearly identified and protected. Whilst the site is outside of the primary shopping area, it is adjacent to the boundary and it is considered that a change of use to E(a) would maintain the significance of the shopping area.

The proposal will bring back the retail ground floor use with residential above and would support the vitality of this part of the street and the shopping area. It is noted in this regard that according to the history of site this would suggest that the previous retail use is viable again and that there is a demand from the market to move into the premises in their previous form.

NEIGHBOUR AMENITY

The changes are not considered to have negative impacts on residential amenity of any neighbouring properties as there is no potential for direct overlooking. The proposal will result in residential and retail uses being located next to each other, the original use of these premises, therefore it is unlikely that there will be an unacceptable impact to residential amenity above.

The proposed change of use would comply with policies D DM1 and QE DM1.

HIGHWAY SAFETY

The proposal does not provide car parking spaces but this is no change on the existing situation. WSCC Highways raised no objection to the previous application and considered the site is in a sustainable location, close to public transport and public car parks. Consideration is given to the original use of the site as an A1 shop as well.

The proposal it is not contrary to the National Planning Policy Framework and that there are no transport grounds to resist the proposal in compliance with emerging policy T SP1.

SUMMARY

The change of use from drinking establishment unit to shop is acceptable since the impact on the Conservation Area and residential amenity is considered to be minimal with no harm to highway safety. It complies with the Arun Local Plan's policies and it is recommended for conditional approval.

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:

Dwg No 358/01, Location & Block Plan;
Dwg No 358/02, Existing &. Proposed Plans & Elevations.

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 Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) and/or ducting system to be used and the method of control of noise and vibration of this plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise and vibration generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve: NR35 as defined within Table B.1: Noise Rating Values of BS 8233:2014.

The equipment installed and commissioned shall be maintained in a condition and operated in compliance to the approved scheme whenever it is operation so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new

plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 4 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 5 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.