

Recommendation Report for Planning Permission

REF NO: BR/176/25/PL

LOCATION: The Pier
The Esplanade
Bognor Regis
PO21 1SY

PROPOSAL: Change of use of existing redundant storage building located at the South end of the pier to become a cafe/sauna. This application affects the character and appearance of The Steyne, Bognor Regis Conservation Area, affects the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks a change of use of a redundant storage building at the southern end of the pier to become a cafe/sauna.
SITE CHARACTERISTICS	The site is a single-storey timber-framed building.
CHARACTER OF LOCALITY	The building is set on the seaward side of the main pier building. The pier is on the edge of the town centre. The area has a mix of residential and commercial uses. The area has a historic character and forms part of The Steyne, Bognor Regis Conservation Area.

RELEVANT SITE HISTORY

BR/184/19/L	Application for Listed Building Consent to mount 1 No. Blue Plaque to exterior wall to the Pier	ApproveConditionally 23-08-19
BR/330/17/L	Listed building consent for the removal of existing dropped soffit & lighting, making good original soffit above & 6 No. new lighting to arcade area.	ApproveConditionally 29-03-18
BR/216/12/	Change of use from ice-cream parlour (A1 Shops) to fish & chip shop (A5 Hot Food Takeaway)	ApproveConditionally 12-12-12
BR/217/12/L	Application for Listed Building consent for installation of an extraction flue to provide extraction of hot air created from cooking within the fish and chip shop. Flue to pass through the wall where an existing vent is placed.	ApproveConditionally 12-12-12

Planning history noted.

REPRESENTATIONS

Bognor Regis Town Council - No objection. The Town Support the application, given its close alignment to Policy 8c of our Neighbourhood Development Plan which supports: - d) a range of sea and beachside facilities and uses such as restaurants, cafes e) a clear distinction between the pier's Victorian heritage and any 21st century additions. We would comment that developers: - ensure the wood used is of good quality to ensure it lasts; consider anti-climbing mechanisms to avoid the jumping off of the building into the sea as has been seen previously; provide further clarity on the type of windows, and lighting to be used.

Conservation Area Advisory Panel - Objection. Fully support the change of use but considered the use of timber cladding was visually out of keeping with the strong seaside character of the locality. It is considered external walls need to be of painted render to match nearby historic structures on the pier.

One letter of support was received from a nearby resident, who stated that they would be interested in using the cafe/sauna.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration - Support.

Environmental Health - No objection.

Conservation Officer - Comments

- The building, in its current condition and appearance, does not have the best impact upon the Listed pier. A new use which would ensure that the structure is not only put into a good state of repair but also maintained on an ongoing basis is positive.

- The installation of numerous windows would result in the loss of significant timber walling and historic fabric. It would expose the structure, particularly during winter months when internal lighting is in use, as the building is clearly visible from the promenade in both directions. However, if carefully integrated, this approach could help open up the building rather than appearing as an afterthought. Introducing windows could make the structure feel more connected to the pier, rather than looking like a small, poorly designed addition.

- The application form specifies UPVC or aluminium windows, while the heritage statement proposes aluminium. UPVC would be unacceptable in this context.

- The timber cladding and artificial grass wall are visually out of keeping with the strong seaside character of the locality. External walls should be finished in painted render to reflect the appearance of nearby historic structures on the pier.

- In general, the various internal works are acceptable, subject to clarification regarding the introduction of new water supply and drainage. Historic fabric should not be altered in the creation of an appropriate drainage run.

- The proposals do not appear to be informed by the historic character or significance of the listed pier and are therefore harmful. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 215 of the NPPF (2024).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Grade II Listed Building
 The Steyne, Bognor Regis Conservation Area
 Economic Growth Area
 Bognor Regis Town Centre
 2km Buffer for SSSI
 Pagham Harbour Zone B
 Built Up Area Boundary

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)
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP2	EMP SP2 Economic Growth Areas
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy

<u>Bognor Regis Neighbourhood Plan 2015 Policy 1</u>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity
Bognor Regis Neighbourhood Plan 2015 Policy 7	Promotion of tourism and beach service points
Bognor Regis Neighbourhood Plan 2015 Policy 8	Pre-Application Consultation
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8C	The Pier

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD2	Conservation Areas

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 conflict with relevant Development Plan policies in that it results in harm to designated heritage assets.

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.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is not considered to comply with these criteria in that it results in harm to the character and the setting of the Grade II Listed Buildings and the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The proposal is for the conversion of a disused storage building into a cafe/sauna with external alterations. The building is within the Built Up Area Boundary. Bognor Regis Neighbourhood Development Plan (BRNDP) identifies the pier as a key priority site, recognising its heritage importance and encouraging leisure uses.

ECONOMY AND TOURISM

The proposal is for the change of use of a storage building to the south of the main pier building to a cafe/sauna. The site is in the Economic Growth Area of Bognor Regis, which is identified as a focus for

regeneration and leisure development under Arun Local Plan (ALP) policies EMP SP1 and EMP SP2. Arun's Economic Development team support the application, as a new initiative by local business, which would increase footfall. The proposal makes use of an underutilised existing building on the pier. BRNDP policy 8c supports a range of sea and beachside facilities and uses such as restaurants, cafes, shops and leisure facilities on the site.

CHARACTER AND VISUAL AMENITY

The proposed use is in keeping with the character of the pier, which has a variety of leisure uses, including a bar, arcade and refreshment stalls fronting the promenade. The proposed use as a cafe/sauna would not harm the character of the area, and would make use of an underutilised building.

The two main buildings on the pier are the two storey arcade, which faces the promenade, and the former theatre. Both are finished with cream render, with the windows and other ornamental features painted white.

The physical alterations to the building to facilitate this change of use include the addition of fenestration and changes to external materials. The additional fenestration includes French doors on all elevations, which differs from the fenestration on the other buildings on the pier. The application form states the windows would be aluminium or uPVC. Whilst aluminium may be acceptable, the use of uPVC would harm the character of the Listed Building. It is evident that changing the use of the building would require the insertion of additional fenestration, however, the design does not reflect the fenestration of nearby structures on the pier. The windows do not reflect or improve on the character of the surrounding area, in conflict with ALP policy D DM1.

The proposal includes finishing the structure with vertical timber cladding, and what appears to be a grass wall. These materials differ from the pale render of other buildings on the pier, and the use of timber and grass is at odds with the seaside character. Whilst the storage building does not currently enhance the appearance of the pier, the current proposals would harm the character of the pier, through the introduction of materials which do not reflect the historic seaside character of the structure, and appear incongruous. A large advertisement is proposed on the front elevation, although the exact nature and design of this advertisement is not clear from the submitted plans, as the 3D View shows a different design to the elevations. The proposed materials do not reflect the character of the locality, and would harm the visual amenity of the site, in conflict with ALP D DM1. Policy 8 of the BRNDP states that proposals for the pier must demonstrate and accomplish excellence in design. Although part (e) of the policy states that proposals should maintain a clear distinction between the historic Victorian buildings and any modern additions, and introduction of more modern materials such as aluminium may be acceptable, the current proposals do not appear to be informed by the character of the listed pier, or the surrounding area.

The pier is an important focus of The Steyne, Bognor Regis Conservation Area, and the town as a whole, and makes a significant contribution to its character and identity as a historic seaside resort. The proposal, through its design and materials, would appear incongruous and would result in harm to character and visual amenity of the pier. The proposals are in conflict with ALP policy D DM1 and BRNDP policy 8 in that they fail to respect the character of the surrounding area.

HERITAGE

The site is a Grade II Listed Building, within The Steyne, Bognor Regis Conservation Area. The Listed Building includes the pier structure, and the buildings which stand on top of it. The pier has two main buildings which are positioned on the landward end of the pier. The storage building which is the subject of this application forms part of the Listed structure, and alterations to the building have the potential to affect the heritage significance of the pier as a whole. The pier is on the south western edge of The Steyne, Bognor Regis Conservation Area, and is a landmark building within the Conservation Area.

The pier is constructed of iron posts with wooden decking and cast iron railings, and has two large principal buildings, which are of historic importance. The two-storey arcade facing the promenade features a hipped roof, ornate central pediment, Art Nouveau stained glass, and modern shopfronts below. The former theatre at the rear includes two square towers with flagpoles, keyed arches, and modillioned cornices. The pier derives historic interest from its links to the development of Bognor Regis as a seaside resort town and is an imposing and prominent building within The Steyne, Bognor Regis Conservation Area.

The building is not in use, and does not contribute positively the significance of the Listed Building. Changing the use of the structure would result in improved ongoing maintenance of the structure, which would have a positive impact on the Listed Building.

Several changes to the external appearance are proposed as part of this application, and the Conservation Officer expressed concerns that these changes are not informed by an understanding of the building's heritage context. The installation of numerous windows within the structure would result in the loss of significant timber walling and historic fabric. The application form states that these windows are to be either uPVC or aluminium, whilst the heritage statement specifies aluminium. The use of uPVC would not be acceptable. Although the addition of fenestration is likely to be required in order to facilitate the change of use, a more sensitive approach, using materials which are appropriate to the historic context would be required in this instance.

The remaining external materials are vertical timber cladding and what appears to be a grass or living wall on part of the front elevation. The applicant's agent was approached in order to clarify the materials of this section, and to confirm which of the proposed advertisement designs (controlled by a different application) is proposed, however no response was received. The external materials are visually out of keeping with the strong seaside character of the locality, and the materials of other buildings on the pier, and would detract from the character of these neighbouring buildings and that of the pier.

Due to the use of inappropriate external materials, the Conservation Officer indicated the proposals result in less than substantial harm to the listed building. The public benefits of the scheme must be considered and weighed against this harm in accordance with paragraph 215 of the NPPF (2024). The change of use would ensure the ongoing maintenance of the storage building, and use of this underutilised space could help the viability and maintenance of the pier structure itself. No objection is raised to the principle of the change of use, and an amended proposal, with amended materials could deliver these benefits, whilst not resulting in harm to the heritage assets. Whilst the appearance of the structure currently does not contribute positively to the significance of the Listed Building, its current impact is more neutral than that of the proposed design, which does not respect the character of the area or the building's historic setting, and would be detrimental to the significance of the pier.

The proposals conflict with ALP policies HER DM1 and HER DM3 and the NPPF in that they result in less than substantial harm to designated heritage assets, which is not outweighed by public benefits. Although the proposals would secure a new use for the building, this could be achieved via a proposal with an amended design which better reflects historic environment and significance of the Victorian pier, and this is not considered a convincing justification for the identified harm arising from the proposals.

NEIGHBOURING RESIDENTIAL AMENITY

The existing building is located away from residential properties, and the proposals for external alterations and a change of use to a cafe/sauna would have no impact on residential amenity.

SUMMARY

The proposals conflict with ALP policies HER DM1 and HER DM3 and the NPPF, in that result in less

than substantial harm to designated heritage assets, which is not outweighed by public benefit. The application is therefore in conflict with relevant planning policies and is recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The proposals, as a result of their design and use of materials, result in harm to the character of the Grade II Listed pier. The external alterations result in less than substantial harm to the heritage asset and any public benefits would not outweigh this harm. The development is contrary to Arun Local Plan policy HER DM1 and the NPPF.
- 2 The proposals, as a result of their design and materials, would appear incongruous and would result in harm to character and visual amenity of the pier, which forms a prominent landmark and makes a significant contribution to the town's character and identity as a historic seaside resort. The development is contrary to Arun Local Plan policies D DM1 and HER DM1 and Bognor Regis Neighbourhood Development Plan policy 8.
- 3 **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 identifying matters of concern with the proposal and discussing those with the Applicant. It has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning

Authority is willing to provide pre-application advice in respect of any future application for a revised development.