

Recommendation Report for Planning Permission

REF NO: BR/204/17/PL

LOCATION: 23 Station Road
Bognor Regis

PROPOSAL: Re-construct shop-front following fire-damage to restaurant. This application affects the character & appearance of the Bognor Regis (Railway Station) Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Replacement shopfront with centrally located double entrance doors. Low stallriser to window each side. Final colours not specified. Shopfront has been installed but is unfinished. There will also be a side door as previously existed, this is to access accommodation above. The side pilasters will remain and the depth of the shop fascia remains as previously existing.

SITE AREA

0.02 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The shopfront is located at the back edge of footpath.

SITE CHARACTERISTICS

Fire damaged two-storey building with rooms in roof. Prior to the fire it was a restaurant with living accommodation above. There is a two storey rear element with sloping roof. At the rear the building is white rendered. To the front there is a shopfront and the building is rendered and finished in green and cream colours. Roof tiles are brown profiled concrete. The site is serviced to the rear by a pathway off Crescent Road which also serves other properties. Until recently, the site frontage has been enclosed by hoardings due to fire damage. Prior to this, the shopfront had a side door and substantial 1m+ stall riser. It was finished in green/lime green. There were side pilasters and a deep fascia with externally illuminated lettering.=.

The site is very close to the Conservation Area and also located near to the Station, which is a Grade II Listed Building.

CHARACTER OF LOCALITY

Commercial with a mix of retail and non-retail uses. Shopfront all at back edge of footpath and of mixed colours and designs.

RELEVANT SITE HISTORY

BR/47/91	Outside toilet	ApproveConditionally 18-03-1991
BR/214/15/PL	Renovate & repair restaurant & flats above. Including ground floor extensions & change of use to 5No.self-contained flats	Withdrawn 25-01-2016
BR/106/16/PL	Renovation & repair restaurant & flats above including ground floor extension & change of use to 2 No. self contained flats (resubmission following BR/214/15/PL).	App Cond with S106 22-09-2016
BR/189/54	Use of restaurant as fried fish shop only	Refused 09-11-1954
BR/189/54/A	Change of use from 1st floor flat to restaurant	Approve 13-07-1964
BR/78/80	Replacement of shop front	ApproveConditionally 27-02-1980
BR/16/86	Extension for storage space	Withdrawn 14-01-1986

Noted and this application follows BR/106/16/PL.

REPRESENTATIONS**Representations received:**

Bognor Regis Town Council

Bognor Regis Town Council raises no objection.

1 representation supporting the proposal as follows:

It will be good to see this long absent venue re-opened, though it does seem from the signage to move more towards take-away/cafe, from restaurant. But no issue with that, essentially a business decision.

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer

Consultations responses received:

The Councils Conservation Officer comments:

The proposed shopfront and signage are similar to those adjacent and they sit comfortably in the local context. Provided the new elements are of much the same appearance as those existing previously - and streetscene character remains unchanged in consequence - there is no objection in terms of the Policies referenced below.

However, while details of the new shopfront have been provided, no details of the shopfront as previously existing have been submitted. Due to lack of adequate supporting documentation, it is not possible to establish whether the new shopfront is a comparable replacement, and a conclusive recommendation cannot be made in terms of Local Plan 2003 Policy Area 2 and Local Plan 2014 Policy HER DM3.

Comments on Consultation responses:

The proposed shopfront represents an improvement to the appearance of the premises and therefore the setting of the nearby Conservation Area and Listed Building. The previous shopfront was 'tired' and unappealing. The upgrade to the appearance of the premises makes a positive contribution and enhances to setting of the nearby Conservation Area and Listed Building. The proposal is therefore considered to be in accord with both local and national policy and guidance.

POLICY CONTEXT

Designation applicable to site:

Adjoins Conservation Area.
Grade II Listed Building Nearby.
Within Built Up Area
Principal Shopping Area
Bognor Regis Town Centre Regeneration Area
Class C Road

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
 GEN7
 SITE2

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Bognor Regis Town Centre Regeneration
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
D SP1 Design
HER SP1 The Historic Environment
HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Bognor Regis has a Made Neighbourhood Development Plan and the following policy is relevant:

POLICY 4: Development Proposals concerned with the reuse of empty and or/underused property above shops and commercial premises located along designated primary and secondary retail frontages will be supported. Applicants are encouraged to apply for improved access, extensions, sub-division of plots and energy efficiency measures to increase the suitability and marketability of town centre properties and lands for local employment and residential uses. Applicants are encouraged to seek practical and early advice from the planning team, the town centre manager

and the Town Council.

The proposal is The Neighbourhood Plan and other Development Plan 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 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.

Section 16(1) of the Planning (Listed Buildings & 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 considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation 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 site is within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which the application will be assessed is contained within the Arun District Local Plan and these policies seek to prevent development that would have an adverse impact upon visual amenity and amenity generally. They also seek to protect the nearby Listed Building and Conservation Area. Policy SITE2 is relevant since the site is within the town centre regeneration area. Policies in the Emerging Local Plan dealing with these issues are also relevant.

RETAIL & REGENERATION

The location of the site in the Principal Shopping Area and the Bognor Regis Town Centre Regeneration Area and the nature of the proposals, which will bring the premises back into use, mean that the application is consistent with retail and regeneration policies.

DESIGN & APPEARANCE & HERITAGE ASSETS

The proposal is a refurbishment on a different basis to the previous appearance, the design more clearly separates the accommodation entrance from the ground floor premises and the shopfront design differs materially. However, the new shopfront represents an improvement to the previous one visually. It is considered to contribute positively to visual amenity and also the setting of the Conservation Area and Listed Building.

It is therefore recommended that planning permission be granted subject to the following 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 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 of the shopfront hereby approved shall be carried out in accordance with the following approved plans:

Drawing Number DAF14-07-R1 Rev C - Restaurant & Shopfront - Dated 13 July 2017

Drawing Number DAF14-07-R2 - Section & Fascia Details - Dated 04 July 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The final external finishes and colours for the shopfront and fascia hereby permitted shall be first submitted to and approved in writing by the Local Planning Authority before they are utilised.

Reason: In the interests of amenity since full details were not included in the application in accordance with policies GEN7 of the Arun District 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.