

Recommendation Report for Planning Permission

REF NO: BR/225/18/PL

LOCATION: Place St Maur Des Fosses
Belmont Street
Bognor Regis

PROPOSAL: Change of use of land to allow events & associated temporary structures & equipment & portable buildings for use by businesses associated with those events.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.348 of a hectare
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Generally open.
SITE CHARACTERISTICS	The site is an open area 'square' that is bounded by the Regis Centre, Mountbatten Court (flats) and the adjoining landscaping known as 'The Mounds' one side of the site is bounded by Belmont Street while the other is bounded by The Esplanade. The site has, for many years, been used for a number of events including markets and even an ice rink.
CHARACTER OF LOCALITY	The site is set in the heart of Bognor Regis. Sites along the promenade have a distinctly coastal feel due to open views out over the beach and sea. Along the north side of the Esplanade there are a range of properties generally four storeys or more in height. The design ranges from Regency inspired to examples from the latter part of the 20th Century. The south side of the Esplanade is relatively free from buildings and structures and comprises an open promenade raised above the highway. Heading west along the Esplanade is the Bognor Regis (The Steyne) Conservation Area incorporating a Grade II Listed pier.

RELEVANT SITE HISTORY

BR/73/95	Continuance of use without compliance with Condition 1 imposed on planning permission BR/153/91 made under Regulation 5 of the Town & Country Planning General Regulations 1976 to allow use of the site for Public Assembly Exhibitions, Street Entertainments and as a market site for 3 days per week excluding Sundays.	ApproveConditionally 31-05-95
----------	---	----------------------------------

BR/153/91	Renewal of Temporary Planning Permission BR/197/90. Application under Regulation 5 of the Town & Country Planning General Regulations 1976 for use of the site for Public Assembly Exhibitions, Street Entertainments and as a Market Site.	Deemed Perm Cnd 21-08-91
BR/197/90	Renewal of Temporary Planning Permission BR/223/89 - Application under Regulation 5 of the Town and Country Planning General Regulations 1976 for use of the site for Public Assembly, Exhibitions, Street Entertainments and as a Market Site.	Deemed Perm Cnd 04-07-90
BR/223/89	Application under Regulation 5 of the Town and Country Planning General Regulations 1976 for use of the site for Public Assembly, Exhibitions, Street Entertainments and as a Market Site.	Deemed Perm Cnd 07-06-89
BR/3/89	Application under Regulation 5 of the Town and Country Planning General Regulations 1976 for Renewal of Temporary Planning Permission BR/502/87 for use as a Market Site, Public Assembly, Exhibitions, Street Entertainments.	Refused 01-03-89
BR/502/87	Application under Regulation 5 of the Town and Country Planning General Regulation 1976 for use as Market site, public assembly, exhibitions, street entertainments.	Deemed Perm Cnd 17-02-88

Previously granted application BR/73/95 sought Continuance of use without compliance with Condition 1 imposed on planning permission BR/153/91 made under Regulation 5 of the Town & Country Planning General Regulations 1976 to allow use of the site for Public Assembly Exhibitions, Street Entertainments and as a market site for 3 days per week excluding Sundays.

Condition 1 of application BR/153/91:

Retail markets shall be held on a maximum of two days in any one week, but no retail markets shall be held on Sundays.

REASON : To protect the amenities of the residential properties to the west of the site.

While condition 2 of application BR/73/95 increased the number of retail markets to 3 days a week.

This current application is for a wide variety of temporary events not just markets. The applications

mentioned above allowed the site to be used for public assembly exhibitions, street entertainments and as a market for 3 days a week (not Sundays). Therefore the use of the site for potentially noisy activities has previously been given, subject to appropriate conditions that sought to protect the amenities of the residential properties to the west.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

No comments from members of the public have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Economic Regeneration

Environmental Health

Engineering Services Manager

Engineers (Coastal Protection)

CONSULTATION RESPONSES RECEIVED:

Environmental Health:

Environmental Health have no objection in principle to this application. However given the close location of the residential flats at Mountbatten Court and the potential intensification of use of the area as a result of this application, Environmental Health would require conditions in respect of noise management and plant and machinery.

Economic Development: '...fully supportive of this application and are keen to encourage appropriate events in this space that bring additional footfall, both visitors and residents, into the town centre.'

COMMENTS ON CONSULTATION RESPONSES:

Comments noted - an appropriate noise condition can be imposed.

POLICY CONTEXT

Designation applicable to site:

Built - up Area Boundary

Pagham Harbour Access Management Zone B

2km Buffer for Site of special scientific Interest - Bognor Reef and Felpham

DEVELOPMENT PLAN POLICES

DDM1 D DM1 Aspects of form and design quality

REPORT(ODB)

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities

Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking
Bognor Regis Neighbourhood Plan 2015 Policy 8F	Regis Centre & Mountbatten Court Site

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 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. 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 relevant policies in the Bognor Regis Neighbourhood Plan have been taken into account in the determination of this application. The following policies apply to this site:

- 8 a - Design Excellence.
- 8 b - Car parking.
- 8 f - Regis Centre and Mountbatten Court site.

Officers note that the above NDP Policies relate to development while the proposal is for a change of use to allow temporary events to take place.

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 the residential amenities of the adjoining properties, would not have an adverse impact upon the established character of the surrounding area and would provide long term visitor interest/activity.

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 principle of development is acceptable within the built up area boundary in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to consideration against relevant development plan policies. The key Policy considerations in the determination of this application are deemed to be SD SP1, D DM1, QE DM1, QE DM2, and T SP1 of the Arun Local Plan 2011-2031.

The application site is currently used as a public, communal outdoor space for general relaxation and circulation. It also currently hosts the following events:

- Southdowns Folk Festival (over a weekend, with a marquee with commercial stalls and workshops
- Ice Rink (on site for a three week set-up period, operational for six weeks, and a further three week clear down period;
- Regular markets including food stalls;
- Children's activities.

Events (assembly exhibitions, street entertainments and markets) have been allowed on Place St Maur in the past via previously approved applications, such as the most recent BR/153/91 and BR/73/95. Therefore Officers consider that the the principle of events on the site has been established, subject to the imposition of reasonable and appropriate conditions.

Events held on the application site will act as a 'draw' to Bognor Regis and as a link between the High Street and the beach/seafront

CHARACTER AND APPEARANCE:

Officers note that the application is for the change of use of land to allow events & associated temporary structures & equipment & portable buildings for use by businesses associated with those events. Some potential events that could take place on the application site have been identified in the submitted Design and Access Statement and are as follows:

- Roller rink;
- Low-key festivals / music events;
- Marquees and Big Top events;
- Craft Market;
- Food, drink and alcohol outlets and associated seating / tables;
- Exhibitions;

- Performance space;
- Base for sports events / activities;
- Charity fundraising events;
- Entertainment

These types of events/activities usually necessitate the erection of stalls, marquees, tents and other such temporary structures of varying sizes. Given their temporary nature it is considered that these types of structures would not have a detrimental impact upon the street scene or wider area including the beach/sea.

Policy 8a of the Bognor Regis Neighbourhood Development Plan (BRNDP) seeks design excellence on key priority sites. Development Proposals that fail to take the opportunities available for enhancing the local character and quality of the area and the way it functions will not be (permitted) supported.

As aforementioned, the types of events/activities likely on the site would necessitate the erection of stalls, marquees, tents and other such temporary structures of varying sizes. Given their temporary nature it is considered that they would be able to be removed with minimal repairs to the site where necessary. Therefore the site would be returned to its current state, and as such the proposed change of use would comply with Policy 8a of the BRNDP.

As such it is considered that the proposed change of use would comply with Policy D DM1 of the Arun Local Plan and Policy 8a of the BRNDP.

ACCESS:

In addition to Policy OSR DM1 and D DM1 of the Arun Local Plan, Policy 8f of the BRNDP seek active ground floor/street level uses along a public space linking the Arcade Chambers with the Esplanade as well as along the seafront side of the development.

Officers note the importance of the site as a publicly open space (part allocated in the Local Plan under OSR DM1) that acts as a key area of connectivity between the town centre and the sea. The public can access the site and utilise it as a pedestrian route from the Town Centre to the sea. Should the change of use to allow temporary events to take place be granted, it is considered that connectivity should not be lost and that the site is still accessible by the public. Some events could necessitate the use of tickets in order to ensure that public safety was maintained. This would more than likely necessitate the use of barriers or some other form of enclosure. Should planning permission be given, a suitably worded condition would be imposed stating that public access should be available across the site at all times and that access to any adjoining residential properties or businesses, such as the adjoining Regis Centre and Mountbatten Court should not be restricted.

As such, it is considered that the proposed change of use would adhere with Policies D DM1 and OSR DM1 of the Arun Local Plan and Policy 8F of the BRNDP.

RESIDENTIAL AMENITY:

Mountbatten Court adjoins the site. Events on the site will vary and Officers note that a charity collector with a stall would produce less noise than a concert or a market. Given the close proximity of residential property to the site, it is paramount that any event does not lead to a detrimental impact upon the occupiers of the adjoining residential occupiers, with particular regard to noise and lighting.

Within the Council before any event on Council land is agreed, a comprehensive event application form has to be completed. This form asks numerous questions such as will any parking be required, are food

stalls required, will repairs of the square be required and what are they, questions regarding noise, etc. This form would be submitted to all the relevant consultees in the Council such as Environmental Health, Parking, licencing, etc. Therefore these departments can raise any concerns such as the potential for noise. Should any consultees come back with an objection or concern these matters would be looked into and dealt with. For example should noise be recognised as a potential issue then suitable mitigation measures would be looked into, in conjunction with the Council's Environmental Health Officer.

Environmental Health has commented on this application and while they do not object to the application they recommend the imposition of conditions in respect of noise management and plant and machinery. Officers consider that a suitably worded conditions are appropriate.

In order to ensure that activity relating to any proposed event is carried out at reasonable times of the day and night, a condition is recommended that would restrict operations to 7.30 - 22.00 hours. Additionally an appropriate condition would be imposed to ensure that any proposed lighting does not pose a nuisance, particularly to occupiers of adjoining residential properties and businesses.

As such, it is considered that no detrimental impact would occur to occupiers of adjoining residential properties and or businesses and that the proposed use of the site for temporary events would adhere to Policies D DM1, QE DM1 and QE DM2 of the Arun Local Plan.

TRANSPORT, PARKING AND HIGHWAY SAFETY:

While the Highways Officer has not commented on this application, Officers note the site's town centre location. There are good transport links to and from Bognor Regis such by bus and rail. There are a number of bus stops in close proximity such as those on the High Street and on Clarence Road next to the Town Hall. There are that there are numerous public car parks within Bognor Regis that provide over 800 car parking spaces.

Should events on the site necessitate the closing of any nearby roads this would be sought via the West Sussex County Council's temporary road closure procedure. It is considered that people would also walk to the site to attend any events.

The site, being in the Town Centre, is a sustainable site for events with regards to parking, highway safety and transport.

While, WSCC Highways have not commented on this application and no travel plan has been submitted, based on the above assesment officers consider that there is sufficient off-road parking available within Bognor Regis to accommodate any increase in visitors, who may drive, into the Town. Additionally, as aforementioned, the Town features sustainable transport links such as bus and rail. Therefore, it is considered as a result of any temporary event on the site would not have a significant long-term impact with regard to capacity of the public highways or available parking within Bognor Regis.

The proposed use of the site would comply with Policies T SP1, T DM1 of the Arun Local Plan and 8a of the BRNDP.

SUMMARY:

It is recommended that, having regard to the above assessment, the proposed change of use of Place St Maur is granted subject to appropriate and reasonable conditions.

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 on the site identified on the following approved plan:-

788/01

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 No operation in connection with the use of the area outlined in red, known as Place St Maur des Fosses, shown on submitted plan 788/01 for events, shall take place before 7.30 or after 22.00 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies D DM1, QE DM1, QE DM2.

- 4 A noise management scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise sources emanating from the site. Thereafter, the use shall not commence until the approved scheme has been fully implemented.

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated so that the rating level of noise emitted does not exceed the background sound level, when measured according to British Standard BS4142: 2014 at any adjoining or nearby noise sensitive premises.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies D DM1 and QE DM1

- 5 A lighting management scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of light sources at the site. All lighting installed in connection with the carrying out of this permission shall comply with the approved lighting management scheme.

Reason: In the interests of the amenities of the area in accordance with policy QE DM2 of the Arun Local Plan.

- 6 Public access should always be available across the site at all times and that access to any adjoining residential properties or businesses, such as the adjoining Regis Centre and Mountbatten Court should not be restricted.

Reason: To safeguard public access across the site at all times and to ensure that access is not hindered to adjoining properties, in particular Regis Centre and Mountbatten Court in accordance with Policy D DM1 of the Arun Local Plan and Policy 8F of the Bognor Regis Neighbourhood Development Plan.

- 7 **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.