

Recommendation Report for Planning Permission

REF NO: BR/247/13/

LOCATION: Southern Shop
Argyle Hall
Argyle Road Bognor Regis

PROPOSAL: Part change of use from retail (Class A1) to the collection, storage and distribution of non perishable goods (Class B8).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The change of use relates to only an 8.2m by 4m area at the rear of the existing shop comprising existing retail space, a toilet and kitchen.
TOPOGRAPHY	Flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to the road at the front and there is no other external space.
SITE CHARACTERISTICS	Existing large two storey (with accommodation in the roof) building located prominently on the corner of Argyle Road and West Street. The building is attached to properties fronting onto both Argyle Road and West Street. It has no rear external space but there is forecourt parking for 3 maybe 4 cars. The ground floor was last used as a hairdressers/salon but the shop is currently vacant. The first floor is occupied for residential purposes.
CHARACTER OF LOCALITY	Mixed commercial and residential area. To the east, the West Street neighbour is in a residential (flats) use. To the north, on Argyle Road the adjoining neighbouring property would appear to have an empty retail unit at ground floor with flats above. There are a number of other class A1, A2, A3 or A5 commercial uses on West Street and Argyle Road in the vicinity of the site.

RELEVANT SITE HISTORY

BR/96/88	Change of use only from retail to office for financial and professional services (Use Class A2)	ApproveConditionally 14-03-1988
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BR/473/84	Change of use two shops on the ground floor and separate offices on the first floor	ApproveConditionally 27-06-1984
BR/186/86	Change of use from retail shop to pizza take-away facility with home delivery service	ApproveConditionally 23-06-1986

No comments.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - No objection however the Committee do have reservations regarding the possible increased traffic flow due to the sites close proximity to a dangerous junction as well as the lack of parking available.

Conservation Area Advisory Committee - No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Conservation Officer

Environmental Health

Consultations responses received:

Environmental Health - No objections. Request an informative as follows: "1. Lavatories are not to open directly into food rooms in which food is handled. A food room is one where food is prepared, treated or processed."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Conservation Area; and
Class B Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>AREA2</u>	Conservation Areas
	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN7</u>	The Form of New Development
	<u>GEN12</u>	Parking in New Development
	<u>GEN32</u>	Noise Pollution

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

This proposal seeks permission for a part change of use of an existing Class A1 retail shop to use by a food bank under Class B8. Whilst it is not normal to find B8 class uses in mixed commercial/residential locations close to a town centre, in this case the change of use only concerns a very small part of an existing retail use and an element of retail use will remain. With the limited opening hours proposed (which are similar to a typical retail operation) and the fact that the use can be restricted so as to prevent alternative B8 uses, it is not considered that this change of use will have a material impact on the character of the area or the amenity of neighbours.

There are no changes proposed to the external parts of the building and as such the application will not result in any impact on the character or appearance of the Conservation Area.

The concerns of the Town Council are noted but it is not considered that the proposed part use of the building will generate high numbers of traffic. As noted above, there is already room for at

least 3 cars to be parked on the forecourt and given the sustainable location in which the premises is situated, it is judged that this is sufficient for both the B8 use and a small retail use.

It is also considered that this proposal will be beneficial to the local community and therefore this location within the heart of Bognor Regis close to bus and train links would seem to be a good location. It is recommended that permission be granted subject to the following conditions and informatives.

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: 1:1250 Location Plan; 1:500 Block Plan; 1:50 Existing Floor Plan; and 1:50 Proposed Floor Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment

in accordance with GEN7 and GEN32 of the Arun District Local Plan.

- 3 The premises hereby permitted shall only be open between the hours of 09:00 and 17:30 on Mondays to Saturdays with no opening on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 4 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order, the use hereby permitted shall be restricted to a food bank for the collection storage and distribution of non-perishable food goods.

Reason: To enable the Local Planning Authority to control this B8 use which is located in an area in which other forms of B8 use might not be acceptable and in accordance with Arun District Local Plan policy GEN7.

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

- 6 INFORMATIVE: Lavatories are not to open directly into food rooms in which food is handled. A food room is one where food is prepared, treated or processed. For further information, please call 01903 737500 and ask for the Food Safety team within Environmental Health.