

Recommendation Report for Planning Permission

REF NO: BR/253/18/PL

LOCATION: 60 & 62 London Road
Bognor Regis
PO21 1PT

PROPOSAL: Change of use from retail (A1 Shops) to orthodontics practice (D1 Non-residential institution)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	No external changes proposed. See above.
SITE AREA	122m2 on two floors.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The application site comprises of a double width unit that was formerly occupied by Oxfam as an A1 retail outlet. The retail use of the property is spread over both the ground 'shop-floor' and the first floor area and basement. The site has a large glazed shop-frontage onto London Road.
CHARACTER OF LOCALITY	The site is located in a Town Centre location of Bognor Regis, it is not within the designated retail area, but it is within the designed Economic Growth Area. Crown Bingo Hall to the North, whilst to the south two storey buildings onto Station Road form a frontage of predominantly A1 & A2 uses (within the secondary retail frontage). In addition the site is located in the Pagham Harbour Zone and the Town Centre Controlled Parking Zone (CPZ).

RELEVANT SITE HISTORY

BR/31/98	Replacement shopfront	ApproveConditionally 20-03-98
BR/418/87	Single storey rear extension to existing shop and store.	ApproveConditionally 28-09-87

Planning permission was granted for the previous occupiers of the site to carry out a rear extension and store under application reference BR/418/87 dated 28 September 1987. The replacement shop was approved under BR/31/98 in 1998.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection from Bognor Town Council.

No representations from neighbouring occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Environmental Health

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No comments raised.

Economic Development - raise no comment

The WSCC highways authority were not consulted, officers considered a change of use class by virtue of its type of use, and location would have a limited impact on highways safety.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and shall be discussed in the conclusion section of the report.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary

Economic Development Area

Pagham Harbour Zone

Town Centre Controlled Parking Zone (CPZ).

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
EMPSP2	EMP SP2 Economic Growth Areas
SDSP1	SD SP1 Sustainable Development
QEDM1	QE DM1 Noise Pollution
TSP1	T SP1 Transport and Development
ENVDM2	ENV DM2 Pagham Harbour
ECCSP2	ECC SP2 Energy and climate change mitigation

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, 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.

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.

No policies from the Bognor Regis Neighbourhood Plan apply to this proposal.

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, preserving its appearance.

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 full planning application seeks the permanent change of use of 60-62 London Road from its existing A1 retail use to a D1 non-residential institution use. Policy SD SP1 of the Arun Local Plan sets out the presumption in favour of sustainable development, and encourages applications that make a positive contribution in terms of social, economic and environmental considerations.

On a local level the site falls within the Bognor Economic Growth Area. Policy EMP SP2 sets out the

goals for Strategic Economic Growth within the District as a whole and sets out the support for a wide range of uses encompassing knowledge, cultural, retail, leisure and office users.

The employment generated by the proposal is indicated at 5/6 full time staff to run the four surgeries and rising to 15 staff within the first 3 years. This is considered as an improvement to the employment levels compared to the current A1 use, therefore the proposed use is considered to have economic benefits and vitality and viability of the Town Centre location supported by Policy EMP SP2 of the Local Plan.

By virtue of its Town Centre location, Policy RET SP1 of the local plan reinforces the desire to promote 'major retail, leisure, commercial, office, tourism, cultural, community and residential development'. The policy continues to suggest that the Local Planning Authority will positively welcome developments and initiatives aimed at the sustainable economic growth and social well-being of the town centres. The proposed D1 use as an orthodontics business has a commercial & community function attached to it. The supporting statement suggests the proposal is deliverable via a 10 year funding stream directed via the NHS. The statement continues to suggest that Pallant Orthodontics are the only such NHS facility serving the immediate area, therefore there is a clear identified need for the use in this location.

The NHS supports the proposal, suggesting Pallant Orthodontics have been successful in securing a South East procurement contract award in this area. The consultation response is considered by officers to provide a material consideration. The positive response for the need for this type of facility and as the change of use is outside the designated retail frontages restrictions, allows for a D1 use to be considered acceptable in terms of supporting Policy RET SP1 of the Local Plan.

CHARACTER OF THE AREA

The application does not include any external changes to the building and will maintain the shop-frontage in its existing form. The nature of the use is one that is compatible within a town centre location, and it is considered that the level of use would not give rise to any significant change in the character of the area or the way in which it currently operates. Notwithstanding this the adaptability of the site via a change of use is considered a merit to the evolving town centre character. The proposal is therefore acceptable in terms of meeting D DM1 of the Arun Local Plan.

NEIGHBOURING AMENITY

The hours of operation are restricted from 8.00am to 20:00 Monday to Friday and 8:00 to 16:00 Saturday whilst closed Sundays or bank holiday(s). An Environmental Health concern would be the impact on the amenity of neighbouring occupiers. However, as the prevailing character is of a mix of uses with the most immediate being the Bingo Hall to the north it is not considered the use generation and hours would provide any additional harm within the area.

TRANSPORT, ACCESS AND PARKING:

The application site is in an accessible town centre location. The railway station is positioned no more than 300m to the west of the site, and provides regular train services to Barnham, Chichester Littlehampton, Arundel and beyond. There are numerous bus stops, such as those in Station Road, Lyon Street, and at the railway station, all of which provide services to a wide range of local destinations. A taxi rank is provided at the railway station. Due to its central location it is not considered parking generation would lead to a highways safety issue owing to parking availability.

As such it is considered that the proposal would comply with SD SP1, SD SP2, EMP SP2, SKILLS SP1,

RET SP1, D DM1, QE DM1, ENVDM2, T SP1, TDM1 of the Arun Local Plan.

HUMAN RIGHTS ACT

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:

Floor Plan existing
Floor Plan proposed

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 The hours of opening hereby approved shall be:

08.00 to 20.00 hrs Monday-Friday 08:00 to 16.00 on Saturdays Only.

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.

- 4 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use hereby permitted shall be restricted to - Orthodontics Practice and similar non-residential initiation (D1).

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun Local Plan policy D DM1.

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.