

PLANNING APPLICATION REPORT**REF NO:** BR/274/09/**LOCATION:** 2 Waterloo Square
Bognor Regis**PROPOSAL:** Change of use from arcade (Sui Generis) to restaurant (A3)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is to change the use of an amusement arcade to a restaurant.
SITE AREA	0.014
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Empty unit, previously used as a pool hall, entertainments arcade. Flats above.
CHARACTER OF LOCALITY	Mixed commercial and residential. Opposite bowls courts and adjacent to a restaurant.

RELEVANT SITE HISTORY

BR/573/88	New shop front	Approve Cond 14-11-1988
BR/483/89	Conversion of one 2 storey flat into 2 single storey flats. Minor internal alterations to ground and first floor leisure unit plus installation of ground floor colonnade and fenestration changes as required by Arun District Council under their Waterloo Square Improvement Scheme.	Approve Cond 06-10-1989
BR/294/80	Change of use of ground floor to amusement arcade	Approve Cond 30-04-1980
BR/295/80	Proposed front to amusement arcade	Approve Cond 30-04-1980

BR/389/80

Change of use fo first floor to pool room from dining club

Approve Cond

25-06-1980

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Awaited

Comments on Representations received:

None

CONSULTATIONS

WSSC Local Development Divis.

Property Services Manager

Environmental Health

Cultural Development

Concessions Officer

Env. Amenities & Comm. Safety

Consultations responses received:

Environmental Health

Based on the information provided it does not appear likely that noise from the proposed extractor system will have a significant impact upon residential amenity. The horizontal discharge from the stack is poor practice but no objection.

County Highways

The current arcade has been in existence for sometime. Do not foresee any significant highway issues arising from the change. The site is located centrally to the commercial sites in Bognor Regis and it is anticipated customers will use more sustainable modes of transport.

Environmental Amenities

Bin storage is on private land and provides no issues for Environmental Amenities.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

Building or Structure of Character

Within a Designated Conservation Area

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:

[GEN7](#)
[GEN22](#)
[AREA2](#)
[DEV26](#)

The Form of New Development
Buildings or Structures of Character
Conservation Areas
Criteria for Retail Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG15	Planning and the Historic Environment
PPS23	Planning and Pollution Control
PPG13	Transport

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.

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

Principle

The site lies within the built up area boundary where development is acceptable in principle. The building is on the local list of buildings or structures of character. The proposal is to convert an amusement arcade into a Greek restaurant. No alterations to the front of the building are proposed.

Policy GEN22 Buildings or Structures of Character

This policy states that planning permission will not be granted for development resulting in the loss of existing building or structures of interest and importance which are attractive in their own right and alterations which would adversely affect the appearance or setting of such buildings will not be permitted. In this case, there are no alterations to the building which adversely affect the appearance of the building, therefore the proposal is compliant with this policy.

Policy AREA2 Conservation AREA

The proposal will not visually affect the conservation area as there are no alterations to the appearance of the building.

Visual Amenity

The proposal will affect the internal layout of the building only and therefore there would be no impact on the street scene. To the rear of the building an extraction flue is proposed but it is not considered that this would significantly affect the visual appearance to the rear of the site.

Residential Amenity

It is not considered that the proposed use would significantly affect the residential amenity of the flats above. The Council's Environmental Health Officers have raised no objections as the extractor flue is considered satisfactory. The applicant has stated the opening hours are until 11pm which in this entertainment/commercial area of the town, is not considered to be unreasonable. A restaurant should not be any noisier than an amusement arcade.

Highway Safety

County Highways have raised no objections as the use is not considered to be any more intensive than the previous use.

Summary

The proposal to change an amusement arcade into a Greek restaurant will not have any adverse effects on the street scene, Conservation Area or residential properties. Therefore it is recommended that the application is approved subject to the conditions set out overleaf.

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 use hereby permitted shall not be commenced until the equipment detailed in submission dated 23 November 2009 to discharge odours and fumes from the cooking process shall have been installed and be in full working order to the satisfaction of the Local Planning Authority.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan policies GEN7, DEV26 and GEN34.

- 3 This permission relates to the following approved floor plans and extractor system plan dated 23rd November 2009.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and DEV26 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN22, AREA2, DEV26

NATIONAL POLICIES: PPS1, PPG13, PPG15, PPS23

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.