

Recommendation Report for Planning Permission**REF NO:** BR/282/12/**LOCATION:** Salvation Army Charity Shop
45 Queensway
Bognor Regis**PROPOSAL:** Change of use of the existing charity shop (A1 retail) to restaurant (A3) useage as an extension/enlargement of the adjoining restaurant Cardomom Bay at 43 Queensway.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	72 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None.
BOUNDARY TREATMENT	None
SITE CHARACTERISTICS	Modern retail unit. Glazed shop front and blue tiled stall riser.
CHARACTER OF LOCALITY	Principal Shopping Area of Bognor Regis. Five storey modern block of flats with commercial uses at ground floor level.

RELEVANT SITE HISTORY

BR/626/87/A	One internally illuminated fascia sign	Apprvd/Cond ADV 25-01-1988
BR/49/88	Change of use to from office to shop	Approve Conditionaly 14-03-1988
BR/537/89/A	One internally illuminated fascia sign	Apprvd/Cond ADV 13-11-1989
BR/535/89	Proposed new shopfront	Approve Conditionaly 13-11-1989
BR/492/69	Shop front	Approve 12-01-1970

BR/281/70	Use of shop for insurance and mortgage broker business	Approve Conditionally 26-06-1970
BR/444/78/A	One internally illuminated fascia sign	Refused 06-07-1978
BR/591/78/A	One internally illuminated fascia sign	Withdrawn 10-11-1978
BR/736/83/ADV	One internally illuminated fascia box sign with projection at one end	Apprvd/Cond ADV 12-10-1983

REPRESENTATIONS**Representations received:**

Bognor Regis Town Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Consultations responses received:

County Highways Authority: The proposal will not be anticipated to generate an increase in vehicle movements with respect to the existing retail use, and the peak usage times would not be expected to coincide with peak traffic levels in this area.

Environmental Health: Whilst the proposed extension of the kitchen will be a significant benefit to the current situation, the extended cooker canopy combined with a replacement of the existing fan motor does require more information for assessment against the potential for odour and noise nuisance issues. Technical data must be provided by the applicant in order to illustrate how appropriate odour arrestment controls will be achieved following the expansion works. This information was not available to examine with the current application details.

The applicant must also be made aware that any increase in customer seating, may require a proportionate increase in the numbers of sanitary appliances available at these premises for use by customers. An increase which results in the total numbers of customers seats between 50 100, will require the provision of two ladies WC s, as well as a single gents WC and urinal. The drawings do not illustrate that this number of sanitary appliances are to be provided during refit works, therefore, customer seating must not exceed a maximum of 50 covers.

Additional comments: No information is provided in respect of the existing ventilation system, but it is noted that this Department has received no complaints in respect of odour or noise arising from it. Having considered the details provided and discussed the odour control aspects, we would nevertheless conclude that it is unlikely that odour or noise arising from the proposed new extract system will significantly increase and impact upon local amenity.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
Principal Shopping Frontage
Class C Road
No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN34	Air Pollution

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

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

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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

PROPOSAL

The application seeks consent for a change of use from A1 retail to A3 restaurant. The unit is currently occupied by the Salvation Army. It is proposed to expand the adjoining restaurant at No. 43 'Cardamom Bay', in order to enlarge the existing restaurant premises. The Salvation Army intends to relocate to larger premises elsewhere in Bognor Regis.

PRINCIPLE

The site is not located in the Primary Retail Frontage of Bognor Regis, but it is located in the Principal Shopping Area. In this location, there is no specific local plan policy designation; however, national planning policy seeks to recognise town centres as the heart of their communities and promote competitive town centres that provide customer choice and a diverse retail offer (paragraph 23). Where town centres are in decline, local planning authorities should plan positively for their future growth to encourage economic activity (paragraph 23).

The unit is located in a parade of shops along Queensway. The immediate units are occupied by a dentist, pharmacy and charity shop. However, within the wider vicinity of Queensway, the applicant has provided evidence to show that there are a number of vacant retail units, which have or are being actively marketed for A1 use (8 units) during the period 2008 to present. This particular location of the town centre, which is very much secondary retail frontage, appears to be in decline.

The purpose of the NPPF is to contribute to sustainable development and ensure that the planning system does everything to stimulate economic growth. Paragraph 19 states that planning should act to encourage and not act as an impediment to sustainable economic growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system. Paragraph 21 adds that investment in business should not be overburdened by the combined requirements of planning policy, and Local Planning Authorities should support expanding business sectors, taking account of whether they are expanding and contracting.....and allow a rapid response to changes in economic circumstances.

The adjoining restaurant is a thriving business and seeks to expand, owing to increasing demand. The proposed change of use would create larger restaurant and kitchen premises, and provide disabled toilets for customers. Furthermore, the proposal would create additional jobs from 2 to 4 full-time staff and 3 to 5 part-time staff. The applicant has provided evidence that existing retail occupier (Salvation Army) intends to relocate to larger premises. The proposed change of use from A1 to A3 is therefore considered to be consistent with national planning policy in that it would support economic growth through job creation and contribute to the night-time economy. The unit may also be changed back to A1 retail use as permitted development in the future should economic circumstances change.

PARKING AND HIGHWAYS

Paragraph 35 of the NPPF states that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

The site is centrally located in the Principal Shopping Area of Bognor Regis, within walking distance of shops, amenities and the mainline station. The site is also located within walking distance of a main bus interchange and there are public car parks opposite the application site. The County Highways Authority is satisfied that the change of use from retail to restaurant will not be anticipated to generate an increase in vehicle movements with respect to the existing retail use, and the peak usage times would not be expected to coincide with peak traffic levels in this area. There is no objection therefore on parking or highway grounds.

DESIGN AND VISUAL AMENITY

The application seeks consent for a change of use. No alterations to the external facade of the building are proposed under this application; however, consent may be required for any future changes to the shop front.

RESIDENTIAL AMENITY

Policy GEN34 states that development that contributes to air pollution through dust, smell, fumes, smoke, heat, radiation, gases, steam or other forms of pollution will not be permitted.

There are flats located above the commercial units at nos 41-55 Queensway and the impact on these properties must be considered. In order to assess the potential impact on odour and noise, the applicant has submitted additional information in respect of the proposed internal ventilation/extraction system. The existing external extract fan and duct will remain in the same position and will exhaust into the carpark and rear courtyard. The information has been assessed by Environmental Health Officers, who state that they have received no previous complaints in respect of odour or noise from the restaurant premises. It is therefore unlikely that odour and noise arising from the proposed new extract system will significantly increase or adversely impact local amenity.

SUMMARY

In summary, the proposed change of use would result in the loss of a retail unit, but the proposal would contribute towards sustainable economic growth by allowing a business to expand and create jobs. Furthermore, the unit may revert back to A1 retail in the future as permitted development. The site is centrally located in a sustainable location within walking distance of all amenities and public transport. It is therefore recommended that consent is granted, subject to the following conditions.

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 to 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 (Positive) have been identified upon those people with the following protected characteristics (disability).

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: Location Plan, Block Plan, drawing BOG/CARD/01, received on 7 December 2012.

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 use hereby permitted shall not commence until provision is made within the site for the storage of waste, and retained as such thereafter.

Reason: In the interests of amenity of occupiers of nearby properties in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Prior to the commencement of cooking/frying of food at the premises, the proposed new kitchen extract system hereby permitted, details of which were submitted to the Local Planning Authority on 28 January 2013, and agreed in writing on 29 January 2013, shall be installed. Thereafter, the agreed extraction system shall be operated and maintained in accordance with the submitted details and the manufacturers recommendations. The cooking process shall cease to operate if, at any time, the agreed extraction system ceases to function to the satisfaction of the Local Planning Authority.

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

- 5 The premises shall not be open for trade or business except between the hours of: 12-

2.30pm and 5.30-12pm Monday-Friday, Saturdays, Sundays and Bank Holidays.

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

- 6 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

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, GEN2, GEN34

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 7 INFORMATIVE: The applicant is advised that any increase in customer seating may require a proportionate increase in the numbers of sanitary appliances available at these premises for use by customers. An increase which results in the total numbers of customers seats between 50-100, will require the provision of two ladies WCs, as well as a single gents WC and urinal.
- 8 INFORMATIVE: The applicant is advised that any alterations to the external facade of the unit, the re-positioning of the external flue/vent, or the erection of signage on the external facade of the unit, may require separate planning permission or advertisement consent.
- 9 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 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.