

BR/285/07**PLANNING APPLICATIONS REPORT**

DESCRIPTION/	- Placement of outside tables and chairs.
ADDRESS	Highway adj Costa Coffee (front), 33 London Road, Bognor Regis.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a retrospective application for the proposed change of use of land for the siting of three tables and 12 chairs to the front of café on pedestrianised street.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by this application.
BOUNDARY TREATMENT	Open to front except that which encloses the seating area which is formed from approximately 1m high movable banner.
SITE CHARACTERISTICS	The property is a three storey mid terrace with pebble dash upper and grey tiled clad lower elevations, pitched roof with concrete ridge tiles and double height bay to front.
CHARACTER OF LOCALITY	The site is within the Bognor Regis Principle Shopping Area and Primary Retail Frontage on a pedestrianised high street, the surrounding uses are a predominantly commercial. The surrounding development is mixed style terraced properties, predominantly 2 and 3 storey.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
BR/248/06	Change of use from A1 (shop) to mixed A1/A3 (coffee shop) and new shopfront.	Approved conditionally 15-09-2006

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Bognor Regis Town Council	No objection
LOCAL GROUPS	None
One letter of representation	Our deliveries are on Tuesday and Thursday each week, our window for these is between 6am and 8am if our delivery is at 8am we sometime have not finished until after 9am. With due respect we do not oppose Costa having permission for there tables and chairs, but would like some leeway for them not to put them out until after our delivery has gone (Tuesday and Thursday only) this has not been happening, and we have had several incidences with other lorry drivers that cannot get through because of this.

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
One letter of support	I strongly support this application be Costa. The addition of such seating at the three cafes in London Road (each with its own ambience and range of menu) is making the precinct much more pedestrian friendly and is an improvement to the use and environment.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
County Highways	The placing of tables and chairs to the front of this unit will not result in significantly narrowing the highway or an obstruction that would be detrimental. Therefore providing the applicant obtains the appropriate license from the WSCC Area Engineer to enable the tables to be sited on the public highway, and that the items placed on the public highway are not fixed and can be removed, no highway objection would be raised.
Environmental Health	No objection.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Principle Shopping Area Primary Shopping Frontage Building of Special Character Class C Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : DEV1, CH1 Arun District Local Plan : GEN7, AREA19, GEN22
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PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development PPS6 - Planning for Town Centres PPG13 - Transport
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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 visual and residential amenity.
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COMMENT ON CONSULTATION RESPONSES

Noted and agreed

BR/285/07**COMMENT ON REPRESENTATIONS RECEIVED**

Noted however the issues raised with regards to deliveries is a matter for the license from the WSCC Area Engineer.

ASSESSMENT OF 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 either the visual amenities of the locality or residential amenities of 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

The site is within the Bognor Regis Principle Shopping Area and Primary Retail Frontage on a pedestrianised high street, the surrounding uses are predominantly commercial. The surrounding development is mixed style terraced properties, predominantly 2 and 3 storey.

The proposal seeks retrospective planning permission for the change of use of land to the front of the Costa Coffee shop for the siting of three tables and 12 chairs for use in conjunction with the café use.

County Highways have been consulted on the application and have made no objection to the proposal, however a Condition ensuring that the tables and chairs are not permanently fixed and an informative regarding the need to obtain a licence from County Highways will be placed on a permission.

The site is on a pedestrianised high street within Bognor Regis Town Centre and there are other examples of chairs and tables placed on the highway for customer use in the area. The proposed siting is not considered likely to have an adverse affect on the character of the area or the Building of Special Character.

It is therefore recommended that this application is approved, subject to the following conditions.

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RECOMMENDATION
TOWN AND COUNTRY PLANNING ACT 1990

BR/285/07/

RECOMMENDATION

Application Ref: BR/285/07/

1**To Addressee****2****Site Address**

Highway adj Costa Coffee (front)
33 London Road
Bognor Regis

3**Description of Development**

Placement of outside tables and chairs

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In pursuance of their powers under this Act and related Orders and Regulations the Council PERMIT this development to be carried out in accordance with the application and plan and subject to compliance with the conditions specified.

RECOMMENDATION

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CONDITION 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).

CONDITION 2 The items placed within the public highway are not to be permanently fixed and are to be removable.

Reason: The items placed within the public highway and to ensure that a permanent obstruction does not result in accordance with NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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

STRUCTURE PLAN: DEV1, CH1

LOCAL PLAN: GEN7, GEN22, AREA19

NATIONAL POLICIES: PPS1, PPS6, PPG13

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

INFORMATIVE: The applicant is advised to contact the Area Engineer, West Sussex County Council, Drayton Lane, Drayton, Chichester, PO2 6BW, (Tel no: 01273 836900) to obtain formal approval and the necessary license from the highway authority to place the items on the public highway.

Case Officer: Miss K Brocklebank