

Recommendation Report for Planning Permission

REF NO: BR/2/20/PL

LOCATION: 39 Bedford Street  
Bognor Regis  
PO21 1SH

PROPOSAL: Change of use from shop (A1 Shops) to cafe (A3 Food & Drink) with soft play area, sensory room/party area.

**SITE AND SURROUNDINGS**

|                            |                                                                                                                                                                                                                                          |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above                                                                                                                                                                                                                                 |
| SITE AREA                  | 324.86 sqm                                                                                                                                                                                                                               |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                      |
| TREES                      | None affected by the development.                                                                                                                                                                                                        |
| BOUNDARY TREATMENT         | The site is open plan.                                                                                                                                                                                                                   |
| SITE CHARACTERISTICS       | Flat roofed two storey brick property with a single storey side projection attached to the rear of Nos.42,44 Bedford Street Crescent surrounded with local amenities.                                                                    |
| CHARACTER OF LOCALITY      | To the rear of London Road within with a small open space and a public toilet to the front. Locally listed buildings along London Road to the north-east and the rear entrance to Morrisons and Multi-storey Car Park to the south-west. |

**RELEVANT SITE HISTORY**

BR/3/20/A 1 No. non illuminated fascia sign on front elevation.

Noted.

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council  
Support.

6 Letters of Support received:

- Such a great idea, supporting the other shops around; we were missing such facilities in Bognor going instead to Chichester.
- Change of the use which enable to take children with and enjoy food and drinks.

- Great addition to Bognor local area, smartening up the area in the front of Morrison.
- It would be lovely to have a child-friendly place to come and enjoy a coffee with children play. A valuable addition.
- This would be amazing, drawing people to the town centre.
- It is exactly what this town needs bringing people in to the town centre, fantastic location.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

#### CONSULTATIONS

Economic Regeneration

#### CONSULTATION RESPONSES RECEIVED:

Economic Development welcomes investment that will bring footfall into the town centre. No objection.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

#### POLICY CONTEXT

Designation applicable to site:

Town Centre Retail Boundary

Within the Built Up Area Boundary

2km Buffer for Site of Special Scientific Interest

Pagham Harbour Zone B

#### DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

|        |                                                         |
|--------|---------------------------------------------------------|
| DDM1   | D DM1 Aspects of form and design quality                |
| DDM2   | D DM2 Internal space standards                          |
| DDM4   | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1   | D SP1 Design                                            |
| EMPDM2 | EMP DM2 Enterprise Bognor Regis                         |
| RETDM1 | RET DM1 Retail development                              |
| ENVDM2 | ENV DM2 Pagham Harbour                                  |
| SDSP2  | SD SP2 Built-up Area Boundary                           |
| QEDM1  | QE DM1 Noise Pollution                                  |

[Bognor Regis Neighbourhood Plan 2015 Policy 4](#) Reducing underuse of property in the town centre  
 Bognor Regis Neighbourhood Plan 2015 Policy 8G Hothampton Car park site, Queensway

#### 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 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

### 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.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The policy 3 "Old Town Restaurant and Cultural Quarter" and policy 4 "Reducing Underuse of Property in the Town Centre" of the Bognor Regis Neighbourhood Plan 2015 are considered to be relevant to determination of this application.

## 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 is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with other policies of the Local Plan covering such issues as the change of use, residential amenity and parking.

Regard should be had to policy SD SP1 of the Arun Local Plan which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." It is considered that the site is in a sustainable town centre location within easy walking & cycling distance of a range of

shops, facilities and services including bus stops and the railway station.

#### CHANGE OF USE FROM A1 TO A3 USE CLASS :

The proposal is for a change of use of the ground and first floor of No 39 Bedford Street from A1 use 'Selling and hiring mobility scooters', currently vacant, for an A3 use to a Cafe that it would be catered to children with a soft play area and seating at the ground floor and sensory play, baby groups and parties at the first floor. The proposal involves marginal external changes (new fascia sign on a frontage subject to separate application); would provide a cafe area, kitchenette and two toilets at the ground floor with a soft play room and storage room to the side. The first floor would provide an office area to the front and a party/group room to the rear accessible via internal staircase and office area via external. The applicant confirmed that no cooking is proposed for this site. No provision of parking spaces is made, however the proposal site is easily accessible by public transport and the Multi-storey Car Park in the vicinity provides acceptable alternatives.

Paragraph 118 (d) of the National Planning Policy Framework (NPPF) states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings ...". In addition, paragraph 85 states that: "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."

Economic Development officers support this application.

Arun Local Plan policy RET DM1 section 2 is relevant and states that:

Along the primary or secondary shopping frontages, as defined on the Policies Map, proposal for Food and drink premises (Use Class A3) will be permitted provided that:

- (a) The proposal would not create a concentration of non residential uses to the detriment of the vitality of the town centre;
- (b) Provision is made for a window display, appropriate to a shop front, which is in keeping with the character of the shopping area; and
- (c) There is no detrimental effect on the character or amenities of the area through smell, litter or noise

It is considered that the proposal complies with policy RET DM1 since the proposed use would bring the life and vibrancy to this 'dead' corner, providing the services which were missing in the whole town. In addition the existing window display would retain in keeping with the character of the surrounding area. The Cafe as proposed would not have a detrimental effect on the amenities due to the nature of the use. The Bognor Regis Neighbourhood Development Plan (BRNDP) policy 4 supports the reuse of currently empty or underuse properties to make more space for local people to work and to contribute to more vitality and activity in the town centre area. The change provide services for local people (especially for young parents with children) as such contributing to the vibrancy of the town centre.

Due to the vicinity of residential properties along Crescent Road with rear gardens to the north-west and the fact that the proposed use could potentially cause noise disturbance the condition requiring provisions for the control of noise emanating from the site will be attached to the decision (as recommended by Environmental Health) in order to protect the amenity of local residents. Therefore the proposed change of use would comply with policies D DM1 and QE DM1.

#### SUMMARY:

The proposed conversion and alteration of the 'Selling and hiring mobility scooters' shop to a Cafe that is catered to children is an appropriate form within town centre contributing to its vitality and economic activity on this part of the town centre. Its impact upon the locality and residential amenity is considered to be minimal with no harm to highway safety. It is therefore recommended for approval subject to the following conditions.

## 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:  
  
Location Plan  
Proposed Ground Floor and First Floor Plans received on 20/03/2020.  
  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1of the Arun Local Plan.
- 3 The use hereby permitted shall not commence until provision has been made within and in the vicinity of the site for the disposal of litter resulting from the use, and such provision shall be in

accordance with details agreed in writing with the Local Planning Authority. The details so agreed shall be retained in perpetuity.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Arun Local Plan policies D DM1 and ENV SP1.

- 4 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 5 No development shall commence until a scheme is submitted to and approved by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The approved scheme shall thereafter be implemented and permanently maintained.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policy QE DM1.

This is required to be a pre-commencement condition because it is necessary to demonstrate that the development will not impact upon residential amenity.

- 6 No commercial goods shall be loaded, unloaded, stored or otherwise handled within the application site outside the hours of 7.00 to 19.00 Monday to Friday, 8.00 to 18.00 Saturday or any time on Sunday or Public/Bank Holidays.

Reason: To protect amenity of local residents in accordance with policy QE DM1 of the Arun Local Plan.

- 7 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 8 No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when

operational to ensure no light creep/bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect local residents from light pollution and to control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

- 9      INFORMATIVE: Prior to trading, it may be necessary for the applicant to apply to the Council's Licensing Team for an operative and/or premises licence to carry out the sale of alcohol. For more information, please contact the Arun District Council Licensing Team Manager at [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk) or on 01903 737755.
- 10     INFORMATIVE: The premises may require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact the Environmental Health Service on 01903 737755 for further information.  
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