

Recommendation Report for Planning Permission

REF NO: BR/302/20/PL

LOCATION: 3 York Road
Bognor Regis
PO21 1LW

PROPOSAL: Change of use from shop (Class E) to nail salon (Sui Generis). This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use from shop (Class E) to nail salon (Sui Generis). No internal or external changes are proposed. There is no parking provision local pay and display parking is available.
	Refuse and recycling bin would be kept in the shop and would be brought out when collected.
SITE AREA	35 square metres
TOPOGRAPHY	Predominantly flat.
SITE CHARACTERISTICS	Three storey building, part of the arcade retail area at the ground floor level with upper storey offices fronting York Road. Elevational treatment at a higher level is brickwork interspersed with windows and shop fronts at street level.
CHARACTER OF LOCALITY	Town Centre Location, York Road connects High Street with parallel Belmond Street with an open view to the Bognor Regis Promenade. The area is commercial with offices at the upper level and retail and restaurants at the ground floor. Alexandra Theatre to the south-east and block of flats Mountbatten with some commercial at the ground floor level to the south west.

RELEVANT SITE HISTORY

BR/357/07/	Change of use from training centre to food shop.	Approve Conditionally 21-12-07
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None.

REPRESENTATIONS

Bognor Regis Town Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary;
Bognor Regis Town Centre;
Pagham Harbour Access Management Zone B.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
RETSP1	RET SP1 Hierachy of Town Centres
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

[Bognor Regis Neighbourhood Plan 2015 Policy 4](#) Reducing underuse of property in the town centre

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 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 be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is in the built up area boundary where development is acceptable subject to other policies within the Development Plan. In addition, the site is in the defined Bognor Regis shopping area, Bognor Regis Town Centre and for this reason Policy RET DM1 applies.

Under BR/11/96 the site was changed from A1 use to B1, training centre with offices above and under BR/357/07 the use of premises was changed again to A1 use, Food Shop. Even though there is no application for a change of use since, the applicant in submitted application form states that the current use of site is 'Threading bar and beauty salon'.

Policy RET DM1 of the Arun Local Plan stresses that the Council will seek to maintain the existing hierarchy of retail centres within Arun. Along the primary or secondary shopping frontages proposals for retail will be permitted. The proposals for uses within new class E other than retail will be permitted if certain requirements are satisfied:

- a. The proposal would not create a concentration of non-retail uses to the detriment of the vitality of the town centre;
- b. Provision is made for a window display appropriated to a shop front;
- c. There is no detrimental effect on the character or amenities of the area through smell, litter or noise.

The proposed change of use from A1 to nail salon is a Sui Generis as such outside of class E, not a use which the policy RET DM1 would expect within town centre, however it reflects the preferences customers and they are becoming a typical town centre uses.

Whilst the current application does not propose any external or internal changes, the existing window

display would retain in keeping with the character of the surrounding area. The proposed change of use from class E (A1) to Sui Generis would not have a detrimental effect on character and amenities of the area in terms of noise, smell or producing of litter due to the nature of the proposed use.

It is also noted in this regard that according to the history of site this would suggest that the previous commercial use was no longer viable and that there was no demand from the market to move into the premises in their present form. The proposed Sui generis use will provide vitality to this part of the street.

Therefore it is considered the proposed development would broadly satisfy the requirements of the ALP policy RET DM1.

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 as such contributing to the vibrancy of this area.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area.

ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. Arun Design Guide Supplementary Planning Document (SPD) adopted 25th January 2021 is a material consideration in the determination of applications and requires development to integrate well with and respond sensitively to their setting.

The area is predominantly commercial with properties fronting York Road. The proposal retains the commercial ground floor use and would not involve any external changes and the existing shop windows, stall risers, fascias, windows and doors would retain it is considered that the proposed development is acceptable and it will not harm established character of the area.

The change will not have an adverse effect on the character of the street scene and generally on the character of surrounded area therefore would comply with policies D SP1 and D DM1 of the ALP and Arun Design Guide.

NEIGHBOUR AMENITY

Policy QE SP1 (ALP) requires development to ensure it does not have a significantly negative impact upon residential amenity. Policy D DM1 (ALP) requires development to have a minimal impact to users and occupiers of nearby property and land.

Paragraph 127(f) (NPPF) requires planning decisions to create places with a high standard of amenity for existing and future users.

The proposed change of use is not considered to have any negative impacts on the neighbouring properties due to the nature of the proposed use and there are no residential amenities within a vicinity of the proposal site to be affected by the proposal.

Therefore it is considered that the proposed change of use would comply with policies D DM1 and QE DM1.

HIGHWAY SAFETY

The proposal does not provide any car parking spaces but this is no change on the existing situation. The site is in a sustainable location, close to public transport and public car parks.

SUMMARY

It is considered that the proposed change of use from E use (retail) to nail salon (Sui Generis) is acceptable since its impact upon the vitality of the Bognor Regis Town Centre is considered to be minimal with no harm to residential amenity or highway safety. It will comply with the Arun Local Plan's policies and it is therefore recommended for approval subject to the following conditions.

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.

SECTION 106 DETAILS

A Pagham Harbour contribution would not be appropriate; there is no increase in residential units.

CIL DETAILS

This application is in CIL Zone 4 (Zero Rated) as 'other development'.

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; and
Floor Plan.

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 **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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.