PLANNING APPLICATION REPORT

REF NO: **BR/324/08/**

LOCATION: 14-20 Spencer Street
Bognor Regis

PROPOSAL: Continuance of use without compliance with condition no.1 imposed under planning reference no. BR/382/05 relating to opening hours

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Continuance of use without compliance with condition 1 imposed under planning reference BR/382/05 relating to opening hours.

Condition 1 indicates that:

The premises shall not be open except between the hours of 08:00 and 23:00 on the same day apart from during the month of Ramadan in 2006 when the premises may be open until 02:00.

Reason: To safeguard the amenities of neighbouring properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

Notwithstanding the application description, application details indicates that the opening hours for the centre are sought to be on the following basis.

Premises shall be open to no more than 1 hour before sunrise everyday and that these hours be sought in the month of Ramadan when the premises may be open until 2.00 am.

The supporting information within the application, indicates that the morning prayer which is approximately one hour before sunrise, should last no longer than 30 minutes and is observed in silence. Further, it is indicated that during these hours of use, every attempt will be made to minimise the sound, by encouraging users to park away from the centre.

SITE AREA

Approximately 216 square metres

RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open boundary with a hard standing area to the front.
SITE CHARACTERISTICS	Former commercial building with open area of parking to the front.
CHARACTER OF LOCALITY	Predominantly residential area, with a detached house adjacent and two storey flats and houses opposite. Some commercial premises also are within the vicinity.

RELEVANT SITE HISTORY

BR/8/97	Change of use from plant hire to joinery works	Refused 08-07-1997
BR/155/97	Change of use from repair and maintenance of small mechanical plant to storage (B8)	Approve Cond 13-08-1997
BR/201/98/	Change of use from workshop/showrooms to Muslim community centre	Approve Cond 14-01-1999
BR/192/98/	Change of use for the manufacture and assembly of double glazed windows and doors	Approve Cond 10-02-1999
BR/382/05/	Continuance of use without compliance with condition 5 imposed under BR/201/98 relating to hours of operation	Approve Cond 15-03-2006

None.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - No objection

Comments on Representations received:

None

CONSULTATIONS

Environmental Health - John Green

Consultations responses received:

Environmental Health.

No objection in principle. The use has operated without complaint for several years. However to avoid significant noise disturbance it is recommended there be a condition restricting hours of

use.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	LOC1	Locational Strategy
	DEV1	High Quality Development
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN32	Noise Pollution

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG24	Planning and Noise

POLICY COMMENTARY

PLANNING
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

PLANNING
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

The planning application seeks in effect two main changes to Condition 1 on BR/382/08/. Firstly, the premises shall be open one hour before sunset every day. The condition indicates 8.00 am. Secondly the permitted hours within the month of Ramadan shall be from this time to 2.00am permanently not just for the year 2006 past.

The main consideration is the impact on neighbour amenities. There will be some noise and disturbance associated with this use through its operation and traffic accessing the site. However the application site is within an area of residential use with commercial uses and the previous use of the building was commercial, where some noise and disturbance would be expected. Environmental Health have commented that there have been no complaints for the past few years. It is considered that no significant impact on residential amenity will occur given this and because a condition is recommended to limit the hours as per Environmental Health advice.

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

RECOMMENDATION

APPROVE CONDITIONALLY

1 The premises shall not be open except between the hours of one hour before sunrise until 23:00 on the same day, apart from during the month of Ramadan when the premises shall not be open except between the hours of one hour before sunrise until 02:00 on the following day.

Reason: To safeguard the amenities of neighbouring properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of Arun District Local plan.

2 The premises shall be used for a community centre and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (As Amended)..

Reason: To safeguard the amenities of neighbouring properties of the area in accordance with Policy GEN7 of the Arun District Lcal Plan.

3 No public address or other sound amplification system shall be installed or used without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policies DEV! of the West Sussex Structure Plan and GEN7, GEN32 of the ARun District Local Plan.

4 No musical events or the use of amplified music shall be permitted on the premises.

Reason: in the interests of the amenities of residents and in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

5 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 through noise and disturbance on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1 DEV1

LOCAL PLAN: GEN2 GEN7 GEN32

NATIONAL POLICIES: PPS1 PPG4

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