BR/347/07

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Change of use to A5, hot food takeaway. (Resubmission following BR/264/07). 57 Hawthorn Road, Bognor Regis

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Flat
TREES	N/A
BOUNDARY TREATMENT	Open forecourt.
SITE CHARACTERISTICS	Large singe storey retail unit with two windows currently empty.
CHARACTER OF LOCALITY	Mixed commercial and residential. Adjacent shop is convenience store, betting office and estate agents. No residential above. Residential houses opposite and adjacent to the shopping parade.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
BR/849/04	Extension and alterations to former Co-op butchers shop to accommodate electrical retail shop.	Approved Conditionally 24th October 1981
BR/64/92	Continuance of existing unauthorised use as an upholstery workshop with ancillary retail shop.	Approved Conditionally 1st April 1992
BR/264/02	Change of use from A1 retail to A5 hot food takeway.	Withdrawn 16th October 2007

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Bognor Regis Town Council	No objection
Local Groups	None

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
6 letters of objection	The application was withdrawn before, and nothing seems to be different, to overcome objections concerning noise, litter and there are other takeaways nearby. Will increase traffic and parking problems. Too close to residential houses. Creates rat problem. Will affect business in the area.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Environmental Health (Food Team and Pollution)	Overall there is still insufficient information to determine the application - therefore recommend refusal. Require information in line with Annex 15 of Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems. Clarification is required on noise levels and dispersal of odour. As the proposal is for hot food a risk assessment of odour control is required. The additional information submitted by the application is still insufficient therefore recommend refusal.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Class C Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : DEV1
Arun District Local Plan : GEN7, DEV26, DEV30

PLANNING POLICY GUIDANCE

PPS 1 - Delivering Sustainable Development
PPS 6 - Planning for Town Centres
PPS 23 - Planning and Pollution Control
PPG 24 - Planning and Noise

POLICY COMMENTARY

The above policies combine to describe the development control criteria against which all proposals will be determined by the Local Authority particularly with regard to residential properties and noise and smells.

COMMENT ON CONSULTATION RESPONSES

Noted.

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COMMENT ON REPRESENTATIONS RECEIVED

Noted. Competition is not a material planning consideration. The previous application was withdrawn as it had insufficient technical details submitted with the application to assess the potential pollution effects.

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 conflict with relevant Development Plan policies in that from the information provided, the environmental health officers are not satisfied that the proposal could be satisfactorily operated without causing noise and/or odour pollution to nearby residential properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other/other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

A similar application was recently withdrawn (BR/264/07) due to insufficient information regarding noise and odour pollution.

This application similarly has not submitted the required information as required by the Environmental Health Officer under Annex B of the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA Jan. 2005.

The proposal is also contrary to policy DEV30 which does not allow that change of use of A1 premises outside of Principal Shopping Areas unless an A1 use is no longer a viable use. No viability study has been submitted. However, the site lies within a parade of shops and as the proposed use is for hot food takeaway the loss of the A1 use would not have a detrimental impact on the retail use of the area.

Therefore it is recommended that the application be refused for the reason set out overleaf.

RECOMMENDATION

TOWN AND COUNTRY PLANNING ACT 1990

ARUN
DISTRICT COUNCIL

Application Ref: BR/347/07/

RECOMMENDATION

1 **To Addressee**

2 **Site Address**

57 Hawthorn Road
Bognor Regis

3 **Description of Development**

Change of use to A5, hot food takeaway.
(Resubmission following BR/264/07)

4 In pursuance of their powers under this Act and related Orders and Regulations the Council REFUSE to approve the development as described in the application and plan for the reasons stated.

RECOMMENDATION

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REASON 1 On the basis of the information available the Local Planning Authority is not satisfied that the proposed development can be undertaken in a satisfactory manner, particularly as there were limited details of control of noise and odo and limited details of the extraction or exhaust system.

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mrs S Leeson

22nd January 2008

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT