

Recommendation Report for Planning Permission

REF NO: BR/37/20/PL

LOCATION: Blake House, Units 1, 2 & 3
71 High Street
Bognor Regis
PO21 1RZ

PROPOSAL: Change of use of units 1, 2 & 3 from A1 (shops) to 1 No skin care shop, 1 No nail bar & 1 No. tatoo shop (Sui Generis). This application affects the character & appearance of the Steyne Bognor Regis Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	No external and minor internal alterationschanges are proposed.
SITE AREA	100 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
SITE CHARACTERISTICS	Ground floor units of two storey terraced building.
CHARACTER OF LOCALITY	Mixed commercial and residential. This part of the High Street is within the Steyne and Waterloo Square Conservation Area which has a distinct character of its own, relating back to the Victorian layout.

RELEVANT SITE HISTORY

BR/330/14/PL	Conversion of existing garage/store into 1 No. one bedroom dwelling with addition of north facing dormer window. This application affects the character & appearance of The Steyne & Waterloo Square Conservation Area.	ApproveConditionally 30-03-15
BR/48/14/	Conversion of existing vacant buildings into 4no. ground floor retail units with independent cafe and 3no. first floor one bedroom flats.	App Cond with S106 15-07-14
BR/42/13/	Conversion of retail unit to form 4No. cottages and conversion of vacant workshop to form bedsit	Refused 03-06-13

accommodation.

BR/238/05/	Change of use of premises from A1 to mixed use comprising A3 and A4 use classes	ApproveConditionally 07-09-05
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Application BR/238/05 resulted in use of the premises as a restaurant and bar.

Application BR/42/13/ sought permission to convert the premises into 4 cottages with a bedsit in the existing garage/store. It was refused for the following reasons:

"The site is within an area designated as a Conservation Area under Section 69, 70 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal by reason of the loss of the shop window, stall risers and removal of Victorian windows together with the inappropriate modern replacement materials, window styles and porches, would conflict with the Local Planning Authority's intention to preserve and enhance the visual amenities and environment of such areas. The proposal would detract from the character and appearance of the Conservation Area and with policies GEN7, AREA2 of the Arun District Local Plan and NPPF paragraphs 132 and 133; and"

"The proposal is unacceptable in that the site is within the Bognor Regis local shopping centre and the loss of a commercial use would be likely to detract from the economic viability of existing shops in an established shopping centre by introducing a residential use at ground floor level resulting in the loss of a retail unit. The proposal therefore conflicts with policy GEN 7 of the Arun District Local Plan and paragraph 23 of the National Planning Policy Framework."

Application BR/48/14 for the conversion of an empty property formerly used as a restaurant/bar and an associated empty garage/store to a mixed use comprising of 4 ground floor small retail units, 1 small ground floor cafe and 3 first floor flats (one of which being a studio flat). The proposals include a small first floor rear extension was approved.

However the proposed retail hasn't sustained and the site history shows that the retail use has been ceasing since 2005.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Conservation Officer comments:

The application site is located within the Bognor - Steyne and Waterloo Square Conservation area. Norfolk Street is typical of the several small service streets or roads in the area and its scale contrasts with the large, formal space of the main squares.

The building itself is a pleasant two storey terrace which fronts directly on to the street. It makes a positive contribution to the character of the road and the local area. The entire of the ground floor is used for various commercial uses, whilst there is residential on the first floor.

The proposal is for a change of use to three of the units on the ground floor. This change of use will not harm the character of the buildings or the conservation area. Therefore, it is considered that the proposal will not cause to the significance of the conservation area, or the building itself.

As a consequence, the application should be determined in accordance with the relevant policies within the Development Plan, along with these comments. You will also need to take into account the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Arun District Conservation Area Advisory Panel:

The Panel considered there will be a neutral impact on the Conservation Area.

Economic Development:

Since this application largely seems to reflect what is existing Economic Development has no comment to make.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary;
The Steyne Conservation Area;
Wider Town Centre Area; and
Old Town Restaurant & Cultural Quarter.

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
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

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 within the built up area boundary where development is acceptable subject to other policies within the Development Plan. The site also lies within the Bognor Regis Steyne Conservation Area and therefore new development must either preserve or enhance the character of the area. In addition, the site is outside of but adjacent to the defined Bognor Regis shopping area and for this reason Policy RET DM1 applies.

Under BR/42/13/ for residential development was refused solely on the grounds of the loss of the commercial use and the detrimental impact on the Conservation Area. Whilst current application does not propose any external or internal changes, the proposed change of use from A1 to Sui Generis is not desirable. Policy RET DM1 of the Arun Local Plan in section 2. criterion b. requires provision for a window display, appropriate to a shop front, which is in keeping with the character of the shopping area and in criterion b. stresses that there is no detrimental effect on the character or amenities of the area through smell, litter or noise.

As mentioned above, the proposed change of use from A1 to skin care shop, nail bar and tatoo shop is not what the policy would expect within town centre, however it reflects the preferences customers and they are typical town centre uses. Therefore it is considered that the proposal complies with 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.

IMPACT ON THE CHARACTER & APPEARANCE OF THE CONSERVATION AREA

Policy HER DM3 states that planning permission will be granted for development which preserves or enhances the character and appearance of a Conservation Area or its setting. The buildings in the Steyne and Waterloo Square Conservation Area date from the 1820's and are the original building of Sir Richard Hotham seaside resort. Little High Street is a small service street which contrasts with the large formal buildings of the main square.

Furthermore, paragraph 193 of the NPPF states that when considering the impact of a proposed development on Conservation Areas, great weight should be given to conserving the heritage asset. Significant features can be harmed or lost through alterations. Paragraph 195 states that where a proposed development will lead to substantial harm to the heritage asset, it should be refused.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in the exercise, with respect to any buildings or other land in a conservation area, of any any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Since the proposed change of does 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 the heritage asset. Conservation Officer hasn't raised an objection.

IMPACT ON THE VITALITY & VIABILITY OF THE TOWN CENTRE

Paragraph 85 of the NPPF states that town centres are the heart of the community and the viability and vitality of town centres should be supported. Primary shopping areas should be clearly identified and protected. Whilst the site is outside of the primary shopping area, it is adjacent to the boundary and it is considered that a change of use from A1 could result in a significant decline of the shopping area.

The proposal retains the commercial ground floor use is considered to be sufficient with residential above would be no detriment to the shopping area. 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.

NEIGHBOUR AMENITY

The proposed changes are not considered to have any negative impacts on the residential amenity of any neighbouring properties as there is no potential for direct overlooking. The proposal will result in residential and commercial uses being located next to each other, however due to the nature of the proposed uses it is unlikely that there will be an unacceptable impact to residential amenity above.

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. WSCC Highways raised no objection to the previous application and considered that the site is in a sustainable location, close to public transport and public car parks.
(Refuse and recycling bin provision is provided within the courtyard space at the end of the units.)

SUMMARY

It is considered that the proposed change of use from A1 of units 1,2 and 3 to skin care shop, nail bar and tattoo shop is acceptable since its impact upon the Conservation Area and residential amenity is considered to be minimal with no harm to highway safety. It will comply with the Arun Local Plan's policies and 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:

Drg No 310/01, Location Plan and Site Plan

Drg No 310/02, Floor Plans, Existing and Proposed

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:** 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 or on 01903 737755.