

Recommendation Report for Planning Permission

REF NO: BR/39/21/PL

LOCATION: 2 Lyon Street
Bognor Regis
PO21 1DA

PROPOSAL: Variation of condition 4 imposed under BR/227/18/PL relating to the change of the buildings use restricted to Arun Meat & Livestock Company to use by the building owners.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to amend conditions 4 of BR/227/18/PL Condition 4 states: The building shall only be used for B8 purposes for the storage of dry store goods associated with Arun Meat and Livestock Company, 15 The Quarterdeck, Kings Parade. Aldwick. PO21 2FZ. This shall be according to the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order). Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun Local Plan policies DDM1. Vary condition 4 to remove the restriction of permitted use associated with Arun Meat and Livestock Company, 15 The Quarterdeck, Kings Parade. Aldwick. PO21 2FZ only. As the applicant mentioned in their application form: 'This condition as imposed makes the building unsaleable in these difficult times that we need to sell the building to raise funding for the business.' Condition 4 as varied: The building shall only be used for B8 purposes for the storage of dry store goods. This shall be according to the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order). Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with
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	Arun Local Plan policies DDM1.
SITE AREA	Approx. 104 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Retained boundary wall and fence to the rear.
SITE CHARACTERISTICS	A 2.5m (h) by 13m (d) and 7.5m (w) B8 dry store facility a roller garage door onto Lyon Street and a side access door. The internal layout allows for parking of a vehicle and storage area. The rear portion of the site is open scrub land. The north west boundary abuts a car park area, whilst the access to the site is directly opposite a public car park.
CHARACTER OF LOCALITY	The site is located in a town centre with Bognor Regis station to the north. The area is predominantly residential with some areas serving as public car parking. The residential properties east of the site are three storey in height.
None.	

REPRESENTATIONS

Bognor Regis Town Council raise No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Designations applicable to site:

Within Built Up Area Boundary;
Class B Road; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Bognor Regis Neighbourhood Plan 2015 Policy 8A](#) Design Excellence

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 relevant Bognor Regis Neighbourhood Development Plan policy 8A has been taken account of in considering 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 not have a significant impact upon the residential amenity of adjoining properties sufficient to justify a refusal of planning permission.

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 where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed are contained within Arun District Local Plan policy D DM1 which seeks to prevent

development that would have an unacceptable adverse impact upon visual and residential amenities and local plan policy T SP1 which relate to parking and highway safety.

BACKGROUND AND JUSTIFICATION FOR THE PROPOSAL

Planning permission was granted for the removal of the garage and replace this with a 2.5m (h) by 13m (d) and 7.5m (w) B8 dry store facility. Condition 4 has been imposed to the decision of application reference BR/227/18/PL restricting the permitted use for Arun Meat and Livestock Company, 15 The Quarterdeck, Kings Parade, Aldwick. PO21 2FZ solely.

This proposal seeks to amend Condition 4 of BR/227/18/PL to remove the above restriction which make the proposal building unsaleable.

IMPACT ON VISUAL AMENITY AND THE CHARACTER OF THE AREA

The variation of condition 4 will not have any greater impact on the character of the area to that already approved under BR/227/18/PL and would not materially increase the use of the development. This proposal does not increase the built form in the site.

IMPACT ON HIGHWAY SAFETY

County Highways previously had no objection to the proposal in terms of highway safety. The proposal is therefore considered compliant with policy TSP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Since the restriction of the proposed use for B8 purposes for the storage of dry store goods as approved under BR/227/18/PL will remain, it is considered that proposed variation of condition 4 would not have any greater impact on residential amenity and is therefore considered to comply with policy D DM1 of the Arun Local Plan.

SUMMARY:

It is therefore considered that the proposal complies with the NPPF and the Local Plan policies and should be approved subject to the attached 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 building shall only be used for B8 purposes for the storage of dry store goods. This shall be according to the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun Local Plan policies DDM1.

- 2 **INFORMATIVE:** **INFORMATIVE:** This permission relates to the variation of condition 4 of planning permission BR/227/18/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number BR/227/18/PL remain in force and must be complied with. This decision only relates to the variation of Condition 4 of that planning permission.
- 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.