

Recommendation Report for Planning Permission

REF NO: BR/42/21/PL

LOCATION: 48 Aldwick Road
Bognor Regis
PO21 2PN

PROPOSAL: Change of use from betting shop (Class Ea) to a hot food takeaway (Sui Generis) including installation of extraction. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to convert an existing betting shop into a hot food takeaway.
SITE CHARACTERISTICS	The site forms a terraced property within Aldwick Shopping Parade, with a commercial unit to the ground floor with residential above.
CHARACTER OF LOCALITY	The area is mixed in nature with both commercial and residential uses within the vicinity.

Noted.

REPRESENTATIONS

Bognor Regis Town Council provided no objection.

1 letter of representation received from a nearby occupier

- A hot food outlet with extractor is inappropriate in this location.
- There will be noise, smells and disruption in the evenings.
- The planning notice was posted to the rear fence out of view.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. A notice was also placed to the front of the shop on a post directly outside.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No objection to the proposal and has requested condition relating to odour control, delivery of goods, hours of construction and lighting.

Economic development - No comment to make.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. With the property already commercial in nature, it is not considered a lighting scheme is necessary.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
TSP1	T SP1 Transport and Development
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

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.

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 materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Bognor Regis has a made Neighbourhood Plan however none of the policies are of relevance to the application.

CHANGE OF USE

The description states a betting shop is classified as Class Ea however it is actually classed as 'sui generis'. As such the use class of the property will remain the same.

DESIGN AND VISUAL AMENITY

The property will retain the existing shopfront and does not propose any external alterations. An extraction will be installed however this is located to the rear of the property and as such no alterations are visible from the street scene.

The extraction unit is located to the rear elevation and will extend along the side of the property, extending just beyond the eaves. Whilst it is a noticeable addition, it is not considered to appear unduly dominant upon the rear elevation and with views restricted from the main street scene and wider area, the proposed works and conversion from betting shop to takeaway is not considered to result in harm upon the surrounding area which consist of commercial premises and in accordance with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The change of use from betting shop to hot food takeaway will involve the addition of an extractor unit to the rear elevation. This will exit from the ground floor and extend upwards, just past the eaves of the dwelling. Environmental Health has assessed the application and have no objection. They do request a risk assessment is completed to determine the level of odour control required which will be conditioned.

NOISE

The property will have longer opening hours with the application form stating the premises will be open until midnight. It is considered this could give rise to adverse noise with residential properties above the property and within the vicinity. Whilst located within a parade of shops, there does not appear to any other nearby premises open this late. A closing time of 11pm is considered more appropriate in terms of ensuring it does not result in adverse noise levels additional to that which is already achieved, with it matching the closing time of another restaurant and local Tesco express. This has been agreed with the applicant. It is not considered the change will result in a significant increase in noise with the property located within an existing shopping parade with other similar services in the area.

The proposal is not considered to result in adverse harm upon amenity additional to that which is already achieved and accords with D DM1 and D DM4 of the Arun Local Plan.

TRANSPORT AND HIGHWAY SAFETY

It is not considered the change will result in a significant increase in parking or movements to and from the premises. There is on street parking directly outside and the site is located within a sustainable area in accordance with TSP1 of the Arun Local Plan.

IMPACT ON LOCALLY LISTED BUILDING

The building is classified as locally listed. This does not have any statutory protection but is considered to be of local architectural or historic interest. There will be an extraction unit installed to the rear elevation.

This is accessed via a private driveway and is not readily available from the street scene. There will be no change to the front of the building and as such the appearance of the property will remain as existing and the proposal is not considered to harm the appearance of the building in accordance with HERDM2.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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
 - Location Plan
 - Block Plan -001
 - Existing and Proposed Rear Elevation - DWL 03
 - Existing and Proposed Floor Plan - DWL 01
 - Vent/Extraction Supporting Statement

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 The hot food takeaway use hereby permitted shall only be open between the hours of 11:00am - 11pm Monday to Sunday including Bank holidays.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies D DM1, QE DM1 and QE DM3.

- 4 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031

- 5 No delivery of goods to the food premises shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday). No 'noisy' deliveries on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031

- 6 Prior to operation the applicant should complete a risk assessment from the current guidance document: 'EMAQ - Control of Odour and Noise from Commercial Kitchen Exhaust Systems, (2018)' to determine the level of odour control required which should be submitted and approved in writing by the Local Planning Authority. The details so approved shall thereafter be operated and retained in compliance with the approved assessment.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 7 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.