

Recommendation Report for Planning Permission

REF NO: BR/55/18/PL

LOCATION: 2 Lennox Street
Bognor Regis
PO21 1LZ

PROPOSAL: Change of use from shop (A1 Shops) to A3 Food & Drink/A4 Drinking Establishment. This application may affect the setting of a listed building & affects the character & appearance of The Steyne, Bognor Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	100 sq.metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	A 1 metre close boarded fence to the front boundary in front of an open front yard area .
SITE CHARACTERISTICS	A bungalow property with a front yard area currently being used as an A3/A4 restaurant/drinking establishment. Planning compliance action has led to this retrospective application.
CHARACTER OF LOCALITY	The site is just off the main shopping street within 20 metres of High Street in Bognor Regis adjacent to and opposite other city centre uses including an estate agent and a taxi firm. The site is located within the Old Town area and the Steyne Conservation Area.

None relevant.

The current use has been subject to Planning Compliance action from Arun District Council.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
Bognor Regis town Council - No objection.

No comments have been received from members of the public.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health
 Economic Regeneration
 Conservation Officer

CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health - No objection subject to conditions and an informative.

ADC Economic Regeneration - Support

CAAC - No objection

Conservation Officer - No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
 Conservation Area - The Styne
 2km Buffer Zone SSSI: Felpham, Bognor Reef

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

Bognor Regis Neighbourhood Plan 2015 Policy 3 Old Town Restaurant and Cultural Quarter

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 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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies 1 and 3 of the Bognor Regis Neighbourhood Plan are considered relevant to 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.

The proposal is considered to have a neutral impact on the Conservation 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 located within the Built -up Area Boundary . As such the principle of development is acceptable subject to relevant policies within the Local Development Plan which in this case include D DM1, QE DM1, QE DM3, HER SP1, HER DM3 and RET DM1 of the Arun Local Plan, Policies 1 and 3 of the Bognor Regis Neighbourhood Plan, Supplementary Planning Document 2 - Conservation Areas and guidance within the National Planning Policy Framework.

Policy 3 of the Bognor Neighbourhood Plan encourages the use of buildings for A4 uses within the Old Town Key Priorities Map which the site falls within. In particular it encourages;

b) Ground floor alterations and extensions contributing to an increased number of all- weather seating provision

The principle of the change of use is considered to be acceptable.

TRANSPORT, ACCESS AND PARKING:

The site is located sustainably, in close reach of public transport (train and bus) links and car parks. The property has cycle parking nearby and many tourist and residential uses within walking distance. It is not considered that parking generation would lead to a highways safety issue owing to car park availability. The unit when accessed from Lennox Street would be accessible for a wheelchair as the entrance is the same level as the pavement.

As such it is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan 2011-2031.

NEIGHBOURING RESIDENTIAL AMENITY:

The proposal is for a restaurant and licensed pub/bar a mixed A3/A4 use.

The hours of use have been specified. 9:00 to 24:00 Monday to Sunday. Officers note that the Council's Licencing Department have issued a licence for the following Opening Hours:

Open to public - Monday to Sunday 10.00 to midnight - xmas eve and nye 01.30

Late night refreshment Monday to Sunday 23.00 to 23.30 - xmas eve and nye 01.00

Supply of alcohol Monday to Sunday 10.00 to 23.30 - xmas eve and nye 01.00

NB. (Late night refreshment is the serving of hot/cooked food after 23.00. Supply of alcohol means they can serve alcohol up to 23.30 with a 30 minute drinking up time, after which no members of the public are allowed to remain on site)

Of concern is the use of the outside decked area to the front late at night, with regard to noise. Officers consider that a condition restricting the use of the outside area until 22:00 all year round, via the imposition of a suitable condition would be justified, given the close proximity of the application site to a number of flats at first, second storey levels and above.

Officers note the extended hours for Christmas Eve and New Years given by the Licencing Authority and consider that although opening hours above 24:00 hours have not been requested by the applicant on either New years Eve or Christmas Eve, Officers consider extended opening hours to be acceptable subject to the imposition of conditions regarding the use of the outside decking to the front, as detailed above.

Therefore, any grant of the change of use sought by this application would be subject to the following the following opening hours:

Monday to Sunday 10.00 to midnight - Christmas Eve and New Years Eve 01.30

Officers note that the proposed change of use would lead to the utilisation of an existing kitchen which may or may not feature extraction. No details have been provided, however the Council's Environmental health Officer has been consulted and has not raised the potential for extraction to be an issue. Should any extraction turn out to be an issue and environmental health are notified, this could be dealt with under the appropriate Environmental Health Legislation. Additionally, it should be reiterated that this is a change of use only and that this does not cover the need for any extraction which may involve an external flue. This would require separate planning permission. An informative stating this will be imposed on any grant of the proposed change of use. As such, the Council will still be able to assess the method of suitable extraction before the use is operational and protect neighbouring amenity, in accordance with Policy RET DM1 of the Arun Local Plan 2011-2031

Therefore, it is not considered that the occupiers of nearby flats will be significantly effected by the use in terms of noise and disturbance subject to the imposition of both the noise condition recommended by the Council's Environmental Health team and the condition restricting the use of the outside decked area, given that other similar licensed premises exist in close proximity to the application site e.g. the public house, The Unicorn at 76 High Street.

As such it is considered that the proposal would comply with Policies D DM1, QE DM1, QE DM3 and RET DM1 of the Arun Local Plan 2011-2031.

HERITAGE ISSUES:

The proposed change of use does not include any alterations to the shop front or any significant alterations to the interior of the building and is considered to preserve the appearance of the Conservation Area. The proposal is therefore considered acceptable with respect to policies HER SP1, HER DM3 of the Arun District Local Plan 2011-2031, Policy BR1 of the Bognor Regis Neighbourhood Plan, the SPD Conservation Areas and guidance within the NPPF.

CONCLUSION:

The application is recommended for conditional approval.

HUMAN RIGHTS ACT

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;

Floor Plan received on 26/02/2018

Elevations received on 26/02/2018

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun District Local Plan.

- 3 INFORMATIVE: No adverts or signage have been shown on the submitted plans and it should be noted that adverts/signage are subject to separate legislation (The Town and Country Planning (Control of Advertisements) (England) Regulations 2007) and this Permission does not give any form of consent to any adverts that have been installed.

- 4 All Plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated so that the rating level of noise emitted does not exceed the background sound level, when measure according to British Standard BS4142:2014 at any adjoining or nearby noise sensitive premises.

Reason: In order that the use, hereby granted, does not pose a noise nuisance to the occupiers of adjoining properties in accordance with Policies D DM1, RET DM1 and QEDM1 of the Arun Local Plan.

- 5 The outside decking area to the front of the property shall not be used after 22:00 Monday to Sunday whatsoever.

Reason: In order that the use, hereby granted, does not pose a noise nuisance to the occupiers of adjoining properties in accordance with Arun Local Plan Policies D DM1, RET DM1 and QE DM1.

- 6 The premises shall not be open for trade or business except between the hours of Monday to Sunday 10.00 to midnight except Christmas Eve and New Years Eve when the premises shall close no later than 01.30.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun

District Local Plan policies D DM1, RET DM1, and QE DM1

- 7 INFORMATIVE: This grant of permission is for a change of use from A1 (shop) to A3 (restaurant)/A4 (drinking) only and does not cover the need for any extraction which may involve an external flue. This would require separate planning permission.
- 8 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.