

Recommendation Report for Planning Permission

REF NO: BR/72/19/PL

LOCATION: 63 Queensway
Bognor Regis
PO21 1QL

PROPOSAL: Change of use from photography shop (A1 Shops) to podiatry clinic (D1 Non-residential Institutions)..

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes to convert the ground floor of 63 Queensway from the photography shop (A1 use) to a podiatry clinic (D1 Non-residential Institutions). No change to the access arrangements.
SITE AREA	160 square metres
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Timber fence on the both sides of the rear garden and the brick wall to the rear.
SITE CHARACTERISTICS	The site is the ground floor of a two storey end of terrace with a habitable roof with one small dormer to the front and one to the rear. The property benefits from a flat roofed single storey extension to the front and to the rear. The terrace is of almost identical appearance with retail or services at the ground floor level and residential above.
CHARACTER OF LOCALITY	The property is on the north side of Queensway on the junction with Crescent Road with a footpath and public grass area of triangular shape to the front. The site is in the built-up area boundary in a vicinity of the train station. To the west is a residential terrace and a Salvation Army Church on the junction with Canada Grove and the Hothampton Car Park on the opposite side of the road.

RELEVANT SITE HISTORY

BR/708/80	Use Of Premises As A Retail Shop Regularisation Of Existing Use	ApproveConditionally 08-10-80
BR/359/83	Change Of Use Pf Ground Floor From Shop To Building Contractors Offices	ApproveConditionally 18-05-83

BR/336/86	Change Of Use From Office To Showroom At Ground Floor Level And From Residential To Office At Upper Floors G/F Extension	ApproveConditionally 15-09-86
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BR/179/63/B	Use Part As Shop	ApproveConditionally 13-05-66
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BR/109/19/CLE	Application for a Lawful Development Certificate for an existing use - 2 bed flat at 1st & 2nd level with access at ground floor
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Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
Bognor Regis Town Council has a no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Economic Regeneration
Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health Officer comments:

I assume there is a residential property above the premises concerned and the residents here have the potential to be affected by noise from the premises. While I do not believe that proposed use of podiatric clinic would cause a noise problem the general use class D1 contains some uses which could potentially cause noise disturbance ie a day nursery.

I would recommend restricting the use to that of a clinic or similar. If the D1 classification were to be given permission I would need to consider whether the applicant would be required to enhance the sound insulation between the ground and first floor premises. I would suggest restricting business hours in line with other shops in the area from 08.00 - 18.00 to protect the amenity of local residents.

Economic Development has no objection to this application.

COMMENTS ON CONSULTATION RESPONSES:

Conditions on the restricted use and business hours will be attached to the decision.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary

Town Centre Area

2 km Buffer for SSSI Bognor Reef

2 km Buffer for SSSI Felpham

Pagham Harbour Zone

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
ENVDM2	ENV DM2 Pagham Harbour
QEDM1	QE DM1 Noise Pollution

[Bognor Regis Neighbourhood Plan 2015 Policy 4](#) Reducing underuse of property in the town centre

Bognor Regis Neighbourhood Plan 2015 Policy 8G Hothampton Car park site, Queensway

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.

The following Bognor Regis Neighbourhood Development Plan policies are considered relevant and are referred to within this determination:

Policy 4 "Reducing Underuse of Property in the Town Centre"; and
Policy 8g "Hothamton Car Park Site, Queensway

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 in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with other policies of the Local Plan covering such issues as the change of use, residential amenity and parking.

Regard should be had to policy SD SP1 of the Arun Local Plan which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." It is considered that the site is in a sustainable town centre location within easy walking & cycling distance of a range of shops, facilities and services including bus stops and the railway station.

CHANGE OF USE FROM A1 TO D1 USE CLASS :

The proposal is for a change of use of the ground floor of No 63 Queensway with the access to the rear garden from a photography shop to podiatry clinic. The proposal involves only marginal external changes on a frontage; re-position of the entrance glass door from the central position to the right with a new transom within a large window to the left. The existing door on the rear elevation would be replaced with bi-folding doors. The proposed clinic would provide a reception to the front, two treatment rooms, a staff kitchen, a sterilising room, a disabled WC, a shower room and a therapy/multifunctional room. Two working places would be created. No parking spaces would be provided, however given the position of the proposal side easily accessible by public transport and the nature of the proposed use it would be acceptable.

Paragraph 118 (d) of the National Planning Policy Framework (NPPF) states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings ...". In addition, paragraph 85 states that: "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth,

management and adaptation."

Economic Development officers have no objection to this application.

Arun Local Plan policy RET DM1 is relevant and states that:

Town Centre uses which accord with the existing hierarchy of retail centres within Arun will be permitted provided that:

- (a) The proposal is of a high standard of design, materials and layout and has due regard to the character of the site and its surroundings;
- (b) It is easily accessible by public transport;
- (c) It includes provision for access by cycle and on foot;
- (d) It includes appropriate provision to enable access for people with disabilities; and
- (e) The design incorporates crime prevention measures.

It is considered that the proposal complies with policy RET DM1 since external alterations would improve the appearance of the property and would harmonize with surrounding development and the site is easily accessible by bus/rail and foot or cycle. The site benefits from level access from the pavement.

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 the town centre.

The details of dealing with clinical waste and a contract with Medisort were provided by the applicant; the lockable clinical waste bin will be kept in the back garden with a locked gate until ready for collection.

Due to residential use at the first floor and habitable roof space and the fact that the D1 use class contains some uses which could potentially cause noise disturbance (ie Day nurseries), the conditions restricting the use to that of a clinic or similar and restricted business hours in line with other shops in the area or from 08.00 - 18.00 hours will be attached to the decision (as recommended by environmental health) in order to protect the amenity of local residents. Therefore the proposed change of use would comply with policies D DM1 and QE DM1.

SUMMARY:

The proposed conversion and alteration of the photography shop to a podiatric clinic is an appropriate form within town centre contributing to its vitality and economic activity on this part of the site. Its impact upon the locality is considered to be minimal with no harm to highway safety or residential amenity. 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:

Location Plan 1:1250
Site/Block Plan 1:500, Floor Plans 1:100 Drawing No 2019/02/65/02
Elevations 1:100 Drawing No 2019/02/65/03

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 use of the ground floor of No 63 Queensway hereby permitted shall be solely as a podiatric clinic and for no other purpose (including any other purpose in Class D1 of 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 District Local Plan policies D DM1 and QE DM1.
- 4 No operation in connection with the proposed use of the ground floor of No 63 Queensway as a podiatry clinic shall take place before 8.00 or after 18.00 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies D DM1, QE DM1, QE DM2.
- 5 **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.