

Recommendation Report for Planning Permission

REF NO: BR/95/18/PL

LOCATION: 65 High Street
Bognor Regis
PO21 1RY

PROPOSAL: Change of use from vacant shop (A2 Financial & Professional Services) to drinking establishment (A4 Drinking Establishment). This application affects the setting of a listed building & affects the character & appearance of The Steyne, Bognor Regis Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a retrospective application to convert the existing vacant A2 unit to an A4 licensed premises, a pub/bar.
SITE AREA	54 sq.m. floorspace.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None, opens directly onto High Street.
SITE CHARACTERISTICS	The application site comprises the grounds floor unit of a three storey listed business premises currently with planning approval as A2 but most recently operated as A1 Barbers. There is no provision for parking on the site. The site is generally flat approximately 54m ² in size.
CHARACTER OF LOCALITY	The area is located within Bognor Regis town centre (Old Town). It is also with a Conservation Area with mixed uses, predominantly commercial with some residential on upper floors

RELEVANT SITE HISTORY

PAA/195/17/	Change of use from A2 to A4 licensed premises.	Approve Pre App 27-11-17
BR/312/08/	Proposed chicken & kebab takeaway. Change of use from office (A2 - Financial & Professional Services) to takeaway (A5 - Hot Food Take-Aways).	Refused 19-01-09
BR/37/04/	Change of use from A1 Retail to A2 Estate Agency.	ApproveConditionally 02-04-04

ENF/478/17

Alleged Unauthorised Breach of Planning

The ground floor of the premises has a shop front on the High Street in Bognor Regis and has been used for a number of different types town centre uses in the past.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

No objection.

No comments received from members of the public.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Economic Regeneration

Conservation Officer

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health

No objection subject to conditions and informatives.

ADC Economic Regeneration - Support

ADC Conservation Officer - No comments received.

WSCC County Highways - No objection.

The site is located in a highly sustainable town centre location with good access via mode of transport other than the private motor vehicle.

The Local Highway Authority does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

ADC EH - No service/preparation of food is proposed as part of this application hence the conditions and

informative relating to this are not necessary.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS B ROAD

LB GRADE II

CONS AREA

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
AREA2	Conservation Areas
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN32	Noise Pollution
GEN34	Air Pollution

Publication Version of the Local Plan (October 2014):

SD SP2	Built -Up Area Boundary
HER DM1	Listed Buildings
HER DM3	Conservation Areas
QE DM3	Air Pollution
T SP1	Transport and Development
HER SP1	The Historic Environment
QE DM1	Noise Pollution
QE SP1	Quality of the Environment

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:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, Modified - Arun Local Plan - January 2018 Consultation Version, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. A number of Main Modifications to the

Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017. Consultation and a further examination in public has taken place. The examination was completed in September 2017. The Main Modifications have been amalgamated with the Arun District Local Plan 2011-2031 (Publication Version) October 2014 to form the 'Modified - Arun Local Plan (2011-2031) - January 2018 Consultation Version' which was out for public consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

In conclusion the emerging Local Plan, the 'Modified Arun Local Plan - January 2018 - Consultation Version', is at a very advanced stage and carries significant weight.

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. 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 BR1 and BR3 of the Bognor Regis Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 in accordance with policy GEN 2 of the Arun District Local plan, the principle of development is acceptable subject to relevant policies within the Local Development Plan which in this case include AREA 2, GEN 7, GEN 12 and GEN 32 of the Arun District Local Plan, Policies BR1 and BR3 of the Bognor Regis Neighbourhood Plan, Supplementary Planning Document 2 - Conservation Areas and guidance within the National Planning Policy Framework.

Policy BR3 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 High Street London Road would be accessible for a wheelchair as the entrance is the same level as the pavement.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal is for a licensed pub/bar with no element of food preparation. A condition providing a limit to noise levels and a condition regarding waste disposal on the site would be applied to any planning permission to meet requirements of GEN 32 and GEN 34 of the Arun District Local Plan.

The hours of use have been specified. EH have not objected to the hours of use of 18.00 to 24.00 Mon. to Sat and 18.00 to 22.00 on Sundays & Bank Holidays. Whilst there are residential properties in the vicinity at first, second storey levels and above, it is not considered they will be significantly effected by the use in terms of noise and disturbance subject to the noise condition recommended by the Council's Environmental Health team given that any similar licensed premises exist in close proximity to the application site.

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 and not to harm the special architectural and historical interest or listed features of the building. The proposal is therefore considered acceptable with respect to policy AREA 2 of the Arun District Local Plan, Policy BR1 of the Bognor Regis Neighbourhood Plan, the SPD Conservation Areas and guidance within the NPPF in relation to Listed Buildings.

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;

Dwg.no. 2 - Block Plan

Dwg.no.3 - Current Layout dated 28.03.2018.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 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 measured according to British Standard BS4142: 2014 at any adjoining or nearby noise sensitive premises.

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7

and GEN32.

- 4 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby proposed does not include the preparation or sale of food

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 5 This permission is granted on the basis that waste storage and waste disposal will take place at the Pier Hotel. If this arrangement should not be implemented or used at any time suitable and sufficient waste storage facilities shall be made for the safe and secure on site storage of waste derived from the business between collections to ensure that no detriment to amenity from smell, flies or vermin arises. A scheme detailing the provisions to be made for the safe storage of waste must in the latter case be submitted in writing and not altered without the prior written approval of the Local Planning Authority for agreement.

- 6 The hours of opening hereby approved shall be:

18.00 to 00.00 hrs Monday-Saturdays. 18.00 to 22.00 hrs on Sundays & Bank Holidays.

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 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.