

Recommendation Report for Planning Permission

REF NO: BR/120/21/PL

LOCATION: The Royal Hotel
The Esplanade
Bognor Regis
PO21 1SZ

PROPOSAL: Variation of condition 2 imposed under BR/257/19/PL relating to approved plans (changes to the elevations of the western end of the building). This application affects the character & appearance of The Steyne, Bognor Regis, Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application proposes to vary the design of the western end of the approved building which comprises of a restaurant on the lower ground/ground floors and 5 flats within the first, second and third floors above. The central and eastern sections of the building will remain as per the approved scheme. The changes to the western end are described below:

(a) The restaurant entry will be relocated to the south elevation and will include an internal lobby at ground level which then accesses both lower ground and ground floors.

(b) The glazing to the restaurant will be modified to allow additional light into the basement level, fill in the area that was previously the entrance to the restaurant and add a curved portion of glazing to the righthand side of the new entry to enclose additional floor area.

(c) Two new areas of balcony are added at first floor level (flat 10) above the new infilled ground floor levels.

(d) A new service room will be provided for the restaurant and this requires that the door to access the flats above is relocated to the western facade.

(e) The internal layout is reconfigured and so the stair access from the restaurant to the rear of the building will be modified resulting in the reduction of one set of bin store double doors. The access door to this is then relocated further to the east. An additional door for the service room mentioned in item (d) is also to be added to the western facade.

These changes are described in detail within the Design &

	Access Statement and on the application plans.
SITE AREA	0.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	No change.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	The application site comprises a three storey 1830's Victorian former hotel located on the Esplanade looking out over the seafront. The hotel is largely a stand-alone building but does share a party wall with the smaller Pixie Hotel on the eastern side. There was formerly a bar/nightclub called "Jack Rabbit Slims" on the western side but this has been demolished as a result of the planning permissions and this area of the site is currently vacant. The site does not benefit from any off-street allocated parking but there is a general use pay-at-machine parking layby on the Esplanade right outside the hotel suitable for 6-7 cars.
CHARACTER OF LOCALITY	This is a seafront location and part of a mixed residential and commercial area. The site forms part of the "Bognor Regis - The Steyne and Waterloo Square Conservation Area" and is characterised by modest terraces predominantly in stucco.

RELEVANT SITE HISTORY

BR/257/19/PL	Refurbishment, external alterations, extensions & reconfiguration of previously permitted conversion to rebuild ground floor A3 restaurant & provide a total of 27 flats. This application affects the character & appearance of The Steyne, Bognor Regis, Conservation Area (resubmission of BR/326/18/PL)	App Cond with S106 03-01-20
BR/326/18/PL	Refurbishment, external alterations, extensions & reconfiguration of previously permitted conversion to rebuild ground floor A3 restaurant & provide a total of 27 flats. This application affects the character & appearance of The Steyne, Bognor Regis, Conservation Area	App Cond with S106 29-04-19
BR/130/17/PL	Change of Use of hotel & function room/licensed bar (C1 Hotel) to 18No. flats (C3 Dwellinghouses). This application affects the character and appearance of The Steyne Conservation Area. Resubmission of BR/155/15/PL	App Cond with S106 26-09-17

BR/155/15/PL

Change of use of redundant hotel & function room/licensed bar (C1 Hotel) to 10 No. flats (C3 Dwelling houses). This application affects the character & appearance of The Steyne Conservation Area.

App Cond with S106

25-11-15

BR/326/18/PL was granted in April 2019 and allowed for conversion and extension to achieve 27 residential flats plus a new restaurant. The scheme proposed the following:

- (a) Removal of the 1970's fenestration to Jack Rabbit Slims and replacement with a simpler fenestration to match the proposed two storey extension above and complements the existing
- (b) Two storey extension above the Jack Rabbit Slims with as Mansard Roof at third floor set in to enable a balcony;
- (c) Change of use of Jack Rabbit Slims to a class A3 restaurant over two floors (ground & lower ground);
- (d) Reinstatement of the bay window to the ground floor to the west of the main entrance to the new apartments;
- (e) Reinstatement of the partially sunken amenity spaces to the existing lower ground level together with removal of the unsightly concrete wall and planters;
- (f) Reworking of the roof to the far eastern side of the former Hotel (addition of a mansard roof to allow accommodation within the roof);
- (g) Addition of conservation rooflights and small dormer windows to the former Hotel's main roof; and
- (h) Replacement of all windows with sash style window units.

This decision was granted with a section 106 legal agreement relating to (1) a contribution of £36,800 towards the provision of affordable housing elsewhere in the district; and (2) a contribution of £14,807 towards the provision of accessible natural open green spaces to serve the Pagham area.

Subsequently, BR/257/19/PL was submitted to alter the design of the proposed conversion & extension. This proposed various changes to the internal layout and external elevations including most notably a zinc lined mansard roof extension with dormer windows above flat 20 to create new kitchen/lounge space with a glazed balustrade roof terrace to side (northern elevation). This was granted planning permission and included a Deed of Variation to the previous legal agreement to ensure that the required contributions applied to the new permission.

REPRESENTATIONS

No objection from the Town Council.

1 letter of support from the Bognor Regis Regeneration Board (BRRB) with the following comments:

- the proposed relocation of the restaurant entrance to the south elevation aligns with the primary pedestrian and vehicular traffic flows, improving local connectivity and enhancing the building's impact on this western gateway to the town centre;
- the creation of the south facing lobby facilitated by the relocation of the entrance serves to emphasise the seafront location, reinforcing Bognor Regis's coastal identity, building on the restaurant as a 'destination' and bringing greater enjoyment through an enhanced sense of place;
- the accessibility provision enabled by the new lobby treatment is noted;
- the amended glazing treatment to the south and west elevations, although contemporary in design, serves to strengthen the connection of this modern extension to the sensitively restored period former Royal Hotel portion through the lower ground floor window treatments;
- additionally, the improved natural light to lower ground floor level can only serve to enhance the

experience of both visitors and staff;

- the additional balcony area improves the amenity of the first floor apartment through an increase in outside space, improving the enjoyment and wellbeing of residents and reflecting the varied balcony arrangements of the traditional street scene;
- the relocation of the apartment lobby entrance does not appear to adversely impact on the surrounding residential area in any significant way
- the amendments to the location and quantity of doors accessing the restaurant to the rear would not appear to significantly impact the surrounding residential area;
- these changes are to support the restaurant in external service provision, increasing the economic activity and benefit of the building to the town centre;
- the application is likely to deliver the following benefits: (a) creation of a new seafront restaurant as a destination for locals and visitors alike, (b) employment creation, (c) restoration of the former Royal Hotel has embodied the placebranding values for Bognor Regis through the applicant's commitment to innovation, quality and a people-first approach.
- the building is a both a local landmark and a source of pride for the town, balancing due regard for Bognor Regis's historic identity with ambition and imagination to ensure its continuing improvement.

12 letters of objection raising the following concerns:

- (1) Proposed four floors on the western end will harm amenity of nearby residential windows and the views from these;
- (2) Will affect house values;
- (3) Extensions to the western end of the building will harm the character of the Conservation Area;
- (4) Insufficient parking;
- (5) New alterations will not enhance the southern elevation; and
- (6) The applicant is a member of the Bognor Regis Regeneration Board therefore their response is biased.

COMMENTS ON REPRESENTATIONS RECEIVED:

The letter of support is noted however, it is acknowledged that the BRRB membership includes the applicant as well as a representative of Arun District Council.

The majority of the objections refer to the impact of building work that has already been approved under BR/326/18/PL as amended by BR/257/19/PL. These issues were considered at the time of those applications and discussed in the officer reports. It should also be noted that there is no right to a view in planning terms and that the effect of development on house values is not capable of being a material planning consideration. Only item (5) is new and is considered by this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH - no objections.

ADC CONSERVATION OFFICER - the proposed development will result in "less than substantial harm" in accordance with paragraph 196 of the NPPF (2019) and therefore, advises that it will be necessary to consider the public benefits that the development may achieve as part of the application assessment. Comments as follows:

- The relocation of the Restaurant entry to the south elevation is part of a revised design to the

restaurant, where a small terrace area will now form part of the internal floor space;

- Further alterations are proposed at the lower ground floor level which incorporates a substantial amount of additional glazing which would be out of character with the existing, traditional building;
- The additional balcony area would include a large area of glass screening which, when viewed alongside the additional large area of glazing beneath would start to dominate the front elevation of the building;
- The area covered by the balcony is also much larger than both the other ones in the building and the local area. It would also be exposed and clearly visible to the surrounding public realm;
- Further, there would be no ability to control how such a space is used, which could become visually cluttered with those elements associated with external private space;
- This would not be a positive feature of the building, and it is therefore considered to be harmful and out of character; and
- The amendments which relocate the Apartment lobby entrance from the rear to west elevation as well as the amendments to the location and quantity of doors accessing the restaurant from the rear is of no real concern. However, the doors should replicate those already approved.

CONSERVATION AREA ADVISORY COMMITTEE (CAAC) - no objection. The proposed changes are not so materially different from the approved plans as to warrant a refusal of planning permission relating to adverse impact on the conservation area. A high quality of materials, finishes and detailing should be achieved given the very prominent location of the site within the conservation area.

COMMENTS ON CONSULTATION RESPONSES:

Noted. The application proposes no alterations to the materials already approved by the previous planning permission.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Class C Road;
Conservation Area;
Building of Special Character;
No Public Sewer; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
WMDM1	WM DM1 Waste Management

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD9	Buildings or Structures of Character
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 relevant policies of the Bognor Regis Neighbourhood Plan are considered within this report.

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 the alterations to the western end of the building will not result in any material harm to the character & appearance of the building, the character of the Conservation Area, the amenities of existing residents or the parking demands of the use.

The building is located in a Conservation Area and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal is considered to comply with these in that it preserves the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site benefits from an extant planning permission which has been lawfully commenced. This new application seeks only to make relatively minor alterations to the internal arrangements and external elevations of the proposed replacement to the western part of the building (that formerly occupied by the Jack Rabbit Slims bar/nightclub). The changes are to the lower ground and ground floors but also with the extension of the balcony area at first floor above. There is no change to the number of flats or the number of bedrooms per flat.

It is therefore only necessary to assess the impact of the proposed changes on the character & appearance of the building & the surrounding area, on the existing heritage assets and on the amenity of nearby residents.

It is not necessary to reconsider issues concerning loss of the hotel, parking provision, noise pollution, internal/external space standards (especially noting that one of the flats will now have a larger balcony area), affordable housing or the impact on the Pagham Harbour Special Protection Area as these were considered in the previous determination and the previous Section 106 Agreement is to be amended so as to also apply to this planning permission.

IMPACT ON HERITAGE ASSETS:

The Royal Hotel is a locally designated Building of Character (and as such a non-designated heritage asset) and sits within the Steyne Conservation Area. The proposal is for changes to a previously approved extension to the existing building. The former part of the building to which these relate has been demolished. Arun Local Plan policy HER DM3, sets out the following (relevant) criteria in respect of development affecting Conservation Areas:

- (b) Alterations to existing buildings are sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area;
- (c) Traditional features such as shop fronts, walls, railings, paved surfaces and street furniture are retained and restored;
- (d) Unsympathetic features are removed and missing features are restored or reinstated; and
- (f) It does not harm important views into, out of or within the Conservation Area.

Policy HER DM2 is also relevant and states that alterations or extension of Buildings of Character will be expected to relate sensitively to the building or structure and its setting and respect its architectural, landscape or historic interest. Also that features of such buildings which contribute to these interests will be preserved.

Bognor Regis Neighbourhood Development Plan (BRNDP) policies 1 and 2 require that changes to designated and non-designated heritage assets support the delivery of the vision for Bognor Regis and respond eloquently & innovatively to the local built environment character and setting.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Paragraph 189 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Paragraph 190 then requires Local Planning Authorities (LPA) to identify and assess the particular significance of the heritage asset that is affected by a proposal. The LPA must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 193-196).

Separately, in respect of non-designated heritage assets (the building itself), it is necessary to refer to the guidance in para 197 of the NPPF that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicants have supplied a Design, Access and Heritage Statement which the Councils Conservation Officer has assessed alongside the submitted plans. The Officer has some concerns with the elevation changes and states that the proposal will result in "less than substantial harm" in accordance with paragraph 196 of the NPPF. As such, it is necessary to weigh this harm against the public benefits that the development may achieve as part of the application assessment. In this case, the proposed alterations when considered alongside the changes to the whole building as already approved will result in the following benefits:

- Bringing a formerly vacant/underused and important seafront building back into use;
- Bringing activity back to this part of the Conservation Area;
- Restoring other parts of the existing building including previously hidden features such as the views of the basement from the front;
- Providing new residential accommodation with associated social & economic benefits;
- Provision of new commercial activity (restaurant) to be a new destination for locals & visitors;
- New jobs associated with the restaurant plus job retention/creation for the overall site (building maintenance, cleaners, security); and
- The fact that the restaurant use will have less adverse impacts to nearby residents than the former permitted bar/nightclub use.

In respect of harm to the non-designated heritage asset, it should be noted that the western part of the building to which the alterations apply has already been demolished. The alterations will apply to a previously approved extension to the asset as a whole and any harm arising from these new changes will be of such a small scale as not to affect the significance of the heritage asset.

On balance, the public benefits are such that the less than substantial harm to the heritage assets and the conflict with the related development plan policies is outweighed. Therefore the proposal is acceptable in respect of heritage assets. There is also no conflict with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

DESIGN CONSIDERATIONS:

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. It requires the Council consider scale, massing, aspect, siting, layout, density, building materials, landscaping and design features. The policy requires the scale of development keep in the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

Policy D DM4 requires that extensions/alterations sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale & materials; are visually subservient to

the main building & provide a high standard of amenity; and do not compromise the established spatial character & pattern of the place.

The Arun Design Guide seeks to raise design in the district. The Guide provides general advice on extensions that the scale, massing and positioning of these should be visually subservient to the existing property. Within the specific section on mixed use developments, the Guide states that active frontages should be generated with entrances onto the street suitable for pedestrian interest and movement. Frontages should be designed in a co-ordinated and uncluttered way with predominantly visually transparent facades.

The proposed new alterations/extensions are as a whole subservient additions as they do not increase the height of the building and their scale does not encompass the whole of the building. The changes will also be sympathetic to the appearance of the proposed addition to the overall building and will use the same design/material choices as were approved by the existing permission. Overall, the proposed design changes are in accordance with the relevant development plan policies and the Design Guide.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide includes guidance on distances between residential windows and also states that residential must not be compromised by ground floor uses in terms of servicing and access, noise, odour, lighting and air quality.

The proposed changes do not alter or create any new windows to the new residential flats. The changes also do not result in any harm by reason of light loss to any existing neighbouring residential properties. Such issues were considered previously when the extensions were considered and it was determined that there would not be any adverse harm to residential amenity.

The alterations to the doors and windows associated with the ground floor commercial use are not considered to result in any new amenity impacts. Meanwhile the extensions to the balcony area are to the front elevation which faces towards the sea to the south. This extended balcony will also allow views to the west but there is a significant distance in this direction (over 30m) to the nearest residential windows which is sufficient to mitigate any harm from overlooking.

The proposal is therefore in accordance with ALP policies D DM1 and QE SP1.

CONDITIONS:

The original permission has been implemented and some of the previous conditions have already been discharged. These are therefore amended to refer to the details as previously approved (3, 4, 5, 6 & 8). The standard time limit condition is also amended to make it clear that the time periods for commencement continue to be from the date of the decision of BR/257/19/PL. The plans condition (2) is amended to include the amended plans submitted with this application. The remaining conditions (some of which still require discharge prior to occupation/first use of the restaurant) remain as originally worded. There are no new conditions proposed.

SUMMARY:

Notwithstanding the concerns of the local residents and the consideration of limited harm to the Conservation Area, the scheme as amended by this permission will bring about significant local benefits

and the proposed changes will not adversely affect any local residents. Therefore, it is recommended that this section 73 planning application be granted subject to the following updated conditions and the signed Deed of Variation.

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.

SECTION 106 DETAILS

This decision is made in accordance with a Deed of Variation to the previously approved section 106 legal agreement as agreed on BR/326/18/PL which related to:

- (1) A contribution of £36,800 towards the provision of affordable housing elsewhere in the district; and
- (2) A contribution of £14,807 towards the provision of accessible natural open green spaces to serve the Pagham area.

The Deed of Variation allows the original s106 to also apply to this new permission.

RECOMMENDATION

- 1 The development hereby permitted shall be begun before the expiration of 3 years with the date of the planning permission under BR/257/19/PL (03 January 2020)

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:

169/3.000 "Location Plan";
 169/3.010 Rev 04 "Site & Block Plan";
 169/3.202 Rev 04 "Proposed North Elevation";
 169/3.201 Rev 03 "Proposed West Elevation";
 169/3.200 Rev 03 "Proposed South Elevation";
 169/3.100 Rev 04 "Proposed Lower Ground Floor Plan"
 169/3.101 Rev 05 "Proposed Ground Floor Plan";
 169/3.102 Rev 05 "Proposed First Floor Plan";
 169/3.103 Rev 03 "Proposed Second Floor Plan";
 169/3.104 Rev 03 "Proposed Third Floor Plan";
 169/3.105 Rev 02 "Proposed Fourth Floor Plan";
 169/3.106 Rev 04 "Proposed Roof Plan";
 169/3.901 "External Materials";
 169/3.903 Rev 01 "Window Details"; and

Email dated 08/04/2019 @ 13:25 on the file for BR/257/19/PL confirming that the render is to be RAL colour 9003 (Signal White) in a smooth finish; and that all windows will have operable sliding sash function.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, T SP1, QE SP1, HER SP1, HER DM2 & HER DM3 of the Arun Local Plan.

- 3 The development shall proceed in full accordance with the Construction & Environmental Management Plan as approved on 02/04/20 through application ref BR/19/20/DOC.

Reason: In the interests of the amenity of the occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 4 The approved balcony railings shall be installed in accordance with the details agreed on 25/03/20 through application ref BR/25/21/DOC. They shall be permanently retained in good condition thereafter.

Reason: To enable the Local Planning Authority to control the appearance of the building in detail in the interests of visual amenity and the character/appearance of the Conservation Area in accordance with policies HER SP1, HER DM2 & HER DM3 of the Arun Local Plan and the National Planning Policy Framework.

- 5 Cycle storage spaces shall be provided prior to occupation of the whole building in accordance with the details agreed on 28/01/20 through application ref BR/293/20/DOC. These spaces shall be permanently retained in good condition thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 6 The Travel Plan as agreed on 28/01/20 through application ref BR/293/20/DOC shall be fully implemented and occupiers of the building made aware of its contents.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 7 Prior to the first operation of the new class A3 premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the class A3 premises, shall be submitted to and approved in writing by

the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and permanently retained in good working order and in compliance with the approved scheme.

To protect the amenity of local residents in accordance with policies QE DM1 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 8 The development shall proceed in full accordance with the proposals concerning sustainability and energy efficiency as approved on 10/02/20 through application ref BR/21/20/DOC. The approved measures shall be implemented prior to occupation of the flats and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 9 The class A3 restaurant use hereby permitted shall not be carried on unless and until details of a suitable provision of sanitary accommodation (in line with the guidelines set out within the Arun District Council document entitled: 'Provision of sanitary accommodation in food businesses') has been submitted to and approved in writing by the Local Planning Authority. The approved sanitary provision shall thereafter be implemented in accordance with the agreed details and permanently retained in good working condition.

Reason: In the interests of maintaining adequate amenity to future customers and employees in accordance with policies QE DM1 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 10 Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment including fans, ducting and external openings, compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation of such plant/machinery/equipment. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises. The approved plant/machinery/equipment shall thereafter be implemented in accordance with the agreed details and permanently retained in good working condition.

Reason: To protect the amenity of local residents in accordance with policies QE DM1 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 11 All bathroom/toilet windows within the resultant building shall be permanently glazed with obscured glass or have obscure film permanently applied.

Reason: To protect the amenities and privacy of future occupiers and of the adjacent properties in accordance with policy D DM1 of the Arun Local Plan.

- 12 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.

- 13 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 14 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.
For further information please contact the Environmental Health Department on 01903 737500
- 15 INFORMATIVE: The business is required to apply to the Arun District Council Licensing Team for an operative and / or premises licence before trading. Please contact the Arun District Council Licensing Team Manager at licensing@arun.gov.uk or on (01903) 737755 for further information.
- 16 INFORMATIVE: This decision is subject to a Deed of Variation to the previously approved section 106 legal agreement agreed on BR/326/18/PL which related to:
- (1) A contribution of £36,800 towards the provision of affordable housing elsewhere in the district; and
(2) A contribution of £14,807 towards the provision of accessible natural open green spaces to serve the Pagham area.
- The Deed of Variation allows the original s106 to also apply to this new permission.
- 17 INFORMATIVE: It is noted that this permission will be granted pursuant to Section 73 of the Town and Country Planning Act 1990 and the original permission was granted before a Community Infrastructure Levy (CIL) Charging Schedule took effect. Therefore, in accordance with the CIL Regulations 2010 (as amended) there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the Section 73 permission.