# REPORT UPDATE

## Application No: BR/130/17/PL

## Reason for the Update / Changes

Reason for Update/Changes:

One additional letter of objection was received on the 17th July raising the following points:

(1) Development in a Conservation Area;
(2) Need for hotel accommodation in this key seafront location;
(3) No affordable housing provision;
(4) Applicant not able to implement previous planning permission;
(5) Hotel was allowed to decline and the Development Control Committee should see through this tactic; and
(6) Flats will not benefit the local economy.

Officers Comment:

Points (1), (2) & (5) are already covered by the report's conclusions. In respect of point (3), no affordable housing contributions have been requested as the proposal represents a net gain of only 10 dwellings and the Council is unable to apply its affordable housing policy to schemes of 1-10 dwellings. In respect of point (5), there is no evidence that the previous permission cannot be implemented. It might simply be the case, that the proposed accommodation layout is favourable to the previous.

Finally, re point (6), it is considered that a flatted development will result in localised economic benefits through the need to employ people to carry out the conversion works. The proposal will also result in a net gain of 10 dwellings and so an increase in Council tax receipts, new homes bonus payments and spending by the new occupiers on the local economy.

There are no changes to the recommendation or conditions/informatives.

**Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.**

**BR/130/17/PL**

**Recommendation Report for Planning Permission**

**REF NO:** **BR/130/17/PL**

**LOCATION:** The Royal Hotel
The Esplanade
Bognor Regis

**PROPOSAL:** 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

## SITE AND SURROUNDINGS

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|---|---|
| DESCRIPTION OF APPLICATION | The application seeks permission for a conversion of the whole building to provide a total of 18 flats spread across the basement, ground, first, second and third floors. There will be a communal entrance and lift/stair access to all floors. Some of the basement area to the rear will also be retained for communal use. The development will comprise of 2 x 1 bedroom flats, 14 flats x 2 bedroom flats & 2 x 3 bedroom flats. No external changes or additional parking is proposed. |
| SITE AREA | 0.2 hectares. |
| RESIDENTIAL DEVELOPMENT DENSITY | 90 dwellings per hectare. |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None affected by the proposed development. |
| BOUNDARY TREATMENT | None. |
| SITE CHARACTERISTICS | The application site comprises a 3 storey 1830's Victorian 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. Part of the hotel incorporates a former bar/nightclub "Jack Rabbit Slims" on the western side.<br><br>The hotel does not benefit from any off-street allocated parking but there is a general use pay-at-machine parking bay 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/121/88 | New leisure complex in basement upgrading of hotel accomodation and conversion of 1st floor area into 10no Studio/1 bed apartments. | ApproveConditionally<br>05-04-1988 |
| BR/155/15/PL | Change of use of redundant hotel & function room/licensed bar (C1 Hotel) to 10 No. flats | App Cond with S106 |

| | |
|---|---|
| (C3 Dwelling houses). This application affects the character & appearance of The Steyne Conservation Area. | 25-11-2015 |

Planning Permission ref BR/155/15/PL was granted planning permission at the Development Control Committee on the 25th November 2015. It allowed the conversion of the basement, ground, second & third floors for 10 new flats. These were to be in addition to the 10 flats already present on the first floor as permitted by BR/121/88. Therefore, the effect of permission ref BR/155/15/Pl was a total of 20 flats within the building.

**REPRESENTATIONS**

**Representations received:**

Bognor Regis Town Council

"OBJECTION - Although the Committee support the restoration and refurbishment of this once grand hotel which has been neglected over recent years, Members feel that the application goes against the Neighbourhood Plan, namely:- Promotion of Tourism (Policy 7) - there is limited visitor accommodation in the Town, and a hotel would provide long term employment opportunities therefore benefiting the local economy. Also goes against Seafront Strategy, which states that it must help reverse the decline of the seafront and create a vibrant destination"

Two letters of objection raising the following concerns:

(1) Where will the residents park;
(2) Traffic congestion to the detriment of the seafront;
(3) The market means these flats will likely be rented out and this may lead to HMO use in turn causing late night noise disturbance; and
(4) 8 flats was ok but 18 will have an adverse impact on the building.

**Comments on Representations received:**

The Town Council comments are noted. Bognor Regis Neighbourhood Plan policy 7 states that:

"This Neighbourhood Plan recognises the crucial importance the tourist industry has for the Bognor Regis economy. Where proposals comply with other policies in this plan, development of new and existing tourist facilities will be supported, as a crucial part of improving Bognor Regis as a visitor destination.

This Neighbourhood Plan supports the locating of an appropriate range of amenities and structures around five specific Beach Service Points/Hubs each in close proximity to step-free access routes between the town and the foreshore. These five service points are the four key access routes as indicated on the key priorities map and the immediate area around the pier. Permanent and seasonal amenities are to be focused along these Beach Service Points each shall aim to include, if not already provided, step free access walkways to the foreshore and onto the esplanade and beyond, seasonal promenade cafe/eateries/retail and information outlets relevant to beach and seafront experience and visitor's needs. The immediate area around the pier is expected to provide the greatest range of amenities. Any development proposal on the seafront at these service points will be expected to maintain the visual integrity of the key views and vista defined in the Bognor Characterisation Study 2014 from the town out to the sea and along the seafront. Any alterations and additions to the seafront will need to assess potential impact on the Bognor Reef SSSI and take any measures necessary to remove any adverse effects on the reef."

The policy does not provide any protection to existing hotels and therefore is not relevant to this determination.

The Bognor Regis Seafront Strategy does not form part of Arun District Council's current development plan. However, it is intended to be a Supplementary Planning Document to Arun's emerging local plan. The Seafront Strategy has been developed to identify the strengths and weaknesses of Bognor Regis seafront and to prepare a co-ordinated programme of possible developments and projects that have been tested and consulted on with the public. The document does not make any specific reference to the Royal Hotel, does not make any specific references to the protection of hotels and does not identify any projects with regard to the Royal Hotel frontage.

In response to the letters of objection:

(1) This will be discussed in the conclusions section;
(2) This will be discussed in the conclusions section;
(3) Noted. There is no certainty that a HMO use would happen or that it would result in amenity concerns; and
(4) The writer refers to the previous permission for 8 flats but the previous permission was actually for 10 flats. Furthermore, the writer does not realise that the building already has permission for 10 flats and hence this application actually seeks permission for 2 less flats than would have been the case with the previous application.

## CONSULTATIONS

WSCC Strategic Planning
Conservation Officer
Environmental Health
Economic Regeneration
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)

**Consultations responses received:**

SUSSEX POLICE: No objection. Request consideration of the measures designed to improve the security of the building.

WEST SUSSEX HIGHWAYS: No objection raised. Consider the site to be in a sustainable location and do not consider that the nil parking provision will have an adverse impact on local highway safety. WSCC consider that a C1 hotel use would generate a comparable number of vehicle movements to a C3 residential development and that therefore, there will be no change in the character of traffic near the site. WSCC do not consider that the proposed change of use would have 'severe' impact on the operation of the highway network and therefore is not contrary to the National Planning Policy Framework (para 32).

ADC CONSERVATION OFFICER: No objection raised to the conversion of the interior and note that no external changes are proposed.

ADC ECONOMIC REGENERATION: Have no comments to this renewed application.

ADC ENVIRONMENTAL HEALTH (PUBLIC SECTOR HOUSING): Advise on several matters for the proposed flats including fire safety (provision of extinguishers within the building), means of escape, fire doors, escape windows, natural lighting & ventilation, internal doors for privacy

and room sizes.

CONSERVATION AREA ADVISORY COMMITTEE (CAAC): Raise no objection but ask that all original features be retained. Raise concern at the parking issues and consider that parking overspill could harm the Conservation Area."

**Comments on Consultation responses:**

The Sussex Police and Private Sector Housing comments have been incorporated into separate informatives.

CAAC request that ADC ensure that all interior features are retained. However, the building is not nationally listed and as such, its interior features have not been surveyed and its interior is not protected. Policy GEN22 only infers protection to either the whole building (i.e. protecting from demolition) or to its external appearance and setting. As such, if a condition was to be applied, it is considered highly likely that the applicant would lodge an appeal and this could generate an award of costs against the Council.

## 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 District Local Plan 2003: | AREA2 | Conservation Areas |
| | AREA13 | Sites of International Importance for Nature Conservation |
| | DEV36 | Change of Use of Hotel and Guest House Accommodation |
| | GEN2 | Built-up Area Boundary |
| | GEN7 | The Form of New Development |
| | GEN12 | Parking in New Development |
| | GEN22 | Buildings or Structures of Character |
| Publication Version of the Local Plan (October 2014): | | D DM1 Aspects of Form and Design Quality |
| | | D DM2 Internal Space Standards |
| | | D DM3 External Space Standards |
| | | ENV DM2 Pagham Harbour |
| | | H DM1 Housing Mix |
| | | HER DM2 Locally Listed Buildings or Structures of Character |
| | | HER DM3 Conservation Areas |
| | | HER SP1 The Historic Environment |
| | | SD SP2 Built-Up Area Boundary |
| | | TOU DM1 Tourism Related Development |
| | | T SP1 Transport and Development |

**PLANNING POLICY GUIDANCE**

| | |
|---|---|
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

**SUPPLEMENTARY POLICY GUIDANCE**

| | |
|---|---|
| SPD2 | Conservation Areas |
| SPD9 | Buildings or Structures of Character |

**POLICY COMMENTARY**

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

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Bognor Regis Neighbourhood Plan has been part of the development plan for less than 2 years and the WMS is less than 2 years old;
- The Bognor Regis Neighbourhood Plan does allocate land for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

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).

There are not considered to be any relevant policies in the Bognor Regis Neighbourhood Plan.

## 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 change of use from hotel to residential flats would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and would not have any impact on either the character/appearance of the building or the Conservation Area.

## OTHER MATERIAL CONSIDERATIONS

The presence of the previous planning permission ref BR/155/15/PL is an important material consideration in the determination of this planning application as it represents an approved and achievable 'fall-back' position.

## CONCLUSIONS

PRINCIPLE:

The site is in an urban area and is defined as being within the built up area boundary. The proposal is therefore acceptable in principle subject to normal development control criteria such as residential amenity, character/design, highway safety and parking. It is noted that the National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

PLANNING HISTORY:

The site already benefits from planning permission BR/155/15/PL which allowed for 10 new flats to complement the existing 10 flats on the first floor. This would then have resulted in a total of 20 flats within the building - i.e. 2 more than as currently proposed. This previous planning permission does not expire until the 25th November 2018 and therefore could be implemented even if this application were to be refused. This represents an achievable 'fall-back' position.

LOSS OF THE HOTEL:

Policy DEV36 "Change of Use of Hotel and Guest House Accommodation" is the relevant adopted Local Plan policy. It requires that a viability study is submitted to demonstrate that the current hotel use is no longer viable.

The relevant policy in the emerging Local Plan is TOU DM1 which expands on policy DEV36 listing the following additional requirements - a viability appraisal, a clear demonstration of the marketing undertaken, an exploration of alternative visitor uses and an assessment of the suitability of the premises to accommodate the alternative use.

The NPPF does not contain any hotel specific policies but does state at paragraph 22 that: "Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

The applicants have not submitted a viability study with the application. However, regard is had to the determination of the previous application, BR/155/15/PL, at which time a viability study was provided and it was accepted that the hotel use was no longer viable. There is no reason to take a different view at this time, particularly given that Economic Development officers have not made any comment.

CONSERVATION AREA:

In considering whether to grant planning permission with respect to any buildings or other land in a Conservation Area, the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

The application does not propose any external alterations and it is therefore considered that the

appearance of the Conservation Area will be preserved. It is not considered that the alternative use of the building will have a material impact on the character of the Conservation Area. There are existing residential properties nearby and people entering the building will do so through the existing entrances (as per the current situation). The amount of waste/recycling is likely to be similar or less than that of a functioning hotel and there are no gardens associated with the property which might otherwise be used for the hanging of washing etc.

BUILDING OF CHARACTER:

Arun District Local Plan policy GEN22 states that "planning permission will not be granted for development resulting in the loss of existing buildings or structures of interest and importance which are attractive in their own right or which contribute to the character and appearance of an area. Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will not be permitted."

The proposed change of use complies with GEN22 in that the change of use does not result in the loss of the building but rather preserves it with the potential for future external repair works. It should also be noted that the existing bar/nightclub signage (Jack Rabbit Slims) is likely to be removed as a consequence of this change of use and if this occurs, it would make a positive contribution to the appearance of the building.

HIGHWAYS & PARKING:

WSCC Highways have not raised any objections to the application. In respect of parking, they consider regard should be had to the former use of the building as a hotel and the location of the site in a highly sustainable urban area. Therefore, residential occupiers would not need to own a car to access local services, facilities and sources of employment. It is also noted that the previous hotel use did not offer any parking facilities for staff or guests. WSCC do not consider that the lack of parking will have any impact on the safety of the local road network.

In respect of the impact of the nil parking provision, although it is considered that some overspill parking may occur in nearby roads, it is considered that the majority of nearby spaces are already governed by parking restrictions and therefore, any additional vehicles will not compete with local residents for 'free' parking spaces.

Policy 8b of the Bognor Regis Neighbourhood Plan requires that major developments demonstrate through a Transport Assessment and Travel Plan that they do not impact on the existing capacity of public highways to accommodate parking. Although the proposal is major development (defined as 10 or more dwellings), the applicant has not submitted a Transport Assessment. However, the Councils local validation list only requires the submission of a Transport Assessment for residential schemes of in excess of 80 dwellings (and a Transport Statement for applications in excess of 50 dwellings). It is not therefore considered appropriate to raise this policy as a reason for refusal particularly as 10 of the 18 flats already exist.

It should also be noted that this application seeks permission for 18 flats and this is therefore 2 less than the number of flats that would be possible under application BR/155/15/PL. This application should therefore result in a reduced demand for parking spaces.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The following is a list of the requirements versus the actual measured internal space for each of the 10 new dwellings:

Unit No. - No. of beds - Required Floor Space - Actual Floor Space - Compliance (Y/N)

| | | | | |
|---|---|---|---|---|
| 1 | 3 | 95m2 | 173m2 | Y |
| 2 | 2 | 70m2 | 90m2 | Y |
| 3 | 2 | 70m2 | 88m2 | Y |
| 4 | 1 | 50m2 | 127m2 | Y |
| 5 | 2 | 61m2 | 68m2 | Y |
| 6 | 2 | 70m2 | 116m2 | Y |
| 7 | 1 | 50m2 | 97m2 | Y |
| 8 | 3 | 95m2 | 131m2 | Y |
| 9 | 2 | 61m2 | 90m2 | Y |
| 10 | 2 | 61m2 | 68m2 | Y |
| 11 | 2 | 61m2 | 56 | N |
| 12 | 2 | 61m2 | 56 | N |
| 13 | 2 | 70m2 | 90 | Y |
| 14 | 2 | 61m2 | 68 | Y |
| 15 | 2 | 61m2 | 53 | N |
| 16 | 2 | 61m2 | 56 | N |
| 17 | 2 | 70m2 | 83 | Y |
| 18 | 2 | 61m2 | 58 | N |

The scheme is therefore considered to be 72% compliant. Policy D DM2 of the Arun Local Plan 2011-2031 Publication Version showing Modifications refers to the same standards. This emerging policy states that the standards themselves will provide guidance only. Furthermore, paragraph 13.3.5 of the preamble to the policy states that there might be occasions where development schemes cannot comply with all the space standards required such as the conversion of an existing building or in the case of a historic building. It is therefore considered that the shortfall in the internal space for flats 11,12, 15, 16 & 18 is acceptable having regard to the location of the flats within this existing historic hotel building.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the emerging local plan (publication version) which has been approved by the Council for development management purposes. The policy states that 1 bed flats should have 4 square metres of private amenity space, 2 bed flats should have 5 square metres and 3 bed flats should have 6 square metres. This should ideally take the form of either private garden, patio, balcony or roof garden.

The existing site does not have any private or communal amenity space and it could be harmful to the character of the building to add new balconies or roof terraces. Policy D DM3 states that an exception can be made in town centres where greater flexibility is required. Furthermore, residents have easy access to the amenities of the beach and to nearby parks/gardens. Flats 11, 12 & 17 will have access to individual small balconies.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

Policy ENV DM2 of the Emerging Local Plan (Publication Version) requires that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. An original contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015 and subsequently reduced down to £871 per new residential unit as of the 10th April 2017. The 2015 report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

Furthermore, this policy has a basis in the current development plan in that Local Plan policy AREA13 "Sites of International Importance for Nature Conservation" states that: "Where development is permitted, the use of conditions or planning obligations will be considered in order to avoid and minimise harm to the site, to enhance the site's nature conservation interest, and to secure any compensatory or mitigation measures and appropriate management that may be required."

This contribution is now required for all new residential developments within Zone B and this zone includes the application site. The applicant is currently working up a legal agreement which would secure this contribution.

SUMMARY:

The loss of the hotel was previously accepted by application BR/155/15/PL and there is no evidence that it has become any more viable since that decision. It is not considered that the proposal will adversely affect the character of this Building of Character or the surrounding Conservation Area and it is considered that the site is sustainably located such that residential occupiers would not need to own a car to access local services, facilities and sources of employment. It should also be noted that this proposal is a for a total of 18 flats spread throughout the whole building. There is an extant planning permission (BR/155/15/PL) for 20 flats throughout the building. Although there will be an increase in the total number of bedrooms (from 28 to 36), this application does propose 2 less flats than as previously approved.

Therefore, it is considered that this application should be approved subject to the conditions set out below and a S.106 legal agreement covering a contribution in respect of the provision of accessible natural open green spaces to serve the area (£6,968). However, if the S.106 legal agreement has not been signed within 2 months of the date of the resolution to approve then the application should be refused for the following reason:

(1) The application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to serve the Pagham area and the proposal is therefore not in

accordance with Policy AREA13 of the Arun District Local Plan (2003) and policy ENV DM2 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.

## 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 will be granted in conjunction with a Section 106 legal agreement relating to a contribution of £6,968 towards the provision of accessible natural open green spaces to serve the Pagham area.

## RECOMMENDATION

**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

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:

Drawing 1 "Location Plan";

Drawing 2 "Block Plan";
Drawing 30 "Proposed Basement Floor";
Drawing 31 "Proposed Ground Floor";
Drawing 32 "Proposed First and Second Floor"; and
Drawing 33 "Proposed Third Floor".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 In the event that any future repairs/renewal works are proposed, then no external works shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the repair/renewal works.

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 AREA2, GEN7 and GEN22 of the Arun District Local Plan.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any order revoking or re-enacting that Order), the elevations of the Royal Hotel building shall not be painted/repainted other than in such colours as agreed with the Local Planning Authority.

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 AREA2, GEN7 and GEN22 of the Arun District Local Plan.

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.

6 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

7 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £6,968 towards the provision of accessible natural open green spaces to serve the Pagham area.

8 INFORMATIVE: In the interests of Secured By Design, please consider the following security provisions:

* Use of a video door entrance system;
* Vandal resistant external door entry panel with integral/separate camera;

* Front communal door to be accredited to either PAS 024-2012 or LPS 1175 SR2 with any sidelights glazed to BS EN 356 P1A;
* Apartment doors to conform to PAS 024-2012 with security chains & viewers fitted;
* Any ground/sub-ground or accessible windows to conform to PAS 024-2012 and have limiters fitted;
* Lighting around the entrances & lobby to be dusk until dawn switched with the remaining corridors having PIR switched lighting; and
* Either through the wall secure post boxes, external secure post boxes or lobby situated post boxes.

9 INFORMATIVE: Please note the following comments of our Private Sector Housing Officer:

Fire Safety
- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document, "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"
- Any external staircase which is the means of escape from the flats should be protected from the effects of fire along its length. The sensitive area is 1.8m horizontally therefore any windows in this region should be fire resisting construction and if possible fixed shut and any doors should be fire resisting and self-closing.
- A room where the only escape route is through another room is termed an "inner room" and poses a risk to its occupiers if a fire starts unnoticed in the outer room. There are a number of rooms which appear to be inner rooms, this can be overcome on ground and first floor by the provision of escape windows, however, alternative layouts would need to be considered on 2nd floor or lower ground if this is not possible.
- There appears to be a spiral staircase at the rear of the property which is acting as the main access to the flats and therefore also means of escape which is not an ideal arrangement.

General
- It is not clear from the plans, but all habitable rooms ie. bedrooms and livings rooms must have windows to provide adequate natural lighting and ventilation
- It is not clear from the plans but some rooms appear to have no internal doors, rooms must be provide with doors for privacy, security and in some instances fire protection.
- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards;