

Report following a request for further information, negotiations or consultation

REF NO: BR/194/17/PL

LOCATION: Promenade Opposite Walton Avenue
The Esplanade
Bognor Regis

PROPOSAL: Demolition of the existing Foreshore office & decommissioning of existing underground toilets. New purpose built unisex toilet block including urinals, baby changing facilities & accessible WC, plus a separate beach office with public information point & first aid facilities. All located on the existing seafront promenade.

The matter was deferred by Committee on 20/09/17 to allow for negotiations.

REPORT UPDATE

Application No: BR/194/17/PL

Reason for the Update / Changes

REPORT UPDATE PRIOR TO 17TH JANUARY 2017 COMMITTEE

Reason for Update/Changes: Additional public representations and consultee responses since amended plans received.

Bognor Regis Town Council: No objection.

Sussex Police Designing Out Crime Officer has suggested a guard rail to one side of both rear staff entrance doors so the public are not hit by the doors opening outwards.

8 additional letters of representation, objecting on the grounds of:-

- Main toilet signs too large and damaging to outlook of properties on The Esplanade. Toilets are not for passing drivers
- The reason for the new toilets on safety and crime grounds is unfounded
- Fall back position regarding the building being able to be constructed under permitted development is not relevant unless there is a realistic prospect of the building being carried out under permitted development.
- Removal of clerestory glazing makes the building not sustainable development.
- The design is out of context with the area.
- The development is not in compliance with Bognor Regis NDP policy 8a

Officer comments on consultations/representations

Comments noted.

It is not considered reasonable to require guard rails for the rear doors as they will not be used often and it is unlikely the public will be walking behind the two buildings.

The toilet signs are not considered to be overly large with approximately 45cm high for the largest text letters. Furthermore, they are to be individual letters in a thin font applied to the walls of the buildings which are not overly loud or garish. The toilets are public toilets so are open for use by anyone, including passing drivers.

Issues of design are addressed in the Conclusions section of the report. The Principle section of the Conclusions section covers why the in a suitable location and is sustainable development. Emerging policy ECC SP2 'Energy and climate change mitigation' is not relevant, this policy is for residential and commercial development. This is a public service and does not fall into those categories.

Bognor Regis NDP policy 8a "Design Excellence" is not relevant as this policy is for key site identified in the plan and other forthcoming major developments. This application is not for a Bognor Regis NDP identified site and is not a major development.

ORIGINAL REPORT UPDATE

Reason for Update/Changes:

This application was present to Committee in September 2017. Members resolved to defer the application though no clear or specific reasons for a deferral were provided. Officers have sought to address some of the individual comments made by members in order for the application to be re-considered by Committee.

Following the deferral at the last Committee the plans have been amended to show:-

- i) The toilet doors facing south (towards the beach)
- ii) A screen in front of the urinal entrance
- iii) The buildings have been moved further north
- iv) Two guard rails have been sited to the south elevation either side of the entrances.

A further period of public consultation is being carried out until 11 January 2018 - responses to this will be reported at Committee.

It is considered that the changes to the plans are sufficient to overcome the concerns previously identified by Committee and it is therefore recommended that planning permission be granted subject to conditions on the original agenda apart from condition 2 which was been amended to read:-

The development hereby approved shall be carried out in accordance with the following approved plans:-

- (08) 101 Revision A.
- (08) 102 Revision C.
- (08) 103 Revision D.
- (08) 104 Revision B.
- (08) 106 Revision C.
- (08) 107 Revision D.
- (08) 108 Revision B.
- (08) 109 Revision B.

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.

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 Report for Planning Permission

REF NO: BR/194/17/PL

LOCATION: Promenade Opposite Walton Avenue
The Esplanade
Bognor Regis

PO21 1LX

PROPOSAL: Demolition of the existing Foreshore office & decommissioning of existing underground toilets. New purpose built unisex toilet block including urinals, baby changing facilities & accessible WC, plus a separate beach office with public information point & first aid facilities. All located on the existing seafront promenade.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two single storey detached buildings to replace existing foreshore office. One building will house public toilets and the smaller of the two would be a foreshore office. The public toilet building would contain four cubicles with urinal section and a disabled toilet. The service area not open to the public. The foreshore office would house a staff toilet, area for staff with window to promenade and public area with room containing sink and kitchenette. The staff entrance door would be to the north and the public entrance to the east. External materials are to be reserved by condition. The existing underground toilets are to be de-commissioned as part of this application. Amendments to original application Following public objections and concerns raised by committee members at the 20th September '17 DC committee; amended plans were submitted turning the toilets around for the toilet doors to face the beach. Both buildings would be moved north, toward the railing of the promenade. A solid screen has been proposed to the urinals' entrance opening to block views from the Esplanade Grande of the emerging users. Two guard rails are also proposed to the south elevation to either side of the toilet entrances. The construction of the toilet building has secured funding and will be built as soon as possible subject to planning approval. The new Beach Office (Foreshores building) is not currently funded.
SITE AREA	161m2.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Railings and wall to north of site. No side boundary and open to south for access to beach.
SITE CHARACTERISTICS	Seafront promenade the site is currently occupied by the existing foreshore office building and entrance to underground

toilets (closed to public). The temporary toilets are located to the east of the foreshore office.

CHARACTER OF LOCALITY

Seafront promenade with various local amenities. Wider area characterised by residential blocks of flats and the beach.

RELEVANT SITE HISTORY

BR/103/92	Application under Regulation 4 of the Town & Country Planning General Regulations 1976 to convert existing seating shelter into new foreshore office for Arun District Council. Work involves new pitched roof, walling and castings to a 'Victorian' theme.	Deemed Perm Cnd 17-06-92
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Existing foreshore office granted permission in 1992.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council

REPRESENTATIONS TO ORIGINALLY SUBMITTED SCHEME

Object, on the grounds of loss of privacy to both residents opposite and users of the toilets. In addition, the Committee felt that the inconsistencies within the plans, in particular the unclear address and the footprint extending over the current one, was another reason to object.

The address on the application reads Promenade opposite Clarence Road, The Esplanade which is due to be amended to read Promenade adjacent to The Esplanade between Clarence Road and Walton Avenue. That is still incorrect and should be Promenade adjacent to The Esplanade between Albert Road and Walton Avenue.

56 letters of public representation received. 55 objecting on the grounds of:-

- loss of privacy and outlook for the residents of Esplanade Grande,
- detrimental impact on visual amenity of the promenade,
- generation of anti-social behaviour,
- noise and disturbance to residences of Esplanade Grande from the use of the toilets,
- safety concerns- the buildings will block the promenade,
- unsustainable design with no grey water harvesting or solar panels,
- the existing toilets should be upgraded, not new ones proposed.

1 letter supporting on the grounds of:-

- good visual appearance of the new modern architecture on the seafront
- the design blends with the surrounding area such as buildings of Esplanade Grande
- a much needed updated facility for visitors

Representation to the amended scheme will be considered by means of a report update prior to the DC committee.

COMMENTS ON REPRESENTATIONS RECEIVED:

OFFICER COMMENTS ON REPRESENTATIONS TO ORIGINALLY SUBMITTED SCHEME

Comments noted.

It is noted that the two buildings when considered together will be smaller than the existing foreshore office in terms of footprint and overall mass; and have a space between them. As such it is not considered that the new buildings will have a detrimental impact on outlook to the flats of Esplanade Grande.

The toilets and foreshore office will be more than 20m away from the windows of Esplanade Grande and the toilets have automatically closing doors. It is not considered that members of the public exiting or entering the toilets will cause loss of privacy through overlooking to a level higher than what already occurs from the use of the promenade as a public right of way.

The generation of anti-social behaviour is not considered likely to be any higher than when the temporary toilets are used which are currently in place but will be less than when the closed underground toilets were previously used. Owing to the hidden nature of the underground toilets they were especially prone to misuse. Measures to ensure a reduction in the likelihood of anti-social behaviour will be outlined in the Conclusions section reflecting on comments from Sussex Police.

The use of the toilets by the public is not considered to pose a noise and disturbance risk to the residents of Esplanade Grande. The toilets and foreshore are located more than 20m away. The noise generation from the use of toilets (located inside a building) are not considered to be so loud that they would create a constant and audible noise. As such, it could not be reasonably argued that the development would detrimentally impact on the residential amenities of the occupiers of Esplanade Grande in terms of noise and disturbance. The public usage would not create a significant level of disturbance over and above that of the use of the previous underground toilets and current above ground temporary toilets or general activity associated with a public promenade use.

The proposed buildings occupy less space than the existing foreshore office and do not project as far into the promenade from the road. As such, it is not considered they will block the promenade and create a safety risk.

It is noted that the building would not make use of renewable energy of grey water harvesting. However, there is no planning policy requirement for these technologies to be insisted upon. This technology could be added at a later date but overall, the application is not considered to be unsustainable and could not be refused on these grounds.

The suggestion that the existing toilets should be upgraded is not considered to be an issue that can be considered at planning stage.

The officer agrees that the design of the new buildings is acceptable in this location and will provide a permanent amenity facility for the public.

OFFICER COMMENTS ON REPRESENTATIONS TO THE AMENDED SCHEME WILL BE CONSIDERED BY MEANS OF A REPORT UPDATE

CONSULTATIONS

Estates Manager
 Southern Water Planning
 Economic Regeneration
 Sussex Police-Community Safety
 Engineers (Coastal Protection)
 Engineering Services Manager
 Environmental Health
 Engineers (Drainage)
 Parks and Landscapes
 Estates Manager
 Southern Water Planning
 Economic Regeneration
 Sussex Police-Community Safety
 Engineering Services Manager
 Environmental Health
 Engineers (Drainage)
 Parks and Landscapes
 Engineers (Coastal Protection)
 Southern Water Planning

CONSULTATION RESPONSES RECEIVED:**RESPONSES TO ORIGINALLY SUBMITTED SCHEME**

Environmental Health

No objections or comments to make.

Economic Development

Economic Development are fully aware of the future proposals and current restraints of the Bognor Regis promenade area and would support this application which helps towards the provision of good quality facilities for both visitors and residents.

Second Comment:

Economic Development support this application because it improves facilities for both residents and tourists visiting the seafront which will hopefully encourage them to stay longer, spend more and come back more often. Improved accessible and modern toilets was the top priority in two public surveys about the seafront, so this is clearly in line with public demand.

Sussex Police: Design Out Crime Officer

Public Toilets

- I have concerns about the positioning of the facility, which as result causes the toilets doors to open onto the promenade's balustrade area. With the doors open, this creates a barrier blocking users in, unable to make their way back to the promenade until the adjacent door is closed. This is more apparent for the middle cubicle users
- This orientation increases the vulnerability of the users, the opportunity for robbery, assault and anti-social behaviour as well as the fear of crime.
- Despite the design's orientation being suggested to alleviate bad weather conditions impacting upon the users, I recommend that the orientation be changed so that the doors open onto the promenade. This will remove the possibility of creating a blocked off area and reduce the opportunity for robbery and assault as well as reducing the fear of crime by utilising natural surveillance and the presence of capable guardians who are using the public promenade.
- Should the orientation remain the same with all doors opening in, this will remove my above concerns but will impact upon the available space inside.
- I recommend the fitting of vandal resistant dusk till dawn lighting above each door.
- I support the recommendation of the fitting of a one way viewer in the doors to ensure safe exit for the user.
- I question why one cubicle door opens in, when the others open out. This reduces considerably the space within, given it is a baby cubicle, this may impede upon the size of pram / pushchair used and create problems shutting the door.
- I recommend that vandal resistant door and windows are installed that conform to LPS 1175 SR2 with any glazing being laminated that conforms to BS EN 356 P1A.
- The mentioned accessible toilet will need to have an adequate and fit for purpose automated door system that allows access for all types of wheelchairs and mobility, and as such have appropriated door timers and door closers installed. Access to this facility will need to be managed to ensure misappropriation of the facility is removed.

Beach Office

- Vandal resistant door and windows to conform to LPS 1175 SR2 with laminated glazing that conforms to BS EN 356 P1A to be fitted.
- Vandal resistant dusk till dawn lighting fitted above entry doors
- I recommend the fitting of a monitored intruder alarm within the premises to alert any out of hour's unauthorised entry.

Southern Water

Please apply standard informatives.

Engineers (Coastal Protection)

No objection on coastal defence grounds; there are obviously risks in being this close to the coastline but the building is indeed of a 'less vulnerable' type and the applicant is aware of the issue.

Consultation responses to the amended scheme will be considered by means of a report update prior to the DC committee.

SUMMARY OF CONSULTATION RESPONSES TO THE AMENDED SCHEME WILL BE CONSIDERED BY MEANS OF A REPORT UPDATE PRIOR TO DC COMMITTEE

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The Design Out Crime officer comments are noted and are discussed in the Conclusions section of the report.

Southern Water informative will be included.

Officer comments on consultation responses to the amended scheme will be considered by means of a report update prior to the DC committee.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN32	Noise Pollution
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D SP1	Design
QE SP1	Quality of the Environment
SD SP2	Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 has taking place. 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. The examination is due to re-commence in Autumn 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; Littlehampton; Rustington; Walberton; Yapton.

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 no relevant Bognor Regis NDP policies.

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

It should be noted that the Local Authority has chosen to submit the scheme as a planning application, even though alterations to existing buildings could be constructed under permitted development (Part 12 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) without the need for formal planning consent. As such, the fall-back position for the application is that the development could be carried out without formal planning consent and is a material consideration to the application.

The promenade is considered a suitable location for the public toilets and foreshore office near to the existing foreshore office, temporary toilets and closed underground toilets. The development complies with saved policy GEN2 as it is within the

TOILET OPENING HOURS

Opening hours of toilets:

Summer (1st May - 30th September) - 08.00 until 20.00

Winter (1st October - 30th April) - 08.00 until 17.00

All toilets are closed on Christmas Day and New Years Day.

All disabled facilities are operated by Radar keys.

It is not considered that the opening hours should be controlled by condition. The Local Authority is the applicant and is in control of the management of the development and can amend hours in the future if required.

DESIGN AND VISUAL AMENITY

Saved policy GEN 7 requires that development:-

"(ii) demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;"

It is considered that the new buildings, whilst modern in design respond to the character of the promenade and surrounding environment. The buildings are a reduction in visual mass from the existing foreshore office and would be of appropriate materials for a seafront environment. The single storey height is considered suitable for the location to reduce visual mass whilst the two building design provides visual separation and a more modest impact on the promenade visually.

The GRP roof, wall, window and door materials are considered to be suitable in terms of colour and texture for the location and their use will be required via condition.

RESIDENTIAL AMENITY

Policy GEN7 requires development:-

"(iv) does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, where relevant, facilitates the development of adjoining sites;

(v) takes account of any unacceptable adverse impacts that may arise from adjoining land uses or property;"

The buildings would be more than 20m away from the nearest residential properties of Esplanade Grande and separated by the road. They would also be single storey and are not considered to be of an excessive overall scale. As such in terms of impact on residential properties the buildings will not have a significant detrimental impact in terms of visual intrusion or loss of light.

The toilet doors now face the beach following a reorientation of the toilet building. There is also to be a screen to the north of the entrance of the urinals section. This would be approximately 2.1m high and curved to cover the entrance and made of a solid material as to not allow vision through. As such, concerns of residents of overlooking from persons exiting the toilet are considered to be addressed.

The intensity of disturbance is not considered to be to a level higher than current levels generated from the use of the promenade as a public right of way various public amenities including a toilet and foreshore office. Environmental Health have not objected on the ground of potential noise and disturbance from the use of the building.

The development is considered to comply with saved policies GEN7 (iv and v) and GEN32 of the Arun District Local Plan in terms of impact on residential amenity and noise pollution.

CRIME AND ANTI-SOCIAL BEHAVIOUR

Saved policy GEN18 states:-

"Planning permission for new residential, commercial, recreation or community developments will not be permitted unless the Local Planning Authority is satisfied that the development includes crime prevention measures, as far as this is practicable and compatible with achieving a high quality design and layout."

One of the reasons for the application is to replace the underground toilet facility which generated problems of misuse and anti-social behaviour. It is not considered that the proposed scheme will increase the risk of crime as compared with the underground toilet facility it is replacing. An above ground toilet will have natural surveillance from the street, neighbouring residential properties and the promenade.

Furthermore, in this instance the foreshore office which will be staffed during the day will also provide surveillance to an extent. The space between the buildings and rail is limited and required for staff and maintenance access doors, so the buildings could not reasonably be located close to the rail. It is not considered the spaces to the north of the buildings will create a significant 'closed space' that has the potential to generate crime as they will have natural surveillance from the public using The Esplanade and the opposite flats of Esplanade Grande. Whilst the screen will block off the view of the entrance to the urinals, users of the promenade will have a view of the entrance and provide natural surveillance of the facility, so will staff using the foreshore office when it is constructed.

Arun District Council is the applicant for this application and it is considered that they will take responsibility for ensuring the correct measures are used to reduce the likelihood of vandalism and other crime. As such it is not considered to be necessary or reasonable to require the use of one way viewer doors, dusk 'til dawn lighting or vandal resistant doors by condition. These can also be installed post construction if required.

The development is not considered to create undue opportunity for crime and anti-social behaviour in compliance with saved policy GEN18 of the Arun District Local Plan 2003.

The development is considered to comply with the Development Plan and is recommended for conditional approval.

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 and gender reassignment).

The proposal would have a positive 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:-

(08) 101 Revision A.
(08) 102 Revision C.
(08) 103 Revision D.
(08) 104 Revision B.
(08) 106 Revision C.
(08) 107 Revision D.
(08) 108 Revision B.
(08) 109 Revision B.

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls, screen, guard railings, roofs, windows and doors of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 4 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.