

REPORT UPDATE

Application No: BR/239/11/

Reason for the Update / Changes

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/239/11/

Recommendation Report for Planning Permission

REF NO: BR/239/11/

LOCATION: The Beach
The Esplanade
Bognor Regis

PROPOSAL: Conversion of existing nightclub premises into two town houses & eight apartment flats

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This Application is to change the use of the upper floors from a club to residential use forming 2x1 bedroom flats and 6x2 bedroom flats. It is also proposed to extend the building at the rear to provide two town houses.
SITE AREA	0.0575 hectare
RESIDENTIAL DEVELOPMENT DENSITY	209 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open onto the pavement on all sides. Wall to the side in Lennox Street.
SITE CHARACTERISTICS	The ground floor of Waterloo Square in the Esplanade is a restaurant and fish and chip shop and ice cream parlour. In Norfolk Street there are no openings in use at ground floor. The principal part of the building is three storey and has a slate roof with a valley between the ridges. The materials are a mix of brick and render. The building in Waterloo Square is being renovated.
CHARACTER OF LOCALITY	Opposite in Waterloo Gardens are bowling green and

report

gardens. In Norfolk Street the site is adjacent to an amusement hall and opposite is a Casino. Adjacent is a residential dwelling at third floor.

RELEVANT SITE HISTORY

BR/118/90	Application under Regulation 5 of the Town and Country Planning General Regulations 1976 for Outline Application for extensions and internal alterations to ground floor and first floor for, on the ground floor, retail [Class 1] including the sale of food [Class 3] and a maximum of 63m sq of amusement arcade; on the first floor, club use; and	Deemed Perm Cnd 09-05-1990
BR/173/91	Demolition of existing retail/restaurant and club premises other than that known as The Beach Hotel. Construction of new retail/restaurants at ground floor with 6no.flats at first floor, 1no.at second and 1no.at third floor levels. Refurbishment of The Beach Hotel.	Approve Conditionally 21-08-1991
BR/36/93	Restoration of existing Beach Hotel Building, demolition of surrounding structures and construction of two/three storey extension to accommodate retail/restaurant units at ground level and multi-purpose Class D2 (assembly and leisure) premises at first floor with ancillary accommodation over.	Approve Conditionally 07-04-1993
BR/88/96	Extension of existing Beach Hotel building and surrounding structures, demolition of single storey outbuildings and replacement with two storey extension to existing club premises.	Approve Conditionally 16-07-1996
BR/61/69	Change of use extension to restaurant	Approve 18-04-1969

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection, but concerned about additional parking that would be required.

One letter of support - We live in close proximity and are very in favour of the development. The building lends itself to being developed in this way. The nightclub used to generate antisocial behaviour. This will enhance the area and provide much needed housing in this

area. The plans are sympathetic to the past and future.

Comments on Representations received:

Town Council:

Noted. County Highways have raised no objections based on parking demand.

Others:

Noted.

CONSULTATIONS

Conservation Area Advisory Com

WSCC Local Development Divis.

Environmental Health

Conservation Officer

Parks and Landscapes

Environmental Health

Consultations responses received:

Conservation Officer

The concept of the change of use and redevelopment is acceptable in principle. Concern was raised over the appearance in Waterloo Square and the conservation area by the bland fenestration. However, the new plans for the Waterloo Square elevation are considered to be much more suitable for the proposal and the previous concerns are withdrawn.

County Highways

The site is a sustainable location close to a range of facilities with regard to car parking. The previous use as a nightclub would not generate a high parking demand as people would be expected to walk, use public transport or take taxis. Therefore, it is not expected that the residents of these flats and houses would operate private cars as the surrounding streets are highly restricted with regard to parking provision. No objection, subject to the S106 Agreement being signed with regard to infrastructure for school, libraries and fire and rescue.

District Environmental Health

There is potential for noise disturbance from adjacent commercial uses. Insufficient details have been submitted with regard to sound-proofing measures.

The means of escape is not acceptable when using other rooms of significant risk. This could be mitigated by escape windows at first floor but not above. Where flats have two bedrooms, bedroom one must be a minimum of 10 sqm. and bedroom two at least 7 sqm. with combined living/kitchen space of 23 sqm. Where there is one bedroom combined living space should be 14.5 sqm.

Comments on Consultation responses:

Comments noted. Substitute plans have been submitted which overcome the visual concerns raised by the Conservation Officer. The concerns of the Environmental Health Officer have been overcome in the substitute plans which reduced the number of flat from 10 to 8 and the concerns regarding noise potential will be conditioned.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary
Class C Road
Within Designated Conservation Area
Building or Structure of Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	AREA2	Conservation Areas
	GEN22	Buildings or Structures of Character
	GEN12	Parking in New Development
	GEN32	Noise Pollution

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to residential and visual amenity and the impact upon the character and appearance of the Conservation Area.
The

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.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act 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 criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise

than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is within the Built-Up Area Boundary and within the Bognor Regis, The Steyne and Waterloo Road Conservation Area. Therefore, development is acceptable in principle, subject to normal Development Control criteria such as the visual impact on the Conservation Area and neighbour amenity. The building is on the local list of Building of Special Character, therefore any development must be sensitive to its special architectural quality.

PPS3 HOUSING AND CHARACTER

This Policy in Paragraph 14 seeks places, streets and spaces which meet the needs of people, are visually attractive, safe and accessible, functional, inclusive, have their own distinct identity and maintain and improve character. Further good housing should be in suitable locations which offer a range of community facilities with good access to jobs and key services. A key objective is to make effective use of land by re-using land that has been previously developed. Good design is fundamental to using land efficiently.

In this case the proposal is to convert a former nightclub into eight flats by adding an additional floor to the same height as the building on the front elevation and in Norfolk Street creating two town houses. It is considered that the proposal is in accordance with this policy.

The use for residential purposes ensures a mixed use within the Conservation Area which helps to maintain the viability and vitality of the area. In particular the town houses fronting onto Norfolk Street are particularly welcome as currently the street is dominated at this part of the street by a Casino and an amusement hall, the dwellings would create a more welcoming environment. The additional doors and windows fronting onto Norfolk Street will make a positive contribution to the street scene. The area is close to restaurants and other tourist facilities being adjacent to the sea front. It is also close to the town centre and is therefore considered to be a sustainable location in accordance with this Government policy.

EFFECTS ON THE CONSERVATION AREA

The character and appearance of the Bognor Regis (The Steyne and Waterloo Square) is important as it represents the development of Bognor Regis as a holiday resort by Sir Richard Hotham in the 1820's. The Beach Hotel acts as an important focal point at the south-east corner of Waterloo Square. This character is preserved as the commercial holiday facilities are retained at ground floor level.

The proposal is to extend over the existing first floor with a new pitched roof with a valley connecting to the existing pitched roof along the Esplanade. It is considered that the proposal is in keeping with the existing building. The ground floor will remain in a commercial use. This elevation overlooks the bowling green and gardens of Waterloo Square/Esplanade. It is considered that this enhances the Conservation Area by providing a residential use at first floor and above, in a design in character with the existing building.

It is proposed that the doors and windows will be upvc double glazed units. Whilst this would normally be considered to be unacceptable in a Conservation Area, because of the close proximity to the coast line and prevailing winds, it is considered that upvc would be acceptable. The Conservation Officer supports the proposal.

POLICY GEN22 BUILDINGS OR STRUCTURE OF CHARACTER

The Beach Hotel is on the local list and 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 will not be permitted.

For the reasons given above, it is considered that the proposed additions to the rear, and side of the building fronting onto Waterloo Square and Norfolk Street are an enhancement and complement the building and the front of the building along the Esplanade is retained. It is therefore, considered that the proposal is in accordance with this Policy.

HIGHWAY ISSUES

There are no vehicular access changes proposed or any additional car parking provision, however, County Highways are satisfied that the site is in a sustainable location with easy access to public transport and with facilities within walking distance. In this seafront area parking is restricted therefore potential residents would be unlikely to use a private car.

AFFORDABLE HOUSING

An Interim Affordable Housing Policy was approved by Full Council on 18th August 2010. The Policy states that the Interim Policy is in accordance with PPS3 Housing and for developments of 1 - 14 units an affordable housing provision of 15% will be sought district wide. Therefore as the proposal is for ten flats and two town houses, contributions will be required via a S106 Agreement.

SUMMARY

The proposal brings back an empty building previously used as night club into a residential use which adds to the vitality of the area. The design of the extension is considered to preserve and enhance the Conservation Area. It is, therefore, recommended that the application is approved subject to the following Conditions and completion of the S106 Agreement regarding affordable housing.

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 drawings 4490/01 A, 4490/02 A, 4490/03 A, 4490/04 A, 4490/05 A, 4490/06 A, 4490/07 A, 4490/08 A, 4490/09 A, 4490/10 A, 4490/11 B, 4490/12 B, 4490/13 B, 4490/14 A, 4490/15 A, 4490/16 B, 4490/17 A, 4490/18 A, 4490/19 A, 4490/20 A

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

- 3 The materials and finishes of the external walls and roof of the extensions hereby permitted shall match in colour and texture those of the existing building.

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

- 4 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be undertaken in accordance with the approved details.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

- 5 The openings and windows hereby permitted shall match in all details those existing [in the same elevation as the new openings hereby permitted], particular care being taken to reproduce the style and material of the window frames and casements, the arrangement of glazing bars, the set-back of the frames from the external wall face, the window cills and the colour, texture and form of masonry arches over the openings.

Reason: In order that the development shall not detract from the character or appearance of the Conservation Area in accordance with the NPPF.

- 6 Prior to the commencement of development full details of a scheme for sound insulation must be submitted to and approved by the Local Planning Authority. The insulation shall be installed before the premises are first brought into use and shall be maintained in an effective manner thereafter.

Reason: To protect the amenities of occupiers of the dwellings in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 7 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN12, GEN22, GEN32, AREA2

NATIONAL PLANNING POLICY FRAMEWORK:

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 8 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.