REPORT UPDATE

Application No: BR/273/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

The applicant provided a noise survey in order to avoid the need for a pre-commencement noise survey condition. However, Council Environmental Health officers advise that the submitted documents are not sufficient to satisfactorily address the requirements of the proposed condition and therefore the condition should still be imposed. The applicant has therefore agreed to the condition and this is included in the attached amended replacement recommendation sheet (condition no. 4)

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/273/18/PL

LOCATION: The Gables Hotel
28 Crescent Road
Bognor Regis
PO21 1QG

PROPOSAL: Change of use from Hotel (C1 Hotels) to 4 No. Flats (C3 Dwelling House) including enlarged dormer & additional door on SE elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Provide four one bedroom flats over 3 floors. One of the flats (B) will be over two floors and have access to the first floor balcony. It is proposed to enlarge the dormer on the north east side elevation (this will serve a second hall/stairs) and amend the secondary door on the front (south east) elevation. The new dormer measures 2.95m wide by 2.59m high and 1.9m deep. It is to be clad in materials to match the existing dormers. The plans show an area for bin storage and bicycles down the side of the building protected from the street by a 2m high close boarded fence.
SITE AREA	0.026 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	153 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Low white painted wall to the front and mix of low walls and fir tree/hedging to rear boundaries.

SITE CHARACTERISTICS	The site comprises a two storey white rendered building with additional accommodation in the roof. There are 8 existing bedrooms over 3 floors. There is a small first floor balcony on the front. Existing dormers within the roof to the front and to the (north east) side. The building has a longstanding use as a hotel but is understood to be vacant and was most recently used as a HMO for overseas workers. There is no parking on the site. Small front garden with access down to the side to a small triangle shaped rear garden.
CHARACTER OF LOCALITY	The site is in a town centre setting with mixed residential and commercial uses. There is a shop with residential use above at no. 30 and a dwelling at 26. There is a large public car park to the south and an open car wash on the opposite side of Crescent Road. No. 26 does not have any roof level windows which could be affected by the proposed enlarged dormer.

Pre-application advice in respect of 5 flats was given in March 2018 when it was concluded that it would likely be refused owing to the loss of valuable tourist accommodation in conflict with emerging policy TOU SP1 and saved Arun Local Plan DEV36 and due to insufficient internal living space provision for two of the proposed flats contrary to emerging policy D DM2 and the "Technical housing standards - nationally described space standard" March 2015.

The application has been revised with now 4 flats proposed and a "Marketing and Viability Statement" has been provided.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

OBJECTION - The application goes against the Neighbourhood Plan, namely: - Policy 7 - Promotion of Tourism and Beach Service Points. The NP recognises the crucial importance of the tourism industry for the Bognor Regis economy. Development of new and existing tourist facilities will be supported as a crucial part of improving Bognor Regis as a visitor destination. With regeneration on the cards for Bognor Regis, Members feel it is important to protect existing hotels, in this particular area, which will be much needed.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not considered policy 7 of the Neighbourhood Plan is relevant as it clearly states support for the development of new and existing tourist facilities and does not provide any protection to existing tourist facilities.

CONSULTATIONS

Economic Regeneration

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection. Comment that:

- There is no off-street parking at the property;
- Under a C1 hotel use of 8 bedrooms a maximum parking demand of eight spaces could have resulted;
- The 4 x 1-bedroom flats could see a demand for three car parking spaces;
- The site is sustainably located;
- The plans indicate that bicycle storage will be provided and the LHA advise that this be maintained in perpetuity via a suitably worded condition; and
- It is not considered that the proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

ADC DRAINAGE ENGINEERS - As no change in the roof area, have no comments to make. Any alterations to surface water drainage should be designed and constructed in accordance with building regulations.

ADC ECONOMIC DEVELOPMENT - The property has not been used for tourism accommodation for some 10 years or more and in recent years, it has been used as an HMO, was rated for business rates and is not in a particularly prominent tourist location. On this basis raise no objection.

ADC ENVIRONMENTAL HEALTH - No objection subject to conditions to control hours of working during the conversion phase, to prevent any light pollution and to protect future residents from noise from the road or the car wash opposite. Appropriate sound insulation should be installed between flats, with particular attention being paid between the bedroom of Flat C and the bathroom of Flat D - this will be addressed by Building Control.

COMMENTS ON CONSULTATION RESPONSES:

In respect of the Environmental Health comments, the applicant has been requested to agree a pre-commencement condition to ensure that residents are protected from external noise sources. The applicant has suggested they will provide the required information prior to determination. Members will be updated in respect of the information that is provided and Environmental Health's response to this.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM2	ENV DM2 Pagham Harbour

QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

There are no relevant Bognor Regis Neighbourhood Development Plan 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 the change of use from hotel to residential flats would not have an adverse impact on the existing provision of tourist accommodation within the area and that the change of use would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties.

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:

Regard should be had to policy SD SP1 of the ALP which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." The site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store, schools, medical services and a railway station. The proposed flats could contribute to the economic and social needs of the Bognor Regis area.

NPPF para 118(d) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". Furthermore, para 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Higher densities will be encouraged for city/town centres and other locations that are well served by public transport.

The proposal accords with SD SP1 and SD SP2 of the Arun Local Plan and with the guidance in the NPPF on the efficient use of land.

LOSS OF THE HOTEL:

ALP Policy TOU DM1 states existing visitor accommodation will not be granted permission for a change of use unless it is demonstrated the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. The policy requires that (a) alternative visitor uses have been fully explored; (b) an appraisal is supplied to indicate that the use is no longer viable; (c) that there is evidence that the site has not been made deliberately unviable; and (d) there is evidence of the suitability of the site to accommodate the alternative use.

The NPPF does not contain specific guidance in respect of safeguarding tourism uses. It is noted that para 85 (f) states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of town centres and that therefore policies should encourage residential development on appropriate sites.

In response to the concerns raised at the pre-application stage, the applicants have provided a "Marketing and Viability Statement". This sets out that:

- 28 Crescent Road was marketed for sale early in 2016 as it was vacant and no longer viable;
- The owner/occupier could not generate enough income from the guest house to sustain it, at the time of marketing there were no employees as they could not be sustained on the occupation rates;
- When it was marketed, the selling agent commented that property would be suitable for conversion or full re-development for residential use;
- According to the selling agent, there had not been any further hotels or guest houses on the market in the area since July 2016 and the majority of the smaller ones in the area have been converted;
- The hotel was purchased in July 2016 and has been marketed as such ever since;
- There have been no bookings at the hotel since the purchase;
- The owners have been using the guest house privately for the previous year to house employees who travel in from abroad on a short term basis; and

- The Gables Hotel has been unviable for over two years and is not a loss of valuable tourism.

The Councils Economic Development officers have appraised the application and have stated that the property has not been used for tourism accommodation for some 10 years or more and is not in a particularly prominent tourist location. They raise no objections to the change of use.

On the basis of the above evidence the proposal accords with policy TOU DM1 of the Arun Local Plan.

DESIGN CONSIDERATIONS:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

Policy D DM4 requires 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; do not create a terracing effect where no terrace exists; and do not compromise the established spatial character & pattern of the place.

The proposals seeks to make minimal changes to the exterior of the building and will preserve the existing appearance. There are no concerns with the replacement door on the front elevation. The dormer is to the side and though higher and wider than the existing is no deeper and will be relatively hidden from view by the existing chimney. It is not considered that the dormer conflicts with D DM4.

The proposal therefore complies with ALP policies D DM1 and D DM4.

PARKING PROVISION:

In respect of parking, ALP policy T SP1 states that: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The scheme includes no off-street parking. The site is in an accessible town centre location within a few minutes walk from Bognor Regis railway station, bus stops and food stores and other shops and services. The Railway station provides regular train services to Barnham, Chichester, Littlehampton, Arundel and beyond. Due to its central location, it is not considered necessary for future occupiers to have access to a car and if they do then they would need to pay for parking or apply for a residents permit for use on nearby roads. It is not considered that any on-street parking would lead to a highway safety issue. This is supported by the WSCC Highways advice.

It is noted that the building has 8 bedrooms whereas the new use would comprise of four 1 bedroom flats. WSCC advise that the parking demand for an 8 bed hotel would equate to 8 spaces whereas the demand associated with the 4 flats is 3 spaces. A condition will be imposed to ensure that the cycle storage is secure and is retained in perpetuity.

The proposal accords with T SP1 of the ALP and with the guidance on highway safety in the NPPF.

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

There are no new windows and although there are changes to the building layout, these are not considered to result in new amenity impacts to neighbouring or nearby properties. The enlarged dormer will serve a hall/landing area which faces towards the roof slope of 26 Crescent Road and does not permit overlooking of existing windows. The proposal complies with policies D DM1 and QE SP1.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The following is a breakdown of the proposals versus the space standards:

Flat - Storeys/Beds/Persons - Requirement - Proposed - Compliance (Y/N)

A - 1S/1B/2P - 50m2 - 50.8m2 - Y
B - 1S/1B/2P - 50m2 - 63m2 - Y
C - 1S/1B/1P - 39m2 - 38m2 - N
D - 1S/1B/1P - 39m2 - 39.4m2 - Y

3 out of the 4 flats comply. Flat C is only 1m2 short and not considered to be so significant or harmful to warrant refusal. Policy D DM2 is clear that the national space standards are for guidance only and that flexibility is to be allowed for conversions.

The scheme includes a small communal rear garden and a private balcony to one of the four flats. The site is also within a short walk of Hotham Park and the beach front. Therefore, residents will have easy access to outdoor spaces for recreation etc.

The proposal complies with policies D DM1 & D DM2 and with the guidance within the NPPF (paragraph 127).

PAGHAM HARBOUR:

Policy ENV DM2 requires that 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. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 4 dwellings results in a contribution of £3,484 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY:

The proposed conversion of this property is considered to represent an efficient use of urban land and does so without compromising the character/appearance of the existing building, the existing tourism offer of Bognor Regis, highway safety or the amenities of existing nearby residential occupiers. The proposal is considered to be sustainable development and also complies with all development plan policies. The recommendation to approve is therefore made subject to the following conditions and the signed S.106 legal agreement covering a financial contribution in respect of Pagham Harbour.

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 with a S106 legal agreement relating to a contribution of £3484 towards the provision of accessible natural open green spaces to offset the impact of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

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:

17085-101 Rev A "Location and Site Plans";
17085-420 "Proposed Floor Plans (Ground and First)";
17085-421 "Proposed Floor Plans (Second and Roof)"; and
17085-520 Rev A "Proposed Elevations".

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

3 No construction activities shall take place, other than between the hours of 8:00am - 18:00 Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, bank and public holidays.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and QE DM1

4 Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from external noise has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS 8233:2014. The scheme should include full details of glazing and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS 8233:2014 and all duct work should be fitted on antivibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise.

Reason: To safeguard the amenity of future residents in accordance with Arun Local Plan policy QE DM1. This is required to be a pre-commencement condition because it may be necessary to incorporate the agreed measures within the fabric of the building.

5 The materials and finishes of the external walls and roof of the dormer extension hereby permitted shall match in colour and texture with those of the existing building and in accordance with the submitted application form.

Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

6 No part of the development shall be first occupied until covered and secure cycle storage spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Such approved cycle storage spaces shall thereafter be retained in good working condition.

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.

7 None of the new flats shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling 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.

8 No external lighting shall be installed on the building or site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1 and QE DM2 of the Arun Local Plan.

9 All bathroom/toilet windows shall be 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.

10 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.

11 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £3,484 towards the provision of accessible natural open green spaces to serve the Pagham area.