

Recommendation Report for Planning Permission

REF NO: BR/326/18/PL

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

PROPOSAL: Refurbishment, external alterations, extensions & reconfiguration of previously permitted conversion to rebuild ground floor A3 restaurant & provide a total of 27 flats. This application affects the character & appearance of The Steyne, Bognor Regis, Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed alterations comprise of the following: (a) Removal of the 1970's fenestration to Jack Rabbit Slims and replacement with a simpler fenestration to match the proposed two storey extension above and complements the existing (b) Two storey extension above the Jack Rabbit Slims with as Mansard Roof at third floor set in to enable a balcony; (c) Change of use of Jack Rabbit Slims to a class A3 restaurant over two floors (ground & lower ground); (d) Reinstatement of the bay window to the ground floor to the west of the main entrance to the new apartments; (e) Reinstatement of the partially sunken amenity spaces to the existing lower ground level together with removal of the unsightly concrete wall and planters; (f) Reworking of the roof to the far eastern side of the former Hotel (addition of a mansard roof to allow accommodation within the roof); (g) Addition of conservation rooflights and small dormer windows to the former Hotel's main roof; and (h) Replacement of all windows with sash style window units. Proposed materials include smooth white render, zinc roofs, lead lined dormer windows, original ironwork retained where possible or new ironwork to match and glass (to balconies and windows). Cycle and bin storage is to be provided for the apartments and the restaurant (bin storage only) at ground or lower ground levels and accessed either internally or externally from Manor Place. Existing private balconies are to be retained and additional balconies will be provided to two of the four additional apartments created outside of the existing
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	structures.
SITE AREA	0.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	270 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	The application site comprises a three storey 1830's Victorian 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.
	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/130/17/PL	Change of Use of hotel & function room/licensed bar (C1 Hotel) to 18No. flats (C3 Dwellinghouses). This application affects the character and appearance of The Steyne Conservation Area. Resubmission of BR/155/15/PL	App Cond with S106 26-09-17
BR/155/15/PL	Change of use of redundant hotel & function room/licensed bar (C1 Hotel) to 10 No. flats (C3 Dwelling houses). This application affects the character & appearance of The Steyne Conservation Area.	App Cond with S106 25-11-15
BR/121/88	New leisure complex in basement upgrading of hotel accomodation and conversion of 1st floor area into 10no Studio/1 bed apartments.	ApproveConditionally 05-04-88

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.

Subsequently, planning permission was granted under BR/130/17/PL for a conversion of the whole building to provide a total of 18 flats spread across the basement, ground, first, second and third floors. This was approved by the Development Control Committee in September 2017 together with a S.106 legal agreement relating to a payment of £6,968 towards the provision of accessible natural open green spaces to serve the Pagham area.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"SUPPORT Members commented on how the plans for this application had been well presented and were impressed with the way the applicant had consulted with the public. It was agreed that this application is an excellent example of how a historic building can be preserved."

In addition, one letter of support from the Bognor Regis Regeneration Board and three objection letters from local residents. The supporter comments are as follows:

- (1) This iconic property on the sea front has been vacant for nearly 3 years and has fallen into a state of disrepair requiring substantial remedial and refurbishment investment;
- (2) The Board considers that the proposed development would significantly enhance this heritage asset within the Conservation Area compared to the existing appearance of the site;
- (3) The proposal would secure the long term future of this important building on the Bognor Regis seafront;
- (4) An important addition to the Bognor Regis tourism offer is a new destination restaurant set across two floors in the former club with 60 covers and a function room employing between 12 - 18 staff;
- (5) The two storey extension has been subject to a Sunlight & Daylight report which concludes only a very minor impact on the daylight currently enjoyed by the surrounding properties and no material impact on sunlight; and
- (6) The property is in a prominent location and would greatly benefit the conservation area, seafront whilst enhancing both the residents and visitors experience.

The objections are made on the following grounds:

- (a) Loss of sea views;
- (b) Loss of light to windows in the Steyne and Manor Place;
- (c) Where will cars park;
- (d) Impact on residential values (house prices); and
- (e) Harm to the character of the Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Town Council and of the supporter are noted. The following comments are offered in response to the objections:

- (a) There is no right in planning law to a view;
- (b) Loss of light will be considered within the report's conclusions and with regard to the submitted supporting documentation on sun- and day-light;
- (c) There is to be no car parking - this will be discussed in the report's conclusions;
- (d) This is not capable of being considered as a material planning consideration; and

(e) This will be discussed in the report's conclusions.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - Advise that that there will be an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Therefore request a condition to ensure occupation is phased to align with works carried out by SW. Also request conditions to secure surface water drainage and foul water connection details.

WSCC HIGHWAYS - No objection subject to conditions to secure cycle storage, a Travel Plan and a Construction Management Plan. Comments summarised below:

- The Local Highway Authority (LHA) raised no objections to either of the two previous conversion applications;
- The Esplanade is a 'C' class local distributor road subject to a 30 mph speed restriction;
- No vehicular access or off-street parking serves the site and on-street parking is predominantly available on nearby The Steyne and Waterloo Square with parking restrictions of permit holders only and pay at meter between 9am-5pm, respectively;
- Servicing will take place from the existing loading only bay to west of building or from the roadside on Esplanade as per the existing arrangements;
- There have been recorded injury accidents in the vicinity of the site, along The Esplanade. However, from an inspection of accident data it is clear that these were not due to any defect nearby junctions or road layout;
- The site has a nil car parking provision. On the basis of a total of 13 x 1-bedroom, 13 x 2-bedroom and 1 x 3-bedroom flats, the WSCC Car Parking Demand Calculator envisions a total demand for nineteen spaces;
- WSCC Supplementary Planning Guidance (adopted November 2003) sets out that an A3 restaurant use could see a maximum parking demand for 1 space per 5sqm of public area. On the basis of 200sqm public space this would be 40 spaces;
- Nevertheless, the LHA acknowledge the accessible location of the site in respect to public modes of transport and consider that customers would park nearby on street or in public car parks. Parking restrictions and junction protection is comprehensive within the vicinity and any on-street parking as a result of the development could not occur in locations that would be deemed detrimental to highway safety;
- The LPA may wish to assess the impact of additional on-street parking in the vicinity from an amenity perspective;
- The anticipated increase in trips is 23 in a 12 hour period however a reduction of 1 trip in the AM and 8

trips in the PM peak is anticipated. It is also noted that as a car-free development and a town centre location, trips will be dispersed across the road network and in the case of the restaurant may already be on the road network;

- The residential element of the proposals is likely to attract those utilising sustainable modes of transport other than the private car;
- The building is situated in a location well served by public transport links and the site is inviting to travel by foot with a shared use pedestrian/cycle path along the Promenade reachable by nearby signalised pedestrian crossing at the pier (60m to east);
- The footway network is street lit and Bognor High Street with a range of retail, cafe, services and amenities within walking distance;
- The site has good links to National cycle route 2 which when complete will fully link Chichester, Bognor, Littlehampton and Worthing; and
- A shared bicycle storage facility will be provided. Cycle storage should meet with WSCC standards. For an A3 restaurant use this is one space per 4 staff and one space per 25sqm for customers. For residential this is 0.5 spaces per 1 & 2 bedroom and 1 space per 3-bedroom flat. This would be a total of 14 spaces for the flats and 8 for the restaurant plus additional staff parking. Details of this can be secured via condition.

WSCC INFRASTRUCTURE: No objections. Request contributions to the following local infrastructure projects:

- (1) Additional equipment at St Mary's Roman Catholic Primary School - £16,997;
- (2) Fixtures, fitting and equipment at phase 1 of the new secondary school for Arun - £22,722;
- (3) Additional equipment at The Regis School Sixth Form - £4,285;
- (4) Additional stock at Bognor Regis Library - £4,884; and
- (5) The supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bognor Regis - £465.

ADC CONSERVATION OFFICER - No objections subject to conditions to control details of materials, new railings and window frames. Comments summarised below:

- The building has been identified by the District Council as a Locally Listed Building, sits within the Steyne Conservation Area and is close to a number of other Locally Listed Buildings and Nationally identified Listed Buildings;
- Whilst the loss of the hotel use is unfortunate in a tourist focused area (i.e. the sea front), the restaurant use is supported as it will allow greater activity in this part of the town. The current application, if implemented, will also ensure that the building is brought back in to use, and bring activity back to this part of the conservation area;
- The proposal to re-instate a missing bay window on the ground floor and remove the structure which covers the basement area will help to restore some of the missing features of the building, which will in turn enhance the character and appearance of this part of the conservation area;
- The bay window should reflect the remaining ones on the building in terms of appearance and dimensions;
- The most important internal features are the staircase and the spacious character of the existing main rooms;
- It is suggested that traditional internal features such as coving etc. should be used to maintain/introduce character to the internal spaces. Missing features could be replicated, and re-instated;
- The conversion of the roof space is considered to be acceptable. Likewise, the addition of the unit on the third floor is also considered acceptable;
- The use of the mansard roof allows for an additional unit to be provided, whilst doing so in a more traditional way. The rooflights should be of a conservation standard;
- The fenestration of the building will have a significant impact upon the success of the works, and should

closely reflect the remaining traditional windows and use sliding sash windows;

- It is considered that the works to the main building will have a positive impact upon the character and appearance of the conservation area, and can be supported;
- The works to provide two additional floors on the western section of the site have the potential to be prominent in the street-scene but will remain subservient to the host dwelling to some extent;
- The success of the modern extension will depend upon the quality of the materials and detailing used; and
- On balance, it is considered that the new extension will have a neutral impact upon the character and appearance of the local area.

ADC DRAINAGE ENGINEERS - No objections as no change to the building footprint.

ADC ENVIRONMENTAL HEALTH - No objection subject to conditions to secure a Construction Environmental Management Plan, to protect existing & future residents from noise from any plant/machinery and to secure satisfactory sanitary provision.

ADC ECONOMIC DEVELOPMENT - Support the application. State that Economic Development are disappointed that this property will not be available as visitor accommodation but following several rounds of discussions and consultation in previous years, officers are aware and understand the reasons for the change. Are particularly pleased to see that this application proposes A3 use at ground floor level.

ADC AFFORDABLE HOUSING - No objection to the use of the Vacant Building Credit calculation which generates the need for an off-site contribution of £36,800 (being 0.46% of £80,000 - which is the standard contribution for 1 affordable dwelling).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The applicant has objected to the noise insulation and foul drainage conditions put forward by The Council's Environmental Health officers and Southern Water respectively. They argue that the conditions are not really planning matters as these issues are dealt with under the Building Regulations and this is not a Listed Building in which there is a legitimate planning interest in the fine detail of the internal works. Building Control officers have been consulted and confirm that internal noise levels and adequate foul drainage are indeed Building Regulations matters. In addition, it should be noted that the building already has a foul drainage connection and was formerly occupied by a mix of hotel, nightclub/bar and 10 flats.

It should also be noted that the WSCC Infrastructure response was received on the 5th of April, almost 2 months after the consultation deadline date of the 7th February. Legal were instructed to commence drafting the S.106 on the 6th February and the Agreement is at such an advanced stage that it is not now reasonable to introduce a delay in order to incorporate the infrastructure contributions.

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 POLICES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HDM1	H DM1 Housing mix
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM4	W DM4 Coastal Protection
WMDM1	WM DM1 Waste Management

<u>Bognor Regis Neighbourhood Plan 2015 Policy 1</u>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity

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 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.

Bognor Regis Neighbourhood Plan policies 1, 3 and 8b are considered to be relevant.

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 conflict with Development Plan policies regarding the protection of existing hotels but would comply with all other Development Plan policies in that the change of use from hotel to residential flats and restaurant 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

It is an important material consideration that the building benefits from an extant planning permission granted under BR/130/17/PL which allows for a change of use/conversion of the whole building to 18 flats spread across the basement, ground, first, second and third floors. This planning permission expires in September 2020.

CONCLUSIONS

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as loss of a hotel, character/design, heritage, residential amenity, space standards and highway safety/parking.

Policy SD SP1 of the ALP 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 also 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 that 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.

The applicants have not submitted any evidence to demonstrate compliance with policy TOU DM1. However, the planning history and specifically the extant planning permission for change of use to 18 flats is an important material consideration which serves to override the policy conflict. A viability study was put forward during the determination of the previous application, BR/155/15/PL, and this influenced not only the determination of that application but also the subsequent extant permission, BR/170/17/PL. It should also be noted that the hotel use ceased in November 2014 and there have been no firm interest in continuing its use since then.

Council Economic Development officers have appraised the application and have stated that following several rounds of discussions and consultation in previous years, the reasons for the loss of the hotel are understood and as such there is no objection.

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

NEW RESTAURANT USE:

The site lies within the defined Town Centre area as shown on the Arun Local Plan proposals map. Therefore part 1 of policy RET DM1 is relevant and this states that town centre uses are permitted provided that:

- (a) They are of a high standard of design, materials & layout and have due regard to the character of the site and its surroundings;
- (b) Are easily accessible by public transport;
- (c) Include provision for access by cycle and on foot;
- (d) Include appropriate provision to enable access for people with disabilities; and
- (e) Incorporate crime prevention measures.

In addition, applications for A3 Uses will need to be accompanied by details of the provisions for the extraction of fumes and cooking odours and the provision of areas for the collection of waste.

The application is not accompanied by any details of fume/odour extraction as there is not yet any fixed operator in place for the restaurant. However, no objection is raised by Environmental Health Officers who are happy for this to be secured post decision through the condition process. Details of refuse storage are included. The proposed change of use of the former nightclub/bar to restaurant is considered to comply with criteria (a) to (e) as evidenced by the analysis elsewhere in this report and by the submitted plans. It is also noted that the Councils Economic Development officers are particularly pleased to see that this application proposes an A3 use at ground floor level.

The proposed restaurant use is therefore considered to be in accordance with development plan policy.

HERITAGE ASSETS:

The Royal Hotel is a locally designated Building of Character and sits within the Steyne Conservation Area. Arun Local Plan policy HER DM3, sets out the following (relevant) criteria in respect of development affecting Conservation Areas:

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

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

Bognor Regis Neighbourhood Development Plan (BRNDP) policies 1 and 2 are relevant and state that:

Policy 1 (Delivery of the Vision): "Development Proposals concerned with extensions and alterations of Designated and Non-designated Heritage Assets and Major Developments should demonstrate how proposed changes will support the delivery of relevant Neighbourhood Development Plan Objectives and our Vision for Bognor Regis. Proposals must identify the significance of any affected heritage asset and assess any harm and benefit. These should be included within the design and access statement if one is required."

Policy 2 (Promoting the Seaside Identity): "Development Proposals within the 'Wider Town Centre Area' and concerned with extensions and alterations to the exterior of Designated and Non-designated Heritage Assets and their settings must adhere to a 'Secure, restore and boost our seaside identity first' principle by echoing and responding eloquently and innovatively to the local built environment character and setting."

Paragraph 189 of the National Planning Policy Framework (NPPF) requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 190 then requires that Local Planning Authorities identify and assess the particular significance of the heritage asset that may be affected by a proposal. It is then necessary to consider the level of harm associated with the proposal and if there is 'less than substantial harm' or 'substantial harm' it is necessary to assess the level of public benefit (paragraphs 193-196).

Consideration should also be taken of section 72 (1) of the "Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.

The applicants have supplied a Heritage Statement which has been reviewed by the Councils Conservation Officer and which has informed the opinions duly given. In this case, the Conservation Officer has advised that the extensions/alterations to the existing structure will have a positive impact upon the character and appearance of the conservation area; and that the new addition on the western side will have a neutral impact on the same considerations.

This being the case, it is not considered that there is any harm associated with the proposal (as harm would imply a negative impact and the Conservation Officer advises a mix of positive and neutral impacts) therefore it is not necessary to consider the public benefits of the proposal (which would in any case include bringing the building back into use/bringing activity back to this part of the conservation area and restoring previously hidden features of the building).

It is therefore considered that the proposal complies with Arun Local Plan policies HER DM2, HER DM3, the guidance on heritage within the NPPF and with policies 1 & 2 of the BRNDP.

DESIGN CONSIDERATIONS:

Policy D DM1 of the Arun Local Plan requires that 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.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. Policy D DM4 requires that extensions/alterations: sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale & materials; are visually subservient to the main building & provide a high standard of amenity; do not create a terracing effect where no terrace exists; and do not compromise the established spatial character & pattern of the place.

The proposed alterations to the main building are all considered to be subservient additions as they do not exceed the total height. Furthermore, it is proposed to restore previously hidden features, remove some modern additions and restore other parts of the building. The alterations to the main building will be sympathetic to the existing appearance and use traditional designs and material choices to either match or complement the existing.

The new extension above the former nightclub will be more modern in appearance but the additions will remain subservient to the main building and will result in only a limited impact in respect of the existing western fenestration of the main building. It is proposed to use a colour scheme that matches with the existing and it is considered that the design will compliment the existing hotel building and surrounding context while not detracting from the existing building.

Overall, it is considered that the proposals are in accordance with policies D DM1, D SP1 and D DM4.

PARKING PROVISION:

Policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states: "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"

In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Paragraph 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 that: "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."

As with the existing hotel and both of the previous planning permissions, there is no off-street parking provided. WSCC Highways state that the residential part of the proposal would generate a parking demand of 19 spaces and that the restaurant would require a maximum of 40 spaces. However, Highways note that the building was formerly used as a hotel with nightclub/bar and never had any allocated parking. They also note that the building lies in a highly sustainable urban area. Therefore, residential occupiers would not need to own a car to access local services, shops, facilities and sources of employment.

WSCC Highways also consider that residents and customers could park nearby on street or in public car parks and that parking restrictions & junction protection in the area is comprehensive and therefore, any on-street parking as a result of the development could not occur in locations that would be deemed detrimental to highway safety. In short, WSCC Highways raise no objections to the proposal and given the present use and the planning history, it is not considered that a refusal could be sustained despite the increase in the number of flats.

It is noted that 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 or a Travel Plan. However, the Councils local validation list only requires the submission of a Transport Assessment for residential schemes of in excess of 80 dwellings. However, although also not required (50 dwellings and above) the applicants have provided a Transport Statement. WSCC Highways have requested that a Travel Plan be secured by way of a condition. A condition will also be imposed to secure the required provision of secure cycle parking.

The proposal is considered to be in accordance with policies T SP1 and T DM1 of the ALP and with the guidance on highway safety in the NPPF.

NOISE AND 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".

The nearest affected residential properties are to the north/north west and comprise of existing two to three storey houses and flat conversions which front The Steyne but have side/rear windows onto Manor Place directly to the rear of the building. Some of these residents raise concern regarding the potential for a loss of light from the new extensions to their existing windows. It is clear from visiting the site that Manor Place is a narrow single lane street and there is not much of a gap between the rear of the Royal Hotel and the residential buildings opposite. This results in lower light penetration to these properties than on other nearby roads such as The Steyne, Esplanade or Waterloo Square.

The applicants have provided a report which assesses the impacts on day light, sun light and investigates the overshadowing of gardens and nearby public amenity spaces. The report makes reference to the Building Research Establishment Report 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' 2nd Edition, (2011) hereafter referred as to the BRE guidance/guide. The conclusions of this report are as follows:

- Of the 92 windows assessed 87 (95%) will continue to meet the daylight target values as set out in the BRE guidance. Four of the shortfalls occur at 2 The Steyne but these windows serve bedrooms which according to the guidance have a lower requirement for daylight;
- 1 window at 4 The Steyne, will fall short of the BRE target value, but only by a very slight margin (0.02 of the target) and is not considered to be significant;
- Of the 45 windows assessed 42 (93%) will continue to meet the sunlight target values as set out in the BRE guidance. Where shortfalls will occur at 2 The Steyne, all affected windows serve bedrooms at first floor level and as according to the guidance, the target is solely for living rooms not bedrooms.
- Therefore, the development will be fully compliant with the recommendations of the BRE guide.
- The results demonstrate that the garden/public amenity areas as assessed will exceed the BRE target criteria for sunlight because 100% of the area will continue to receive at least two hours of direct sunlight within the assessment period, and will experience no reduction in area receiving sun with the proposed development in place.
- Overall, the proposed development will have a very minor impact on the daylight currently enjoyed by the surrounding residential properties and no material impact on sunlight.

The results of this study are accepted and it is considered, on this basis that there will be no harm to the living conditions of neighbouring residential properties on the grounds of light loss. It is also not considered that the proposed new windows in either the main building or the additions above the former nightclub will result in any harmful overlooking or loss of privacy to neighbouring windows.

Policy QE DM1 provides guidance in respect of new noise generating development and states that applications should be accompanied by a noise assessment. Although no report has been provided, regard is had to the fact that the restaurant will occupy a space formerly in use as a nightclub/bar with stage.

Environmental Health Officers have considered the proposal and raise no objections to the proposed restaurant use. As noted elsewhere, details of kitchen extraction and air conditioning equipment will be secured by condition. Furthermore, Building Regulations will ensure that the residential flats are appropriately protected from noise sources elsewhere in the building. The proposal is therefore considered to be in accordance with ALP policies D DM1, D DM4, QE SP1 and QE DM1.

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 (as according to the schedule supplied by the applicant):

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

1	1	52	50	Y
2	1	40	39	Y
3	1	52	50	Y
4	1	56	50	Y
5	2	69	61	Y
6	1	42	50	N
7	2	79	70	Y
8	1	54	50	Y
9	1	47	50	N
10	1	58	61	N
11	2	44	50	N
12	1	54	61	N
13	1	45	50	N
14	1	50	61	N
15	1	53	61	N
16	1	47	50	N
17	1	58	61	N
18	1	44	50	N
19	2	54	61	N
20	1	45	50	N
21	1	50	61	N
22	1	53	61	N
23	2	65	61	Y
24	2	76	76	Y
25	2	55	61	N
26	2	46	50	N
27	2	61	61	Y

As can be seen, only 10 of the 27 flats comply with the standards and this equates to 37%. However, regard should be had to the following points:

- The scheme proposed by BR/130/17/PL (17 flats) was only 73% compliant whilst although BR/155/15/PL was 100% it only proposed 10 flats across the whole building. Neither of the two previous approvals were considered to be sufficiently viable to take forward and the building has been empty for more than 4 years.
- The deficits against the D DM2 standards in the 17 non-compliant flats are relatively small, averaging only 6.1sqm;
- The 10 existing flats at the time of 2015 permission comprised 6 no. "studio" 1 person 1 bedroom flats and 4 no. 2 person 1 bedroom flats none of which met the standards and were deficient in some cases by up to 20m²; and
- Policy D DM2 is clear that the national space standards are for guidance only and that flexibility is to be allowed for conversions.

On this basis it is not considered that the proposed shortfall is in conflict with policy D DM2.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until this Design Guide is published, there is no policy within the ALP regarding private gardens sizes. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Some of the proposed flats will have private balconies (either existing or new) or, in the case of the lower ground floor flats, a small patio area. However, it is not considered necessary for all of the flats to have a private amenity space as residents will be in easy reach of the beach and nearby parks/gardens.

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

AFFORDABLE HOUSING:

For all developments over 11 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the Arun Local Plan and in the Interim Affordable Housing Policy (2010).

The NPPF states at paragraph 63 that to support the re-use of brownfield land, any affordable housing contribution due in the case of the reuse of vacant buildings should be reduced by a proportionate amount. Paragraphs 26-28 of the associated Planning Practice Guidance provide more detail on the use of the Vacant Building Credit.

The current gross internal floor area of the building is 2,053 m² and the proposed gross internal area is 2,177 m². Furthermore, as there is a lawful use for 10 residential flats on the first floor of the building, the net gain in residential units is 17 (27-10).

The applicant therefore calculated the affordable housing contribution as follows:

- 17 units x 30% affordable housing requirement) = 8.1 units;
- 2,053 existing floor area/2,177 proposed floor area x 100% = 94.3%;
- 8.1 units x 94.3% = 7.64 affordable housing vacant building allowance; and
- 8.1 units - 7.64 units = 0.46, rounded down to 0 affordable housing contribution to be provided by the scheme.

The Councils Housing Strategy & Enabling Manager disagreed with the calculation stating that the 0.46 should not be rounded down and that therefore 0.46 x £80,000 (being the standard contribution for a single affordable dwelling) equates to a contribution of £36,800. The applicant has agreed to this and the contribution has been secured by a Section 106 Legal Agreement. On this basis, there is no conflict with policy AH SP1.

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 17 dwellings results in a contribution of £14,807 at the current rate and this is also secured by the signed Section 106 Legal Agreement.

SUMMARY:

There is some conflict with Policy TOU DM1 in respect of the loss of the hotel and the lack of any evidence supplied to justify the proposal against this policy. However, the loss of the hotel was previously accepted by application BR/155/15/PL and there is an extant planning permission for conversion of the whole building to flats under BR/170/17/PL. In addition, the building has remained vacant since late 2014 with no firm interest in the continuation of the hotel use and there are clear benefits to bringing the building back into use particularly given its key location in the context of the seafront and Conservation Area.

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. The proposed conversion also includes benefits to both the appearance of the building (restoration of previously hidden features) and to the seafront economy (introduction of a new commercial use).

The proposal is considered to be sustainable development and is considered to be in accordance with the relevant policies of the development plan. The recommendation to approve is therefore made subject to the following conditions and the signed S.106 legal agreement.

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

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:

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

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

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

- 3 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters

- an indicative programme for carrying out of the works;
- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste, including permitted times for deliveries;

- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- measures to control the emission of dust and dirt during construction;
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenity of the occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 4 None of the approved balcony railings shall be installed unless and until details of their proposed height, finish (colour) and manufacturer/model name have been submitted to and agreed in writing by the Local Planning Authority. The approved balconies shall thereafter be installed in accordance with the agreed details and retained in good condition thereafter.

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 H SP1, H DM2 & H DM3 of the Arun Local Plan and the National Planning Policy Framework.

- 5 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.

- 6 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 of the Arun Local Plan 2011-31 and the National Planning Policy Framework.

- 7 Prior to the first operation of the new class A3 premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the class A3 premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and

these shall thereafter be operated and permanently retained in good working order and in compliance with the approved scheme.

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

- 8 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 flats and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

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

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

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

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

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

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

- 12 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 13 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal

agreement relating to:

(1) A contribution of £36,800 towards the provision of affordable housing elsewhere in the district; and

(2) A contribution of £14,807 towards the provision of accessible natural open green spaces to serve the Pagham area.

- 14 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 15 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.
For further information please contact the Environmental Health Department on 01903 737500
- 16 INFORMATIVE: The business is required to apply to the Arun District Council Licensing Team for an operative and / or premises licence before trading. Please contact the Arun District Council Licensing Team Manager at licensing@arun.gov.uk or on (01903) 737755 for further information.