

Recommendation Report for Planning Permission

REF NO:	LU/324/18/PL
LOCATION:	The Nelson Hotel 61 Pier Road Littlehampton BN17 5LP
PROPOSAL:	Demolition of existing hotel & replacement with new 14 bedroom hotel with ancillary restaurant & function rooms.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed replacement hotel would have 4 storeys with a flat roofed roof terrace/restaurant at fourth floor set in from the building elevations. Toilets/meeting room and plant room would be located in the basement. The ground floor would comprise the reception, kitchen and restaurant with bedrooms located at first and second floor.
SITE AREA	292 m2
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	2m high walling to rear. Premises is located on front site boundary.
SITE CHARACTERISTICS	The application site comprises a 2 storey business premises with brick and painted rendered elevations and a plain tile roof, currently used as a Drinking Establishment/Hotel. No parking is currently provided within the curtilage of the building with on-street parking situated to the front and side of the building and public car parks in close proximity. To the east is a private alley forming part of 95 South Terrace which is a three-storey property divided into self-contained flats forming part of a terrace of four buildings going east to the corner of Bayford Road.
CHARACTER OF LOCALITY	The area is on the outskirts of the town centre with mixed uses in close proximity, the character of the locality is predominantly commercial with some residential.

RELEVANT SITE HISTORY

LU/84/17/PL	Alterations to elevations, rear extension and replacement of existing various roofs with new flat roof and second floor to provide extended bar, restaurant, function room and guest accommodation	ApproveConditionally 24-05-17
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LU/280/16/PL	Alterations to elevations, rear extension and replacement of existing various roofs with new flat roof & addition of 2nd floor to provide refurbished and extended bar, restaurant, function room & 8No. additional guest rooms.	Refused 01-12-16
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Application LU/84/17/PL amended LU/280/16/PL which was for a similar scale of development, but the design was amended to reduce the extent of the top floor by setting it in from the front and side elevation. The extension to the rear was also set in further from the northern boundary.

This proposal amends the earlier approval by increasing the footprint of the building and adding a further 6 bedrooms to the scheme previously approved. The owners have advised that after more detailed work these proposals do not allow for the long term financial security of the business.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No Objection

First Response - acknowledge that the design is out of character with the area and would welcome more engagement on the final design.

In view of the constraints of the site wish to ensure that the construction management plan fully considers the amenity of the neighbouring properties.

Second Response - Support

Six Objections

- Over what sort of period will the demolition take place?
- Adjoining property is on the party wall and as occupier is there all day it may cause disturbance whilst building works are undertaken. Would the builders perhaps fund some respite care or provide assurance the works will be days rather than weeks?
- Outward appearance of the building is verging on the "institutional".
- Some attempt should have been made to reference the building's surroundings, utilise local materials or even to take a lead from prize winning designs. The cubist look jars, is out of place and out of date.
- The site of the proposed rebuilt hotel is prominent and important in the seafront area of Littlehampton. Whilst it is in neither the River Road nor South Terrace Conservation Areas, it is within sight of both and on the corner of two continuous and harmonious rows of properties. Numbers 92-95 South Terrace are included in Arun District Council's List of Buildings of Character. Any new building needs to have some relevance and continuity for the riverside and seafront areas.
- A contemporary, modern building that would provide interest and enhance the site. The current application does not make the best of this site.
- The building now proposed is too bulky, has a monolithic appearance and lacks any definition in its facades.
- The Pier Road and Arun Parade riverside area of Littlehampton has become very popular for visitors since the construction of the new flood defences and the riverside walk.
- The proposed development conflicts with paragraphs 127 and 192 of the National Planning Policy Framework 2018, and policies regarding Areas of Character, Buildings of Character, quality of design, and the setting of Conservation Areas contained in the Arun District Local Plan 2018.
- The building is totally out of keeping with the area, and demolishing a building with 'history' and such a

large building on an already dangerous corner could be disastrous.

- The local area has insufficient parking.
- Would it be possible to have no north facing windows facing into the back yard of 60 Pier Road, below the 4th floor so that any future possibility of rearward extension of 60 is not compromised?

14 Support

- Littlehampton is in need of a hotel. There is no other hotel in Littlehampton and creating this would also create more jobs and bring in more tourists to the area.
- The building is a modern design and this is what we need to modernise the town.
- This is just what the town needs. This will be great for the river and tourists.
- This will be a great asset for the Town which is in need of revitalisation .
- It is a family run project and as a family they have invested a lot of time and money into Littlehampton.
- This is a landmark site and can be viewed from the West Bank of the River Arun. It is important, even if the design is modern, that it at least notes its surrounds. The current design does not pass the test of policies D SP1 and D DM1 of Arun Local Plan. In particular, in the Design and Access statement states that there will be brickwork on the South and East elevations which will be a note to the character of the buildings in South Terrace. However looking at the proposed elevations there will be little brickwork showing on the South Terrace elevation as the majority of the frontage is glass and the east elevation can only be seen from an alleyway. Brickwork elevations instead of cladding on the upper floors would be better.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Party Wall Act requirements are not a material planning consideration.

Building works could be controlled by the imposition of a condition.

The building has moved away from the side boundary with the adjacent dwelling in Pier Road to address concerns relating to the impact on the neighbouring property.

The speed of the development is outside of planning control.

The Local Planning Authority have negotiated with the agent to improve the design of the building.

It is agreed that a new hotel in this location would be an asset to the town and would provide much needed additional accommodation for tourists and visitors.

Other points raised are discussed in more detail in the conclusion section of the report.

CONSULTATIONS

Environment Agency

Engineering Services Manager

Engineers (Drainage)

Environmental Health

WSCC Strategic Planning

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection

Conditions should be imposed to control delivery times, hours of operation, cooking odour, noise and lighting and a Construction Management Plan.

- Noise Management Plan may be required. Suggest that a single entrance to the premises eg via the reception area would help to control noise.

-Ventilation will also be required to the basement laundry facility.

- Advice regarding sanitary accommodation and grease trap controls is provided and Informatives suggested.
- The premises will require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations.

Conservation Officer - First Response Objection

The Nelson Hotel is visible from a number of locations. It forms the end of South Terrace which is one of the most prominent terraces in Littlehampton, and is therefore located within an important character area. When considered in its entirety, South Terrace contains a conservation area and an area of character, along with numerous listed buildings and buildings or structures of character. All of these assets, like the application site, front on to the Greensward.

It is noted that the previously approved application is not viable for the long term sustainability of the site, and that this revised proposal has been prepared.

The property is located within the Area of Character, and as a result, should be designed taking into account the established local character. Areas of Character are those areas within the Arun District which are considered to be of distinctive character or quality, and therefore worthy of protection through control of new development. As a result, the proposal is considered to affect a heritage asset. A heritage asset is defined as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and those which are locally listed.

The existing building comprises a 2 storey business premises with painted, rendered elevations and a plain tile roof. It was formerly used as a drinking establishment/ hotel. It has been altered over a number of years so that it appears to contain modern windows etc. However, it is considered that in terms of its form and massing it is suitable for its location.

The site has been used as a drinking establishment for well over 100 years. The concept of using the property for an increased tourism function is supported as this is associated with the character of the local area (i.e. tourism/seaside). The introduction of a high quality modern design is considered to be acceptable, provided that it reflects the established characteristics of the terrace. However, there are concerns regarding the design of the proposal.

It is not clear how the new building relates to the established character of the area. The building now proposed is bulky, with a continuous elevation which wraps around the corner of the site. This is in contrast to the existing building which steps back from the pavement, and the neighbouring properties which contain a mixture of bay windows and other architectural details which provide some relief.

The elevation is composed of a mixture of glazing and coloured panelling, which is not found in the local area. It is therefore not clear how these panels reflect the established character of the area, or their colours. It is suggested that similar materials should be used to those traditionally used in the locality. This includes brick and render, both of which can be used in a modern context.

It is therefore considered that the proposal will detract from the established character of the area, as well as the setting of the adjoining attractive terrace (nos 92 -95 South Terrace which is included in the Council's List of Buildings of Character).

2nd Response - Awaited

Comments of Design Consultant (First response)

South Terrace is an Area of Special Character including this part of the terrace consisting of four properties and the Nelson Hotel PH. These buildings are two and a half storeys, and have very decorative barge boards and finials. The windows are vertically sliding sashes and the roof consists of plain clay tiles. The boundary walls comprise of flint and brick with piers bordering them.

The proposal results in an increase in plot coverage and a 21% increase in gross floor area.

Response:

- An additional floor has been proposed to provide a roof terrace with a restaurant and bar. Given the unique views presented by the site, in principle, a roof top terrace would be an attractive feature and could make a significant contribution to a of special interest and close to a conservation area requires particular attention to the scale, character and proportion of neighbouring buildings to ensure that new development will be well integrated and have a minimal impact on heritage assets.

- Proposed development seeks to follow the ridge height of the neighbouring buildings.

To achieve this, four habitable floors are compressed into the same envelope as 2 and 2.5 storey buildings with pitched roofs. While the height is maintained, the scale and proportion of proposed development varies greatly to the terraces on each side and the approved scheme; the impact is apparent from both road frontages. There is a concern that any clutter in the courtyard will negatively impact means of escape - particularly given the proposed increase in the number of keys and roof bar/restaurant.

The proposed scheme incorporates maintenance of active frontages around the ground floor. The challenge of a dual aspect is responded to though the proposed corner window volume and a recessed ground floor. Retractable panels at ground floor increase interaction with the street while the slight recess presents an opportunity for external seating with good natural light. The tones of proposed materials have been selected to reflect the wider built and natural context. Balconies and terraces help to create depth in the elevation while maximising the unique light and views presented by the site.

Under different conditions, the proposed scheme might be perfectly acceptable, but it is located adjacent to a conversation area and requires particular consideration of the scale, proportion, massing and treatment of neighbouring buildings. In relation to all of these, the proposed scheme is a clear variation.

Partly, this relates to having reduced four habitable floors into the building envelope of 2/ 2.5 storey homes. As a result, there is no continuity with the street elevations of South Terrace and Pier Road.

While the consented scheme adopted a varying building style to the traditional pitched roofs and gable ends of the wider area, significantly, the existing building maintains the floor and window height of the neighbouring buildings. This is particularly significant given the highly visible location of the site and the need to knit together two important street frontages.

The impact of the proposed building mass is compounded by almost filling the extent of the plot. By extending beyond the existing building line, proposed development impacts long views from the end of Pier Road and South Terrace.

It has been noted that cladding panels of different size and colour have been selected to create a striking effect and support a contemporary architectural style. However, within this context, it is of greater significance to seek to integrate with neighbouring heritage assets while a contemporary style can be sensitively achieved using traditional materials.

Recommendations:

- Particular consideration of the strong horizontal lines of neighbouring buildings (window, floor, eaves and ridge heights) to improve integration with these and marry two important street frontages.

- Consider the proposed building line in relation to that of South Terrace - any extension beyond this has a greater visual impact on heritage assets and views towards the waterfront.

- Consider visual impact from the wider context, in particular, further along South Terrace and Pier Road, Arun Parade and the golf and sailing clubs. These will help to guide a sensitive massing strategy that minimises impact and strengthens heritage assets.

- Consider reducing the overall footprint to maintain external area for services, storage, access and means of escape.

- It is noted that the proposed panels were selected to reflect natural tones at the waterfront and while this is an interesting concept, given the sensitive location of the site, it would be more applicable to integrate with the existing built form context. In this respect, the use of similar forms, materials and tones of existing buildings within the area of special character and the conservation area would be welcomed.

2nd Response

If 3 floors are acceptable the scheme can be improved by considering the following;

- Return the building line of the ground floor along South Terrace to match the upper levels; this re-focuses the frontage towards the approach from South Terrace and conceals the side of the building alongside the existing property.
- Potential Juliette balconies on this elevation; the deep cantilevers that are presently proposed seek to strengthen the alignment of the street rather than respond to the proposed building line and neighbouring building.
- If the intent is to realign the building towards the street, the existing building line along South Parade could be maintained.
- the strong horizontal banding could be reduced which serves to emphasise different proportions to the existing buildings.
- Greater set back on the upper level to reduce visual impact and support views from South Parade.
- Consider lighter toned materials on the upper level. Heavy tones/materials emphasise the increase in height.
- Reduce heights and massing to the neighbouring property on Pier Road.
- Avoid cantilevering across the service area to maintain an invaluable external area for services, maintenance and storage and also, to avoid the over development of the plot.

Drainage Engineer - No Objection. Condition suggested.

County Highways - No Objection

The applicant has provided TRICS data to support this proposal, the data outlines that a maximum of 2 two way trips would be anticipated in the AM peak and three within the PM network peaks. A total of 26 two way movements would be expected to occur per day Given the modest increase in rooms and refurbishments it is not anticipated that there will be a material increase in traffic movements over the existing use. In addition there are no known capacity and congestion issues within the immediate vicinity of the site.

The site is accessible by foot, cycle, bus, train or by car. Pier Road and South Terrace do have footway links that lead to local bus stops. Littlehampton centre is also within short walking distance of the site. Realistically given the type of use, the majority of visits would be via the car.

Upon comparing the plans with WSCC mapping data the design does not appear to encroach onto the publicly maintained highway or narrow the existing footway.

Based upon the above considerations there are no severe highways safety concerns with the proposal.

Environment Agency - No Objection

The proposed development is for a hotel in Flood Zone 3 (High Risk). The FRA states that finished floor levels of the ground floor will be set at 3.30m AOD, which will contain a restaurant, and 1st floor will be set at 6.3m AOD. Habitable sleeping accommodation will be located on the 1st and 2nd floors.

The proposed development will only meet the National Planning Policy Framework's requirements if a condition is imposed requiring the development to be carried out in accordance with the submitted flood risk assessment (by Ambiental) and the mitigation measures it details.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Class C road

Area of Special Character

DEVELOPMENT PLAN POLICESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
TOUDM1	TOU DM1 Tourism related development
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM4	HER DM4 Areas of Special Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
DSP1	D SP1 Design

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 17	Buildings and Structures of Character

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 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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant policies of the Littlehampton Neighbourhood Plan have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the

adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies in an urban area where the principle of development is considered acceptable. Given the location of The Nelson Hotel and its current state of repair, the principle of modernisation and extension would be acceptable. Policy SD SP2 of Arun Local Plan seeks to focus new development within the built up area boundary as do policies 1 and 2 of Littlehampton Neighbourhood Plan. and the proposal would be compliant with these policies.

VISUAL AMENITY AND CHARACTER OF THE AREA

The site of The Nelson Hotel has been occupied with a public house / hotel of some sort for over one hundred and seventy-five years. It occupies a prominent corner site adjacent to the river at the junction of South Terrace and Pier Road with views of the river and across the Oyster pond. The structure currently located on the site was shaped by work carried out in the 1970s when the building was partially rendered with flat roof additions. This work along with upvc double glazing has drastically changed the character and appearance of the original building.

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy DDM1 requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. The financial viability model commissioned by the applicant requires the level of accommodation proposed to justify the large investment in the new build scheme. This site is located within an Area of Special Character and accordingly policy HER DM4 of Arun Local Plan requires development to have a positive impact on the special character of the area. The area is characterised by a traditional form of older style pitched roof properties with mainly brick and rendered elevations of 2 and 3 storey height. Many of the neighbouring buildings have been identified as Buildings of Special Character.

The existing building whilst not being identical to neighbouring units is not prominent or obtrusive and blends into the neighbouring historic setting in terms of its form and use of materials.

The development proposed would contrast with the adjoining development but would not result in material harm to the visual amenities of the locality. The design does not replicate any existing built form but the roof area is set back from the site frontage and sides which reduces its prominence in the street scene. It would no longer extend 3 storey built form across the whole width of the site frontage and now provides a gap to ensure it no longer dwarfs the adjacent building (no 60) to the North or provides an unsatisfactory visual relationship between the two buildings in Pier Road. The new building is modern and takes note of the adjacent buildings incorporating feature brickwork by changing materials on different floors the building looks less monolithic. The hotel dining room is set back from neighbouring properties with the terrace to the front. The setting back of this part of the building makes it less visible from the adjacent roads so making the building appear lower. Locating the terrace to the south prevents users looking over neighbours. The main design advantage of the new building is that the floor levels are reset. By lowering the ground floor to pavement level, the visual impact of the building is reduced.

The design of the unit has derived from the desire to utilise the corner plot site to maximise views of the river and sea. The southern and western orientation of all bedrooms was paramount to the design of the accommodation and allowed the inclusion of balconies with sea or river views. These views are a very important feature for the restaurant and roof terrace dining room to create a feeling of openness and light. The glazed folding doors allow these areas to be opened up in the summer months to take advantage of the terrace areas and also the small covered seating area adjacent to South Terrace. This feature will benefit from the landscaping regeneration proposed by the local authority creating a more continental feel and increasing the opportunity for outside dining.

As the footpath to both Pier Road and South Terrace have a gradient to achieve full disabled access required careful setting out of the ground floor level. This dictated where the entrances to the restaurant and hotel were to be placed. The entrance to the restaurant would ideally be on the corner of both roads to attract the most customers and provide an easy connection to the riverside walk. This was the furthest point from adjacent properties where the quieter hotel entrance is located. All ancillary service areas such as kitchen and staircase are located to the rear of the building, with as much mechanical plant located in the basement to reduce the visual impact and assist with sound attenuation.

The adjacent building of 92-95 South Terrace is a large three storey Edwardian terrace similar to a four storey building at 83-89 South Terrace. These buildings are designated as Buildings and Structures of Character as defined in policy HERDM2 of Arun Local Plan and Policy 17 of the Littlehampton Neighbourhood Plan and they dominate this area of character. The proposed building design would be of similar height to these adjacent buildings.

The existing Nelson Hotel has a semi basement, however lowering the proposed ground floor level to achieve disabled access creates a deeper full basement by default. Additionally this has lowered the first and second floors above, which have allowed for the addition of the smaller floor area roof terrace and dining room. The majority of the building on this top floor is set between 3.7m and 5.7m from the main wall line which allows this to be virtually hidden when viewed from the street. The building looks three storeys with the terrace level set 2.85m below the ridge height of 92 South Terrace. This level is 1.94m below the previously consented scheme's roof level, 1.67m below the existing building's ridge height and 0.97m below the ridge height of the adjacent 60 Pier Road.

The existing building is very plain with light grey render and white upvc windows to the road elevations and brickwork to the rear, with plain concrete roof tiles. Adjacent properties are either brickwork or a mixture of white render or cladding. The adjacent riverside walk has introduced a lighter contemporary feel to this area of Littlehampton with dark grey painted handrails with stainless steel cable infill, yellow brick paving, large timber and concrete seating and modern signage. The proposed building follows this more modern approach with similar colours to the current consented scheme - dark grey windows, white walls (Rockpanel cladding in uniform panels) with feature balcony bands and top storey in Blue Zinc cladding to reflect the waterside location. The Window colour, in particular the folding doors are similar to those in Pier Road at The Gravy Boat restaurant. There is also Staffordshire Blue brick plinth around the building. The proposed blue grey zinc followed similar design thoughts of the grey cladding to the previously consented scheme. The zinc would have a blue tint and blend better with the sky. The material is finished colour and guaranteed not to weather despite this exposed location. The existing Nelson is cream render and the consented scheme was white. A building with minimal maintenance is required render will require maintenance and will degrade in the long term. White rock panel cladding would minimise maintenance requirements. The large matt panels and minimum panel gaps would appear as render from a distance. The proposed slate grey brickwork plinth would keep the colour pallet simple, white and greys with the grey reflecting the colour of the railings of the riverside walk.

The building lines to Pier Road and South Terrace are very similar to the existing building and the balconies give interest and depth. The cladding material was chosen because of its long lifespan of around sixty years, recyclability, and colourfastness even in the marine environment needing little maintenance, except for a clean, with a very good fire rating. The seafront area of the Town has varying architectural styles reflecting its development over the years and modern architecture such as the East Beach Restaurant and Leisure Centre are helping to regenerate the town. The proposal would add to this introduction of contrasting architecture and would complement its surroundings.

Although the proposal involves demolition within an Area of Character, Policy HER DM4 clarifies that consent will be granted where new development enhances the character of the area. Any buildings retained must make positive contributions to the special character of the area, as previously established by the last planning application, the existing Nelson Hotel is neutral, so its loss would not adversely affect the area's character. A new building of modern design, would add to and compliment the architectural character of this part of Littlehampton. The ground floor glazed entrance to the hotel is almost in line with the front bays of South Terrace and is the only part that projects in front of the existing front elevation. The entrance door has been angled to cause less disturbance to neighbours at 90 South Terrace.

Balconies are prominent features of the area. The large balconies will compensate for smaller room sizes and make best use of sea views for private outdoor space and will allow for the provision of planters. The balconies will be clear glazed with stainless steel handrails. The balconies also act as canopies to both the hotel and restaurant entrances, and ground floor seating area.

The proposed main building line on the first and second floors follow the existing building line to South Terrace and are stepped back from Pier Road. Horizontal banding and balconies are design features of South Terrace and the proposed design reflects this.

The top floor hotel restaurant is set back from the main frontages to provide terraces and to reduce the visual impact from the street. Views along South Terrace are not obstructed.

For the reasons set out above it is considered that the position, scale, materials and design of the proposed replacement building would enhance the appearance of the area and the proposal would accord with policies DDM1, DSP1, HER DM2 and HER DM4 of the Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan Policy DDM1 indicates planning permission will only be granted for schemes which have minimal impact on adjoining occupiers of nearby property. The southern and western orientation of all bedrooms was paramount to the design of the accommodation and this has reduced overlooking to neighbouring properties and allowed the inclusion of balconies with sea or river views.

The proposal has been amended and no longer results in a materially adverse overbearing impact on the adjacent property no. 60. The previously proposed cantilever at first and second floors over the courtyard area has been deleted. This provides a larger more usable courtyard and better space to the boundary with the neighbour and reduces the over bearing impact to an acceptable level. The top floor steps in from the northern boundary line and terraces are kept away from the boundaries screened by obscure glazing or solid balustrades to prevent any overlooking and minimise sound. The only windows that overlook 60 Pier Road are those from the staircase and they are conditioned to be obscure glazed.

The existing use as a pub and hotel operates within the existing license and would be controlled separately, although it is proposed to limit the hours of use of the outside seating areas in the interests of residential amenity. Whilst the number of guests would potentially increase, together with the range of

facilities offered it is not considered that the increase in activity would be significant or unreasonable given the existing permitted use of the premises and its location. The ground floor will be used as a restaurant, not a public house as the current arrangement and is more likely used by couples and families and not singles drinking. This will help to alleviate local residents concerns as this will minimise the possible antisocial behaviour sometimes associated with public houses. All mechanical plant will comply with strict acoustic requirements as detailed within the submitted

Ventilation Services Strategy Report and submission of further details will be controlled by condition.

The use of the building is the same as the existing and should not significantly increase noise to neighbouring properties. Subject to the imposition of appropriate conditions to control noise levels and hours of use it is considered that the proposal would be compliant with policy DDM1 of Arun Local Plan.

TOURISM AND EMPLOYMENT

The owners decided to close the business in July 2017, after the granting of the previous planning permission, in order to prepare for the building works. At that time, after more in-depth design discussions the viability of the scheme was challenged. It was considered that the permission involved redevelopment with a non-descript building externally which did little to enhance the area or attract business to the premises, despite what would have been a very large financial investment. The scheme was revaluated so that it is now proposed to replace the existing building with a much more long term investment both for the owners and this area of Littlehampton and is hoped that this will migrate along Pier Road area. It is regrettable that the external condition of the existing building is deteriorating and having an adverse effect on the area, but spending any money on maintenance would now be wasteful as the premises requires a complete refit and in its current condition the building is unusable. It is not currently generating an income for the owners, but is costing them to keep it empty. In terms of the local economy this is not what small local businesses can withstand in the short term or the area.

The provision of a hotel roof top dining room would enhance the experience by separating this from the general public facilities on the ground floor. Providing such a facility of a small roof terrace for hotel guests' use utilises the natural resource of the location of river views. The need for the premises to be upgraded/redeveloped and the desire of the applicants to improve the facilities offered are acknowledged and supported in principle. Expansion of tourist accommodation is acceptable in accordance with policy DEV34 of the Local Plan.

The proposals will require approximately 50% increase in staff, which is likely to be local due to the flexibility required within the hospitality industry. Policy EMP SP1 Strategic Economic Growth supports job creation. The seafront regeneration proposals that are in their early stages would be enhanced by a new modern hotel and restaurant which would join the east bank river with this area starting at the Oyster pond. The Littlehampton Economic Growth Area also promotes provision of additional or enhanced commercial and leisure activities, including small scale retail, hotel and restaurant uses. The separate restaurant would provide for both locals and holiday makers who come to enjoy Littlehampton.

HIGHWAYS

The site is located on the seafront within walking distance of local amenities. County Highways have raised no highway objection. The site is sustainably located and the proposal would not significantly increase the amount of traffic generated by the use of the site. It is not considered that the proposal would have 'severe' impact on the operation of the highway network and therefore is not contrary to the National Planning Policy Framework (para 32), and there are no highway grounds to resist the proposal.

FLOODING

The application is supported by a Flood Risk Assessment and contains additional correspondence requested in a previous application and is now acceptable in terms of flood risk. Environment Agency have no objection provided the development is constructed in accordance with the FRA. All bedrooms are located at first and second floor level. The proposals comply with the National Planning Policy Framework (NPPF) and policy WDM2 of Arun Local Plan.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions

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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
Site Survey SU-01
Location Plan PL-01
Site and Block Plan PL-02B

Proposed Plans PL-03A
 Proposed Elevations PL-04B
 Ground and First Floor Comparison PL-05
 Proposed Elevations with existing Overlays PL-06

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The development shall be carried out in accordance with the submitted flood risk assessment (November 2018, Ambiental) and the following mitigation measures it details:

Finished floor levels for sleeping accommodations shall be set no lower than 300mm above 4.94m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy WDM2 of Arun Local Plan.

- 4 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, the Local Planning Authority. The Approved Plan shall be adhered to throughout the construction period. The Plan shall provide for :

- a. An indicative programme for carrying out the work.
- b. The arrangements for public consultation and liaison during the construction works.
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- d. Detail of any flood lighting, including location, height, type and direction.
- e. The parking of site operatives and visitors.
- f. Loading and unloading of plant and materials.
- g. Storage of plant and materials used in construction and development.
- h. Wheel washing facilities.
- i. Measures to control the emission of dust and dirt during construction.
- j. Hours of Operation shall be restricted to 07:00 to 18:00 Monday to Friday; 8:00 to 13:00 hours on any Saturday; no working on any Sunday, Public or Bank Holiday.

Reason: In order to safeguard the amenity in accordance with policy DDM1 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences..

- 5 The staircase windows on the north elevation at first and second floor level shall at all times be glazed with obscure glass and non opening below 1.7m below internal floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy DDM1 of the Arun Local Plan.

- 6 The north and east sides of the second floor roof terrace balcony area shall at all times be obscured below 1.7m in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance

with policies D DM1 of the Arun Local Plan.

- 7 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. The building shall not be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 8 Prior to use of the premises full details of plant to be installed to mitigate cooking odour with full reference the DEFRA Guidance 2018 On the Control of Odour and Noise from Commercial Kitchen Exhaust Systems shall be submitted to and approved by the Local Planning Authority. Such a report shall demonstrate the way in which residential units bordering this site, will not be adversely affected by this proposal. Any mitigation measures which may prove necessary are to be specified, together with plans for long term maintenance of abatement equipment. Any works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and retained thereafter.

Reason: To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected in accordance with Arun Local Plan policy QE SP1.

- 9 No development above damp proof course shall take place until the applicant has submitted a full acoustic report to demonstrate that the internal and external noise levels of residential units bordering this site, will not be adversely affected by this proposal. Any mitigation measures which may prove necessary to be specified and such a scheme to be approved in writing by the local Planning Authority. Any works specified in the approved scheme shall be carried out in accordance with the approved details prior to occupation of the premises and retained thereafter.

Reason: To safeguard the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1, QE SP1 and D DM1.

- 10 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3 -Suburb 3

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

- 11 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for the external walls and roof of the proposed building and balconies have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DDM1 of the Arun Local Plan.

- 12 Deliveries shall be limited to between 08:00 to 18:00 Monday to Friday; 8:00 to 13:00 hours on any Saturday; with no deliveries on any Sunday, Public or Bank Holiday.
- Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.
- 13 The use shall operate within the following time restrictions:
- The external restaurant areas to be closed and vacated by 22.00 hours.
 - No music to be allowed outside at any time.
 - Restaurant to close by 23.00 hours.
- Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun Local Plan policy QE SP1 and QE DM1.
- 14 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.
- Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 15 **INFORMATIVE:** The Environment Agency recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways to help reduce flood damage.
- 16 **INFORMATIVE:** The premises will require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact Environmental Health for further information Tel 01903 737755.
- Please note that a staff/other toilet which enters directly into a kitchen will not be acceptable. The plans as submitted will require modification. In this case it will be necessary to provide suitable clean space for a staff changing.
- Every bar and cellar must be provided with a suitable sink and wash hand basin together with proper supply of hot and cold water or water of a suitably controlled temperature fitted to a fully operational drainage system.
- 17 **INFORMATIVE:** The provision of Sanitary accommodation shall comply with Arun District Council Scale of Provision of Sanitary Appliances. For Restaurants this means Roof Top Restaurant: estimated at 72 persons in and outside: One Male WC and urinal together with two wash hand basins and two female WCS and two wash hand basins.
- Ground floor restaurant: estimated at 42 persons in and outside: One male WC and wash hand basin and one female WC and wash hand basin.
- 18 **INFORMATIVE:** The drainage serving kitchens at commercial hot food businesses shall be

fitted with a grease trap/separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste water flow rate. The applicant shall provide the Local Planning Authority with details of their proposed grease trap/separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004, & BS EN 1825-2:2004

19 INFORMATIVE: Please note that ventilation will be required to the basement laundry facility

20 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.