Recommendation Report for Planning Permission

REF NO: **LU/84/17/PL**

LOCATION: Nelson Hotel
Pier Road
Littlehampton

PROPOSAL: 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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to refurbishment of the existing Nelson Hotel and extension and alteration to the building to provide 8 no. additional en-suite guest rooms, an extended bar and restaurant and function room. The building would alter from a pitched roof 2 storey property to a flat roofed 3 storey property.
SITE AREA	292 m2
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance 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.
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/280/16/PL	Alterations to elevations, rear extension and replacement of existing various roofs with	Refused

new flat roof & addition of 2nd floor to provide refurbished and extended bar, restaurant, function room & 8No. additional guest rooms.	01-12-2016

Application LU/280/16/PL was for a similar scale of development, but the design has now been amended to reduce the extent of the top floor by setting it in from the front and side elevation. The extension to the rear has also been set in further from the northern boundary.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Support - In terms of its design and positive impact on the town. The efforts made to amend the plans to deal with the concerns of the Conservation Officer are welcomed. As before, the investment in Littlehampton and the opportunity to provide high quality accomodation and event space in this beautiful location is welcomed. The significant improvements to disabled facilities incorporated within the plans are also welcome.

3 Objections - The whole concept is too large and stark and out of keeping with the area. Overdevelopment. Lack of customer parking. Lack of amenity space. Parking and increased footfall will be a nightmare for local residents who have not been considered adequately. No. 60 will be badly affected. Unneighbourly and overbearing on adjoining property. Additional noise pollution from all year conferences and all day opening. Noise from build will adversely impact on neighbouring amenity. There is an increase in the number of windows on the rear north elevation. Items are already thrown fro these windows and the owners remain indifferent. Balcony around roof will increase overlooking. Increased height will result in adverse overshadowing.

Comments on Representations received:

The revamping and modernisation of the Nelson is welcomed in principle and the proposal would provide additional tourist accommodation which is supported. It is now considered that the design of the proposal is acceptable and in line with the previous Conservation officer's comments. Whilst it does not replicate any other development in the locality it would not cause harm to the character of the area and would improve the appearance of the existing property. There is plenty of public parking available close to the site. It is not considered that the increased height of the property would adversely affect the residential amenities of the adjoining property and the additional windows in the north elevation are conditioned to be obscure gazed to prevent overlooking.
Noise and disruption from building works are not material planning considerations.
Opening times for the hotel have been confirmed by the agent to be open all year round ie. 24 hours a day, 7 days a week, 52 weeks per year with an increased number of 14 guest rooms.

Alcohol will be served in accordance with the current license, as follows:
Monday 11am-11.30pm
Tuesday 11am-11.30pm
Wednesday 11am-11.30pm
Thursday 11am-11.30pm
Friday 11am-2am
Saturday 11am-2am
Sunday 12midday-12midnight
Bank Holidays - including Xmas Eve & New Years Eve 11am-2am

The premises will be operated within the bounds of the existing Premises License and above hours for sale of alcohol.
The restaurant, serving food, will be open through the following hours:
Monday to Thursday 7am-2am
Friday, Saturday 7am-2am
Sunday 7am-12midnight
Bank Holidays including Xmas Eve & New Years Eve 7am-2am
This was previously acceptable to the environmental health officer.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer -
Although prominently located, the subject building is a neutral component of the Area of Special Character and in principle, the proposal is welcomed as an enhancement. However, while the remodelled built form sits comfortably in the streetscene of South Terrace and has a balanced relationship with the neighbouring three storey, gabled buildings, it relates poorly to the attached two storey development fronting Pier Road. The abrupt transition from a modest, two storey building with a half-hipped roof, to the assertive, three storey, orthogonal aesthetic of the remodelled building results in a fractured sense of enclosure and a conflictual relationship between the old and new built form. While this may have little impact on the Area of Special Character, the site is prominently located and the building upon it inevitably forms something of a local landmark. The remodelled built form will make a strong contribution to townscape character and it must sit comfortably in the local context.

The importance of high quality, locally appropriate design is emphasized in Section 7 of the NPPF, with para. 58 advising that new development should establish a strong sense of place and para. 60 noting that it is proper to seek to promote or reinforce local distinctiveness.

While there is no objection in terms of Policy HER DM4, there are design concerns in terms of Policy D DM4 and the proposal is not supported in the present form. Further attention should be given to the abutment between the new development and the modestly scaled structures fronting Pier Road, so that a more sympathetic juncture is achieved between buildings of disparate style and form.

Comments on Consultation responses:

- comments noted, but not agreed. The transition between the properties is marked, but the site occupies a corner position with an access to Bayford Road adjoining to the east and the property already has a contrasting design and materials and is therefore already viewed as a visually separate unit in the street scene. The Conservation officer has commented that the design of the dwelling has little impact on the Area of Special Character.

POLICY CONTEXT

Designation applicable to site:
Class C road
Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN10	Tidal Flooding and Coastal Defence
	GEN22	Buildings or Structures of Character

DEV34	Tourist Accommodation and Attractions
AREA1	Areas of Special Character

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
TOU DM1 Tourism Related Development
HER DM2 Locally Listed Buildings or Structures of Character
HER SP1 The Historic Environment
HER DM4 Areas of Special Character
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

There are no specific policies in Littlehampton Neighbourhood Plan relating to this type of development.

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.

VISUAL AMENITY AND CHARACTER OF THE AREA

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(ii) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. This site is located within an Area of Special Character and accordingly policy AREA1 of Arun District Local Plan requires development to have a positive impact to 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 (no60) to the North or provides an unsatisfactory visual relationship between the two buildings in Pier Road.

RESIDENTIAL AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Planning Policy indicates that good design should contribute positively to making places better for people.

The proposal would no longer result in a materially adverse overbearing impact on the adjacent property no. 60. The staircase is 2m from the boundary and the overall height of the building has not increased, although its footprint has increased. The extension and staircase have now been repositioned further from the boundary. There are 2 additional windows in the north elevation at first and second floor level and these are conditioned to be obscure glazed to prevent adverse overlooking.

The existing use as a pub and hotel operates within the existing license and it is not proposed to increase these hours. 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.

TOURISM

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.

HIGHWAYS

County Highways were consulted on the earlier application for 8 additional bedrooms and 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 the previous application and is now acceptable in terms of flood risk. Environment Agency's comments at that stage were
'Based on Ambiental's additional information supplied in the Flood Risk Assessment (FRA) [Section 1.6] on the basis; that the first floor level has now been confirmed as 6.5 metres above ODN, in which sleeping accommodation is above the 1 in 200 year tidal flood risk level plus a climate change allowance of 4.95mAOD, and safe refuge is available for occupants, should a severe flood event occur.
We are satisfied that the proposals comply with the National Planning Policy Framework (NPPF) and therefore have no objections to the proposed development.'

CONCLUSION

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

HUMAN RIGHTS ACT

FOR APPROVAL
Human Rights Act:
The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, 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 : Block and Location 15219/01AR2, Proposed Basement Floor Plan 15219/02 aR4, Proposed Ground Floor Plan 15219/02bR4, Proposed First Floor Plan15219/02 cR4, Proposed Second Floor Plan 15219/02dR4, Proposed Roof Plan 15219/02eR4, Proposed Elevations 15219/02fR5 and Street Scene 15219/06R2.

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

3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed building and rear stairwell structure 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 GEN7 of the Arun District Local Plan.

4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated September 2016 and the mitigation measures detailed within the FRA at paragraphs 1.7 and 7 which include:

Finished first floor levels are set no lower than 6.5 m above Ordnance Datum (AOD).

Reason: To ensure safe access and egress from and to the site and to reduce the impact of flooding on the proposed development and future occupants In accordance with policies GEN7 and GEN11 of the Arun District Local Plan.

5 The bedroom 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 above internal floor

level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy GEN7 of the Arun District Local Plan.

6 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.