

PLANNING APPLICATION REPORT

REF NO: BR/83/23/PL

LOCATION: Regis Centre Car Park
Belmont Street
Bognor Regis
PO21 1LE

PROPOSAL: Demolition of former fire station, and construction of a 5-storey, 116-bedroom hotel with ancillary restaurant and all associated works. This application affects the setting of a Listed Building and is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to demolish the former fire station and redevelop the site with a 5-storey, 116 bed hotel. This will have a mixed height comprising 16.3m to the main roof, 17.8m to the top of the corner features and 18.2m to the top of the plant compound on the roof. The ground floor will comprise front & back of house facilities and a 170-cover restaurant. Bedrooms are on upper floors. A green roof with solar panels is proposed including the lift overrun, stair access and a plant building.

The hotel will be accessed from Clarence Road and there are further ancillary/delivery accesses on the northern, western, and eastern elevations. The delivery entrance on Clarence Road is solely for laundry. The restaurant will open out to the south with an external seating area. New landscaping is indicated in this area.

A delivery bay will be on land adjoining Clarence Road. To the rear (west elevation), 11 car parking spaces are shown (including 5 disabled). These measure 2.5m by 5m. The plans show an external cycle store and an internal refuse store. The existing Clarence Road access to the car park will be closed off but with pedestrian access retained in the form of a 6m wide gap with bollards to prevent vehicle use.

The wider car park will be affected by the proposal as 39 spaces (including 5 disabled) will be lost. A total of 19 spaces will be provided (including 8 in the wider car park) leaving a net loss of 20 spaces. These 'replacement' spaces measure 2.4m by 4.8m to reflect the size of the spaces in the existing car park. Tactile paved crossing points are to be provided at the two Belmont Street car park accesses.

The southern part of the building features an arched colonnade that wraps around the building. The corners of this

part are projected forward forming bays that are articulated with larger arches that extend up to the second floor. These bays are further articulated with raised, arched parapets that mirror the colonnade below in a contemporary reference to the domed corners of the former "Kursaal Theatre" (demolished in 1975) and Esplanade Grande.

Railings are introduced in some elevations to decorate the inset bays. The roof is a zinc mansard that steps back from the parapet and pitches away at the top. The northern part features a toned down, typical residential terraced approach. Materials include white sand faced/white glazed brick, white mortar, cast stone, Portland stone and grey standing seam zinc to roof/walls.

The design was amended during the application at the request of officers to raise the central vertical element on the southern elevation, add high level detailing to this, add railings to the windows on the same central vertical element and introduce arches to the windows on all of the vertical elements, and delete the feature banding on the vertical elements.

The applicant has stated that the southern gable elevation of the Town Hall which will be exposed following demolition of the fire station will be insulated and finished with retained bricks from the fire station.

SITE AREA

0.1817 hectares.

TOPOGRAPHY

The site is predominantly flat albeit the existing landscaped area in the south-eastern corner is slightly raised.

TREES

Landscaping at the south-eastern corner will be lost comprising three Cabbage Palm trees, four Willows and an Acer. These are low (from 3 to 7m) and heavily windswept.

SITE CHARACTERISTICS

The site comprises the former fire station building, the Clarence Road access to the car park, a landscaped area and part of the wider car park.

The fire station building is attached on its northern side to the Grade II Listed Bognor Regis Town Hall. It is a single storey addition with a flat roof. The principal elevation faces Clarence Road and is six bays wide, five of which are former apparatus bays, while the remaining bay is a pedestrian access. It adjoins the Town Hall, with the space between the buildings enclosed by a wall of similar construction surmounted by a concrete balustrade and pierced by a round-headed doorway with concrete surround and moulded plinth.

The design of the fire station closely matches some elements of the Town Hall. The majority of the building is built in a greyish brown, Flemish bond brickwork, while architectural details such as door and window surrounds, sills, plinths, and string courses utilise coarse-grained concrete elements, and

sometimes mimic themes from the adjacent Town Hall. The six bays along the frontage are demarcated by engaged pilasters surmounted by an entablature with the inscription 'BOGNOR REGIS FIRE STATION'.

CHARACTER OF LOCALITY

The site is in the heart of Bognor Regis. On the north side of the Esplanade are a range of properties generally four storeys or more in height. Design ranges from Regency inspired architecture to less characterful examples from the latter part of the 20th Century. The south side of the Esplanade is relatively free from buildings/structures mainly comprising an open promenade raised slightly above the highway. Heading west along the Esplanade is the Bognor Regis (The Steyne) Conservation Area incorporating the Grade II Listed pier. The wider site is dominated by a public car park and the area is characterised by a mix of residential/commercial uses built during the latter part of the 20th century.

RELEVANT SITE HISTORY

BR/84/23/L	Listed building consent for demolition of former fire station and construction of a 5-storey, 116-bedroom hotel with ancillary restaurant and all associated works.	
BR/156/16/PL	Redevelopment of the Bognor Regis Centre to provide 6358 sqm of commercial space (including leisure facilities) for mixed development, 64 room hotel, 192 apartments with the provision of 30% Affordable housing units compliant with policy Car parking, creation of a new board walk & conversion of Place St Maur des Fosse into a Plaza, soft & hard landscaping. Redevelopment of the Hothampton car park to provide a 1100 seat theatre, with a 48 bed hotel & conference facilities, the provision of 2 retail units facing onto the Queensway, relocation of childrens play area & upgrading of the facility, plus hard & soft landscaping. Redevelopment of the Esplanade Theatre site to provide a 200 cover Destination Restaurant and relocation & upgrade of the existing skate park to adjacent to the Pier. Provision of 3 new kiosks along the Promenade to provide retail, toilets & showers. This application is a resubmission of BR/26/15/PL. This application affects the setting of a Listed Building & may affect the character & appearance of The Steyne Conservaton Area	Refused 01-02-17

**Appeal: Allowed+Conditions
05-07-18**

The fire station was used by the fire brigade until 1975. It has most recently been used as a citizens advice bureau. They relocated to other premises in the town centre.

BR/156/16/PL was allowed on appeal but has since time expired. It included a 64-bed hotel on the west side of the site (roughly corresponding with the site of the Regis Centre) and a theatre on the eastern side in roughly the same position as the hotel is now proposed. The theatre had a corner/L shape form, was 6 storeys (21m) in height with a 4.7m high dome above. The Inspector's decision raised no concerns regarding the design of the building or the impact on heritage assets.

REPRESENTATIONS

Bognor Regis Town Council (BRTC) state they recognise the importance that the tourist industry and the need for new and existing tourist facilities in Bognor Regis. They object for the following reasons:

- Harm to the listed Town Hall Building.
- Little or no proposed features that match the Town Hall.
- Harm to Berkeley Court residents from overlooking (request obscure glass in the eastern elevation).
- Harm to Berkeley Court residents from loss of light (a shadow assessment should be provided)
- Increased energy bills for residents due to loss of light/loss of sunlight.
- Noise disturbance from use of the restaurant terrace at night.
- Noise disturbance from deliveries made via Clarence Road.
- Inadequate parking and impact on the existing car park - request more parking survey data.
- The restaurant will only be for hotel guests and should be open to the public and be family friendly; and
- The restaurant should have a sea view.

Further comments from BRTC in response to the re-consultation maintained their objection. Their principal concerns are increased parking demands and the likelihood that the restaurant would be for guests only.

As at 19/10/23, 26 letters of objection raising the following concerns:

- Loss of a heritage asset.
- The listing of the Bognor Regis Town Hall is presently being reviewed by Historic England.
- No demand for a hotel.
- Insufficient parking.
- Car Park surveys carried out during Covid-19 lockdowns/school holidays/after the Regis Centre closed/exclude season ticket holders.
- Bedroom windows are too close to residential windows (the 21m back-to back requirement should be applied).
- Impact on the 25-degree rule in terms of light.
- Noise disturbance and road safety issues with the entrance on Clarence Road.
- Why did ADC request the entrance be on Clarence Road not at the rear?
- Impacts during construction.
- Hotel will be used by illegal immigrants.
- Hotel is too big for the site.
- Creation of a wind tunnel along Clarence Road and therefore dangerous to unload deliveries.
- The application purpose to increase demand for the theatre
- The application has already been agreed behind closed doors at Bognor Town Hall.
- The theatre should be built here instead.
- Potential for an ugly multi-storey to be built on the car park.
- Design is not in character with surrounding buildings.
- Loss of useable open space.
- Harm to wildlife.
- Biodiversity net gain should be increased (scheme only achieves 2.64%),
- Impact on the Fair.

- Harm to mental health of residents.
- Disingenuous to use the previous permission as a baseline for the sun/day light study.
- Wrong type of hotel for Bognor Regis.
- Loss of views from Berkeley Court.
- Harm to residents mental health; and
- Residents may experience activities taking place in hotel rooms as happened at a Premier Inn in Bicester.

4 letters of support (including from the Bognor Regis Regeneration Board):

- Much needed addition.
- Design is in keeping.
- Principle of development has already been established.
- Site is well served both by public transport and car parking.
- Construction and operation stages demonstrate encouraging prospects for local employment creation and local supply chain enrichment.
- BREAAAM excellent is proposed
- Biodiversity Net Gain should be increased; and
- The proposal will deliver the following benefits:

(1) Direct creation of local employment and training opportunities with 30 FTE jobs at operation stage and the applicant's commitment to apprenticeships.

(2) Indirect creation of local employment and training opportunities through use of local suppliers and tradespeople during the construction phase.

(3) The opportunity for increased visitor numbers, dwell time and spend within Bognor Regis town centre through the provision of overnight accommodation.

(4) Investment by a nationally recognised hotel operator in a town centre, coastal location raises Bognor Regis's economic profile, supports current projects, and will attract further interest and development.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of objections are discussed in the conclusions section with the exception of the following:

- A condition could be imposed to control the hours of the external terrace. This is a seafront/town centre location and there are no controls on the use of the beach opposite.
- Conditions will be imposed to control delivery hours in the interests of minimising harm to nearby residents. This is a seafront/town centre location and there is an ungated entrance to the car park at this location.
- Supporting documents confirm the restaurant would be for hotel guests and non-hotel guests. Other Whitbread owned restaurants attached to Premier Inns are open to the general public.
- The restaurant will allow views of the sea/beach as it opens onto the southern elevation.
- Both the Town Hall and the Fire Station are Grade II Listed. Historic England have not been asked to review these.
- It is not appropriate to use the 21m back-to-back interface distance as the relationship between the buildings is front-to-front.
- The construction impacts will be temporary, and the associated impacts will be managed by a construction management plan condition plus a restriction on construction hours of working.
- The end user of the hotel is not a material planning consideration.
- It is not possible to consider what if future scenarios through this application. Any proposal for a multi-storey car park on the site would be subject to its own planning application; and
- There is no right in planning to a view; and

The letters of support are noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection subject to a condition about finished floor levels and several informatives.

NATURAL ENGLAND - advise no comment. Advice was sought from Natural England to determine what they would suggest as an appropriate mitigation contribution to the Pagham Harbour SPA as Arun only have the £871/dwelling rate and Chichester DC (who Arun seek advice from on other developments) do not have a contribution rate for hotels. Natural England advised a contribution of £12,873.38 should be sought. This has been calculated using information supplied by the applicant on occupancy/demand/mix of leisure/business guests, and with reference to the average occupancy data and the fact that no pets will be kept by guests. This provides for a robust and reasonable justification.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

SOUTHERN WATER - no objection subject to an informative. State that they can facilitate foul sewerage and surface water run off disposal to service the proposed development.

WSCC HIGHWAYS - no objection following amendments subject to conditions and a s106 agreement to secure:

- Traffic Regulation Order (TRO) for signing and lining of the layby plus a fee of £8,322.
- Travel Plan fee of £3500 for monitoring and auditing.
- Layby and footway along Clarence Road and tactile paving at the car park accesses on Belmont Street to be carried out under s278.

The following is a summary of their three responses:

- Agree this is a sustainable location.
- Following amendments, have now agreed the submitted Travel Plan.
- Following amendments, have now agreed the submitted Road Safety Audit.
- No objection to the proposed off-site highway changes including the use of the layby.
- Following amendment, no concerns with the proposed internal layout. These changes consist of bollards to the 6m wide pedestrian link from Clarence Road to the car park to deter vehicles using this. Also, parking bays 1-11 have been re-orientated to allow a 2.5m wide pedestrian route from the hotel rear to the car park, adjacent space no. 1.
- No objection to the 8-space cycle provision.
- No objection to the parking changes/net loss of spaces.
- No objection to the alignment of the parking spaces.

WSCC DRAINAGE - object based on inadequate information to meet current drainage policy.

ADC DRAINAGE ENGINEERS - no objection subject to standard conditions. State:

- Groundwater monitoring has commenced on site with observations for November 2022 provided. It is expected that a full winter's monitoring is submitted with an application to discharge conditions. The monitoring should also capture the effects of the tides.

- A full winter's monitoring will be necessary even if infiltration is not used to ensure that the effects of buoyancy have been adequately considered.

The proposed drainage strategy is to attenuate surface water in an underground tank prior to discharging it at a restricted rate of 2l/s to the surface water sewer on Alexandra Terrace.

- Southern Water have confirmed that there is sufficient capacity in the surface water sewer to accommodate this flow; and
- Request the use of rainwater harvesting, green/blue roofs and permeable pavements.

ADC LANDSCAPE OFFICER - no landscape objection subject to a landscape condition. State:

- The application includes brief indicative detail re any areas of landscaping and the effect these may have along the southern beach aspect which will be needed to soften the proposals and allow them to fit in the locale.

- No requirement for on-site play or open space.

- The potential impact of the proposal would have significant effect on street scene and have the potential to be viewed from afar; and

- Mitigation landscaping would be required to enhance the external setting and buildings into the surrounding environment with the need for onsite green infrastructure.

ADC CONSERVATION OFFICER - the proposal will result in less than substantial harm to the heritage assets. The following is a summary of the comments:

- The proposal has the potential to affect the Grade II listed Bognor Regis Town Hall, the Grade II listed Bognor Regis & District War Memorial, the Grade II listed Band Stand, and no's 1 & 2 Sidlaw Terrace (Buildings of Character).

- The former fire station is curtilage listed so is also part of the Grade II listing.

- The Design and Access Statement identifies that the elevations are 'a playful interpretation of the classic regency styling and articulation using modern materials'.

- It is positive to understand the thought process that has been followed in the preparation of these designs and that this has included some form of area-based analysis, and a review of buildings that are no longer present within the town.

- The overall simple design of the building is acceptable and will reflect the simple character of others in the local area.

- It is positive that the building has been almost designed as two parts: the southern half being more decorative and appropriate for its location close to The Esplanade, whilst the northern half has been designed so as to reflect the more residential character of Clarence Road.

- The proposed material palette appears to follow a more 'neutral and calm approach', whilst still referencing elements of the town/the immediate area.

- Whilst light coloured bricks are not normally found within the town, it is clear that they form part of the buildings of the immediate area e.g., the Regis Centre and 1 & 2 Sidlaw Terrace.

- The use of the glazed brick which the design statement identifies is to enhance certain details and provide visual interest to the facade is also unique.

- There are no adverse changes to the setting of No's 1 & 2 Sidlaw Terrace, the War Memorial or the Band Stand.

- An information plaque could be provided to present information regarding the context of the site including the fire station and neighbouring Town Hall and other demolished buildings.

- The loss of the fire station would be harmful whilst the hotel would result in harm to the setting of the designated Town Hall, and therefore harm its significance.

- It is positive to note that revised plans indicate the wall of the Town Hall which will be exposed when the fire station is demolished is to be insulated and finished with retained bricks from the fire station.

- Whilst this approach is generally positive, it is not clear what brick bond would be used, nor if the stone base/coping would be replicated.

- The proposal is such that the impact can be described as causing 'less than substantial harm' (and on the lower end of the scale) to the town hall in accordance with paragraph 202 of the NPPF (2023).

ADC ECONOMIC DEVELOPMENT - support with the following comments:

- The ALP Review - Visitor Economy Study (May 22) undertook a review of visitor accommodation.
- This highlighted that whilst there is a significant supply of visitor economy infrastructure, there is a need for quality improvement in some of the supply.
- The need is for both basic branded stock such as budget hotels, but also more innovative offers such as glamping, eco lodges and accommodation with a 'wow' factor which are being developed in many other locations across the UK and attracting younger and different markets.
- The Arun Visitor Strategy 2023 - 2028 also identifies visitor accommodation development as a priority.
- It is clear that the district needs additional visitor accommodation and a brand, such as is proposed, would be suitable for a range of visitors with varying budgets.

ADC ENVIRONMENTAL HEALTH - Following an initial objection (on grounds of potential for noise pollution from deliveries and the use of the external terrace) and subsequent additional survey work by the applicant, now advise no objection subject to conditions to control deliveries and the timings of the external terrace. Also request conditions to cover land contamination, asbestos, external lighting, construction hours and kitchen extraction.

COUNCIL'S ECOLOGIST - no objection subject to securing (a) a proportionate financial contribution towards Pagham Harbour; and (b) biodiversity mitigation and enhancement measures.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

NATURAL ENGLAND - The applicant agreed to the requested contribution. An Appropriate Assessment (AA) was issued for review on 14 July 2023. This sets out that the development will not have likely significant effects on statutorily protected sites. Natural England responded on 19/09 to state "We concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure."

WSSC DRAINAGE - In response to the previous comments, the applicant provided a supplementary Flood Risk and Drainage Information Document and WSSC were re-consulted. They have replied to state they maintain their objection. The applicant has therefore written to them directly to seek a resolution. Should anything come of this before the meeting then it will be included in a report update.

It is not proportionate to require full details of drainage at application stage for a site comprising hard surfacing in the town centre. It is not unusual for this information to be provided at condition stage and is an approach which the LPA have taken in other applications. ADC's engineers confirmed appropriate details can be secured at condition stage. Conditions will be secured prior to commencement of the development, and if it is found that the drainage layout cannot be accommodated for any reason, the applicants will be required to submit amendments.

ADC CONSERVATION OFFICER - a condition will be imposed to require an information plaque. Conditions will also be imposed regarding the treatment of the exposed wall on the Town Hall.

POLICY CONTEXT

The following designations are relevant:

- Within the Built-Up Area Boundary (BUAB).
- Predominantly Flood Zone 1 but the site is indicated to be FZ3 by 2111.
- CIL Zone 4.
- Within the Pagham Harbour Zone B area.
- Economic Growth Area & Town Centre Boundary.
- Grade II Listed Building; and
- Part designated existing open space.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
RETSP1	RET SP1 Hierachy of Town Centres
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM2	T DM2 Public Parking
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Bognor Regis Neighbourhood Plan 2015 Policy 1</u>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Indentity
Bognor Regis Neighbourhood Plan 2015 Policy 6	Key gateways and promotion of sustainable travel
Bognor Regis Neighbourhood Plan 2015 Policy 7	Promotion of tourism and beach service points
Bognor Regis Neighbourhood Plan 2015 Policy 8	Pre-Application Consultation
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence

Bognor Regis Neighbourhood Plan 2015 Policy 8B Car Parking

Bognor Regis Neighbourhood Plan 2015 Policy 8F Regis Centre & Mountbatten Court Site

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 relevant Bognor Regis Neighbourhood Development Plan (BRNDP) policies 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 in the built-up area boundary where development is acceptable in principle. There is conflict with relevant Development Plan policies in that there is harm to heritage assets and the loss of designated public open space.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan:

- The site lies in the designated town centre, within an economic growth area and is a seafront location.
- The site currently features an ungated access to the adjacent car park which is open 24/7.
- The delivery bay is broadly in the same location as forecourt parking for the former fire station and there is a pay & display (9am to 5pm) parking run on the opposite side of Clarence Road.
- The appeal decision allowed demolition of the fire station and replacement with a large theatre.

CONCLUSIONS

PRINCIPLE OF DEVELOPMENT:

The site is in the built-up area boundary (BUAB) where development is acceptable in principle in accordance with Arun Local Plan (ALP) policy SD SP2 provided it is in accordance with other development plan policies covering such issues as loss of employment floorspace, loss of open space, flood risk, character/design, biodiversity, heritage, residential amenity, and parking.

ALP policy RET SP1 states Bognor Regis and Littlehampton will be the main focus for retail, leisure, commercial, office, tourism, cultural, community and residential development. Policy EMP SP2 states knowledge and culturally based employment as well as retail, leisure and office developments will be directed to the Economic Growth Areas to promote their vitality, viability, and regeneration.

Policy TOU DM1 states tourism proposals will be supported provided that they: (a) are in accessible locations, (b) are accompanied by workable and realistic travel plans, (c) address visitor management issues; and (d) achieve good design. In addition, larger scale proposals (such as this) will be directed towards the economic growth areas including Bognor Regis. The site location is highly accessible, and a Travel Plan has been provided. In terms of visitor management, the application notes that in the evenings, overnight and early mornings, when existing town centre businesses are closed/less busy, the demand for general town centre parking is low. Therefore, the parking demands of overnight guests can be accommodated by existing town centre car parks.

Bognor Regis Neighbourhood Development Plan (BRNDP) policy 7 is supportive of the development of new and existing tourist facilities whilst 8f states the BRNDP promotes a high-quality low carbon mixed use development on the Regis Centre site that could include leisure, culture, and entertainment. It supports active ground floor/street level uses. The proposal generally complies with the policy criteria except that part of the accessible open space is to be developed and there is conflict with criterion (e).

The fire station formerly comprised a citizens advice centre and mobility scooter/wheelchair hire hub. Whilst policy EMP DM1 technically applies as it seeks to protect existing employment floor space, the policy was not written with this type of employment space in mind.

Approximately half of the site forms part of a strip of designated public open space which separates the public car park from the Esplanade. ALP policy OSR DM1 states such spaces should not be built on unless certain criteria are met. The application accepts that these criteria cannot be met and instead determines that the policy conflict can be outweighed by the benefits of the development. They state existing open space has limited value, not constituting much more than a grass verge, whereas the development will provide a more useable area. It is accepted that the land has limited value as it is a raised bank however it is likely to have greater public value/use than the landscaping to be associated with the hotel. There is a conflict with the policy.

Overall, there is a conflict with ALP policy OSR DM1 and BRNDP policy 8f regarding the loss of public open space but no conflicts with the other policies that relate to principle.

MARINE PLAN POLICIES:

The policies of the Marine Plan generally require that impacts on the marine environment are (in order of preference) avoided, minimised, or mitigated. In particular, the relevant Marine Plan policies to this location seek to ensure public access, minimise greenhouse gas emissions, ensure that development adapts to impacts arising from climate change, ensure uses coexist with each other, protect wildlife

species, and reduce litter in the marine environment. The analysis in the rest of this report demonstrates that there is no conflict with these policies.

FLOOD RISK:

The council's mapping (derived from the Environment Agency data) shows that the site is predominantly Flood Zone 1 with only the margins bordering the Esplanade as affected by Flood Zones 2 & 3. The council's Strategic Flood Risk Assessment (SFRA) predicts that a greater part of the site frontage will be FZ3a by 2031 & 2061 and that the whole of the site will be FZ3a by 2111.

Whilst in practice this risk will be mitigated by existing sea defences (as these are likely to be maintained) and to some extent by topography, government guidance in the NPPF (paras 159, 162) and NPPG (33 - Reference ID: 7-033-20140306) make it clear that a sequential site assessment is required where a site is at high risk of current or future flooding.

Arun District Council are in the process of updating the SFRA flood maps in line with the latest Environment Agency (EA) maps which are based on more recent data and modelling. The EA maps indicates that in 2115, only a fraction of the site along the southern boundary will be at higher risk, with the rest of the site remaining in FZ1 (low risk). However, for completeness, the applicant has provided a sequential site analysis.

This assesses other potential sites within the Bognor Regis town centre area. As per the NPPF, hotels are a main town centre use. The assessment looks at sites identified through neighbourhood plan allocations, those assessed through the Councils Housing and Economic Land Availability Assessment (HELAA), those already with permission or those simply for sale. To these are applied a number of criteria including suitability, availability, and viability. Some 21 sites are assessed. The Assessment concludes that there are no sequentially preferable sites with a lower risk of flooding within or on the edge of Bognor Regis Town Centre that could accommodate the proposed development, are suitable, 'reasonably available' and viable.

The hotel will have no bedrooms on the ground floor, will have 24-hour staff in place and has been designed to be flood resilient. The Flood Risk Assessment (FRA) states safe access/egress to and from the development would be possible in flooding conditions for the lifetime of the development based on the modelled mapping received from the EA, which shows the site and surrounding area to the west and north will be unaffected by the 1 in 200-year (0.5%) 2115 flood event. The EA advise no objection subject to a condition.

On the basis of the above, there is no conflict with relevant planning policies.

DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development. WSCC Policy 5 (The Management of Surface Water) requires proposals on previously developed land provide a 50% betterment on the existing drainage situation. This policy does not form part of the Development Plan but is a material planning consideration in the determination of applications.

Arun's drainage engineers state whilst the drainage submission does not meet their requirements, they have no objections and advise imposing conditions. They note that the proposal is to attenuate surface water in an underground tank prior to discharging it at a restricted rate of 2l/s to the surface water sewer on Alexandra Terrace. Southern Water confirm there is sufficient capacity in the surface water sewer to accommodate this flow. The applicant has presented basic calculations to illustrate this discharge rate

represents a betterment on the existing values.

On this basis, there is no conflict with the relevant policies.

HERITAGE ASSETS:

The proposal seeks to demolish the former fire station building which is curtilage listed (Grade II) by virtue of being attached to the Grade II Listed Town Hall. The proposal may harm the setting of the Town Hall and there are other nearby heritage assets which may be affected including the Grade II Listed Bandstand, the Grade II Listed War Memorial and the Grade II Listed Roman Catholic Church of Our Lady of Sorrow (to the north). 1 & 2 Sidlaw Terrace are buildings of character.

ALP policy HER DM1 states that total demolition of heritage assets will only be permitted in wholly exceptional circumstances, and where it meets certain criteria. These criteria are similar to those listed under para 201 of the NPPF. HER DM1 requires proposals to protect and enhance the setting of Listed Buildings. Policy HER DM2 refers to locally designated buildings of character but only in respect of physical alterations or demolition. Buildings of character are described as non-designated heritage assets (NDHA) and policy HER SP1 refers to the need to protect the setting of these and the setting of all heritage assets.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Para. 194 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in para 202).

Para 201 states these public benefits must be substantial where there is substantial harm to (or total loss of significance of) a designated heritage asset. BRNDP policy 1 follows the NPPF advice stating proposals must identify the significance of any affected heritage asset and assess any harm & benefit.

The applicants have provided a detailed Heritage Statement which concludes that:

- Whilst there were no adverse effects identified through the alteration of the setting of the Town Hall, the effects of the development proposals will result in harm to the broader significance of the Town Hall due to the demolition of the fire station; but
- The demolition of the fire station would not compromise elements that contribute to 'special interest' of the Town Hall, meaning that the historic and architectural interest of the Town Hall is preserved.

The Conservation Officer advises the loss of the fire station is harmful but overall, there would be 'less than substantial harm' to the significance of the Town Hall (and other nearby heritage assets). The Conservation Officer advises there will be no harm to any of the other heritage assets.

Whilst the proposal is to demolish the fire station in its entirety, as this is only a small part of the Town Hall, there is no substantial or total demolition. Although this will be harmful, overall, the conservation officer's view is that the harm will be less than substantial and, this harm can be justified through the

demonstration of public benefits.

The redevelopment will deliver a significant/substantial benefit to Bognor Regis in terms of its contribution to the labour market, economic productivity, and the visitor economy. These benefits are of a level that would outweigh the harm, as per the NPPF.

As per as 66(1) of the Act, whilst it would be desirable to retain the fire station, the benefits of its demolition and redevelopment outweigh this. The retention of the frieze from the fire station is positive and accords with the s66(1) aim of preserving features of special architectural or historic interest. The conservation officer requests a plaque be installed to commemorate the fire station building.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. In addition, policy TOU DM1 requires that tourism proposals achieve good design. BRNDP policy 8a is relevant due to this being a major development within the town centre area and it requires that new development demonstrate 'design excellence' and help to establish a strong sense of place, create attractive and comfortable places to live, work and visit. This should include using good quality materials.

The Arun Design Guide (ADG) is a material consideration. The ADG is predominantly focused on residential development but generally requires development to respond to the distinctiveness & characteristics of their surroundings in terms of scale, massing, and materials. Section J refers to building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the area. Section T covers mixed & town centre uses and states:

- Ground floor frontages should incorporate active uses with inactive uses located above or to the rear. The maximum length of inactive frontage should not exceed 15 metres; and
- The height of buildings should be appropriate to context and may include taller 'landmark' buildings which provide a focal point and aid legibility.

Objections have been received on grounds that the hotel is too big, that the design is not in character and little or no features match the Town Hall. Residents have requested the entrance not be on Clarence Road. Mindful of the guidance in the ADG about active frontages, at pre-application stage, officers requested that the main entrance be moved from the rear of the building to either the Clarence Road or Esplanade elevations. Prior to this, the Clarence Road frontage was shown to have only 'back of house' facilities and a refuse store at ground floor which would have clearly been unacceptable.

It is material that permission was granted on appeal for the demolition of the fire station and replacement with a large 6 storey building running across the whole of the Regis Centre frontage. The part of this that corresponds with the site location was corner shaped and in addition to the 6th storeys, included a large dome on top. The total height to the top of the dome was to be 25.7m whilst the flat roofed sections were proposed as 21m high. This section was to comprise a theatre with a 64-bed hotel on the western side of the car park. The domed roof in that scheme had been proposed to reflect the regency styling of the former Kursaal Theatre and the nearby Esplanade Grande apartment building.

The Inspector's decision raised no concerns regarding the design of the building or the impact on heritage assets. The hotel building proposed by the this application has a similar corner shape, a similar bulk/mass but is much lower at 5 storeys (max 18.2m high). The previous permission has lapsed and cannot be built however the views of the previous appeal inspector remain relevant.

The design was developed following concerns expressed by officers at pre-application stage. Further comments were made during the determination of this application which resulted in design refinements. The proposal is said to be a playful interpretation of the classic regency styling and articulation using modern materials.

Whilst it is accepted that the design does not include features or designs that reflect the Town Hall, it is clear (with reference to the Design & Access Statement or DAS) that it draws inspiration from existing and previous buildings in the area. Most notably the former Kursaal Theatre which sat on the Regis Centre site until 1975 and the Esplanade Grande. This approach reflects the guidance in the ADG. The scale of the building is appropriate having regard to the scale of nearby buildings such as Berkeley Court.

The Conservation Officer states regarding design:

- It is positive to understand the thought process that has been followed in the preparation of the design and that this has included some form of area-based analysis, and a review of buildings that (sadly) are no longer present within the town.
- The overall simple design of the building is acceptable and will reflect the simple character of others in the local area.
- It is positive that the building has been almost designed as two parts: the southern half being more decorative and appropriate for its location close to The Esplanade, whilst the northern half has been designed so as to reflect the more residential character of Clarence Road.
- The proposed material palette appears to follow a more 'neutral and calm approach', whilst still referencing elements of the town/the immediate area.
- Whilst light coloured bricks are not normally found within the town, it is clear that they form part of the buildings of the immediate area e.g., the Regis Centre and 1 & 2 Sidlaw Terrace; and
- The use of the glazed brick which the DAS identifies is to enhance certain details and provide visual interest to the facade is also unique.

Good design is subjective, and the proposal may be unacceptable to some but appropriate to others. It is clear the proposal accords with policy in that it will establish a sense of place, proposes good quality materials, responds to the scale/distinctiveness/characteristics of the surrounding area, and establishes active frontages with service areas predominantly out of public view. The proposal is acceptable in respect of relevant development plan policies.

RESIDENTIAL AMENITY (PRIVACY & LIGHT):

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on interface distances between dwellings and these are: 21m for back-to-back, 16m for front to front and 14m for front/back to side.

The building will be opposite Berkeley Court on Clarence Road which is a 5-storey flatted building with a mix of balconies, bay windows, Juliette balconies and standard windows on the Clarence Road elevation. These flats have a largely unhindered view across the Regis Centre car park. The communal entrance for flats 35-52 is on Clarence Road facing the site.

There have been objections on grounds of loss of privacy and loss of sun/day light (with associated energy bill increases). Residents also refer to the inability of the scheme to meet the 25-degree rule as set out in the ADG. However, the ADG clearly states this rule is only applicable for back-to-back arrangements. As the relationship of the hotel to these flats is front-to-front, the appropriate interface

requirement is 16m.

The distance between the hotel and the western edge of Berkeley Court (being taken from the balcony/bay window extents) is within the range of 16-19m. This meets (and in some places exceeds) the ADG requirement. Whilst there will inevitably be some views between the hotel and the flats, the proposal meets ADG guidance and it would not be possible to justify a refusal on this basis. Even if the hotel was a residential development this would be acceptable. The request for a condition to obscure glaze the hotel windows is noted. This might only be appropriate if the bedroom had a second window and all rooms have only one window. And, as stated above, the distance separation would not justify such an approach.

The ADG requires development to maximise levels of sunlight/daylight and minimise levels of overshadowing to adjacent buildings. The applicant provided a Daylight and Sunlight Report. This assesses the scheme against the baseline of the allowed appeal and this approach was agreed with the local planning authority. Whilst it is acknowledged this scheme cannot be built, it is important to note the Building Research Establishment (BRE) guidelines (2002) state alternative benchmarks, such as a previously consented scheme, may be used in assessing the loss of light to windows nearby. The report concludes:

- The ADG requires a minimum separation distance of 16m for a 'front to front' arrangement. This distance is achieved by the development and is considered to provide acceptable levels of natural light.
- The results of the daylight assessment show that the overwhelming majority of windows and rooms in Berkeley Court will either improve or retain the same levels of daylight as would be enjoyed with the consented development as built out.
- The sunlight assessment demonstrates the same conclusions; and
- The layout follows the BRE Guidelines and satisfied ADC's planning policy on daylight and sunlight.

These results are accepted and the proposal must be determined to be in accordance with policy/guidance on sun/day light and interface distances.

NOISE POLLUTION:

Policy QE DM1 requires that noise generating development be accompanied by an acoustic assessment. Policy QE SP1 states all development must contribute positively to the quality of the environment and not have a significantly negative impact on residential amenity.

There have been objections on grounds of noise disturbance arising from use of the restaurant terrace at night, the use of the pedestrian entrance to the hotel and from deliveries made via Clarence Road. The submitted Transport Assessment states based on Whitbread's experience of similar sites, the hotel will likely generate approximately 14 service vehicle movements per week, which equates to approximately two service vehicle movements per day.

The application is accompanied by a Noise Impact Assessment which has been updated at the request of ADC Environmental Health Officers as per their comments on the website dated 14/06/23. This includes consideration of noise from deliveries and the main entrance (both on Clarence Road) and noise from the use of the external terrace at the restaurant. The updated report concludes that:

- Noise from the proposed plant has been assessed, and provided that the recommended mitigation measures are designed and implemented correctly, the noise should have a "low impact" on neighbouring properties.
- Noise intrusion into hotel bedrooms has also been assessed, and indicative facade specifications are expected to sufficiently meet Premier Inn's internal noise level criteria.

- Patron noise from the main entrance and the external terrace has been assessed, and the predicted noise levels are expected to satisfy the requirements of the Planning Noise Advice Document: Sussex, and achieve the criteria in BS 8233:2014 inside the nearest noise-sensitive properties; and
- Noise from the delivery bay has also been considered, and due to the existing acoustic environment, noise generated by the delivery bay is not expected to have a significant impact on the nearby neighbouring properties.

An accompanying Delivery and Servicing Management Plan has also been provided which sets out the proposed arrangement and demonstrates the following:

- Delivery vehicles up to 12m in length would be utilised to service the Premier Inn hotel.
- All delivery and servicing can take place safely from the proposed at-grade layby along Clarence Road.
- Safe and secure refuse stores will be provided within the site and within an acceptable distance from the lay-by for the efficient and convenient transfer of goods.
- Deliveries and servicing will be coordinated as far as is reasonable to ensure that only one vehicle is present at the site at a given time.
- Continued communication will take place between the operative manager and Whitbread central management to provide further coordination and to inform of any anticipated changes to delivery schedules; and
- Appropriate measures will be introduced to ensure that employees of the hotel are fully aware of the refuse / recycling processes via the staff information board and training.

It is material that the site comprises an ungated access to the adjacent car park which is open 24/7, that the delivery bay is broadly in the same location as forecourt parking for the former fire station and that there is a pay & display (9am to 5pm) parking run on the opposite side of Clarence Road. This is a sea front & town centre location. The site will already be subject to noise disturbance associated with people/vehicles which may occur during the night.

The council's Environmental Health Officer (EHO) no longer objects subject to the imposition of conditions to limit when noise may occur. Their view is that whilst noise will occur, this will not be harmful to residents. The proposal complies with ALP policies QE DM1 and QE SP1.

AIR POLLUTION:

ALP Policy QE DM3 requires that major developments be in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

The site is accessible to public transport being in a town centre and a short walk from the railway station. The scheme includes cycle storage racks to the front and the submission states Whitbread allow guests to take cycles into rooms. Electric car charge points are not shown on the plans, but a condition can be imposed to secure these. The EHO raises no concerns in respect of air pollution and there is clearly no conflict with the policy.

LIGHT POLLUTION:

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape and that lighting should minimise potential glare and spillage.

A lighting plan shows lighting at ground floor to all elevations except that the only lighting to the east elevation (Clarence Road) comprises two wall mounted half covered eyelid LED lights at the south end where the external terrace wraps around. A further 7 of these are spread around the building. Other

lighting comprises wall mounted LED floodlights (3no. to the southern elevation onto the terrace) and LED column mounted lights (6m high). The latter are to the car parking spaces (2 no. lights).

The lighting is appropriate and seeks to minimise light pollution to residential flats on Clarence Road. The council's EHO raises no objections but does request a condition to secure future details including of light spill affecting residents. The plan provided includes this information and a condition would only repeat what has been provided. The council's ecologist does not request a lighting condition. There is no conflict with policy QE DM2.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

The council's Parking Standards SPD does not include any guidance on hotel parking provision however WSCC's standards require 1 space per bedroom (so a maximum total of 116 spaces). This does not differentiate between town centre and other locations. The Parking Standards SPD does state that if parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand. BRNDP policy 8b states that major developments should demonstrate that they do not impact on existing capacity of public highways to accommodate parking and regard should be had to seasonality of parking needs in Bognor Regis.

The proposal is for 11 new car parking spaces (including 5 disabled bays) to the rear of the building accessed from the Regis Centre car park. In addition, 8 new spaces are provided elsewhere in the Regis Centre car park. As the proposal results in the loss of 39 spaces (including 5 disabled) from the car park, there is a net loss of 20 spaces and no net gain in disabled spaces. The total provision in the Regis Centre car park will be 155 spaces (down from 175). To the front, there will be a new delivery bay broadly in a similar position to the existing forecourt parking. The Transport Assessment (TA) states:

- Given the locational and general characteristics of the site, the WSCC level of parking (116 spaces) would not be appropriate.
- Whitbread's Premier Inn data shows that most demand for spaces is during mornings and evenings. The peak parking demand for the hotel would thus occur overnight, with a maximum demand for circa 90 car parking spaces. Meanwhile, during core daytime hours, the demand would be for 20-25 spaces.
- The hotel would therefore generate the majority of its parking demands overnight i.e., when the existing parking demands are very low.
- This arrangement is commonplace at town centre hotels, including numerous other Premier Inn sites in similar town centre locations, and is known to work effectively.
- On-street parking spaces most immediately to the site are underutilised, however, hotel guests would principally be directed to the Regis Centre car park.
- There are approximately 900 car parking spaces in public car parks within circa 500m of the site.
- The parking data shows that August is the busiest month for the car park, with the day-time car park occupancy being 67% on average. This demonstrates there is approximately 33% spare car parking capacity during a typical day during the month of August.
- An even greater level of spare capacity is available outside of the peak summer months.
- Following removal of the 20 spaces (net), the day-time car park occupancy during the peak month of August would be approximately 75% which equates to 117 spaces leaving 35 free during the day and this is sufficient for the daytime needs of the hotel, according to the Whitbread data; and

- There are other public car parks in a 500m walking distance which can absorb overnight/daytime demand.

The parking data is derived from day/season ticket sales information from ADC. Objectors questioned the validity of the data given it relies on information obtained for the period April 2021 to March 2022. From March 2021, a 4-stage stepped return to 'normality' had commenced following the third national lockdown in February and there were still some restrictions in place during this period. The applicant provided additional parking data. These were undertaken between 27/07/23 and 29/07/23. The report on these additional surveys concludes:

- The extra surveys confirmed similar results for nearby car parks (Regis Centre & Gloucester Road) in that there is a discernible profile with a low number of vehicles parked overnight into the morning, with a general uptick towards midday and into the afternoon, with a pronounced drop into the evening.
- This would corroborate the assumptions made in the Transport Assessment in the hotel having a complimentary parking demand profile (i.e., peak demands being overnight and lowest during the core daytime hours); and
- The results of the survey indicate spare capacity within both car parks, and the parking demands associated with the hotel should be considered holistically with other town centre parking provisions within close proximity of the site, with a suitable provision within an acceptable walking distance of the proposed hotel to accommodate guest vehicles and the spaces lost as a result of the hotel development.

WSCC Highways do not object subject to conditions and a s106 agreement. Their views remain unchanged after re-consultation on the additional surveys. The proposal complies with the NPPF guidance and the relevant policies of the development plan.

WASTE MANAGEMENT:

ALP policy WM DM1 does not refer to commercial development. Section H.07 of the ADG advises it should meet the requirements of the users of buildings while being as unobtrusive as possible. It should be convenient and safe for users to access and ensure efficient collection by waste vehicles.

The ground floor plan indicates the provision of an internal store for waste and recycling bins on the northern side of the building. This will allow for vehicular access from either the car park or Clarence Road and is within an acceptable distance from each point for refuse collectors to transport the bins to/from the collection vehicle. There is no objection to this proposal.

TREES & BIODIVERSITY:

ALP policy ENV DM4 states trees that contribute to local amenity should not be damaged or felled unless the benefits of the development outweigh the loss. ALP policy ENV DM5 requires that proposals achieve a net gain in biodiversity and protect existing habitats on site.

Existing on-site trees are relatively small, and none provide individual amenity value. Their contribution to amenity is due to their collective value as landscaping (with other retained trees/shrubs). The tree survey categories all of existing trees as class C (low quality). None warrant protection by a TPO. Eight trees are to be lost. The application proposes landscaping in the form of seven clipped Oak trees as well as 936 individual shrub plants.

Given the size, location, and use of the site, it is unlikely to have potential as habitat for protected species. An ecological appraisal, phase 1 bat survey and endoscopic survey were submitted. They found no detrimental impacts to protected species and recommend mitigation measures including bat boxes and a sparrow terrace. The site will be checked for birds' nests prior to construction and a further

endoscopic survey of the fire station building and trees to be removed will be undertaken prior to commencement.

The council's Ecologist has raised no objections and recommends conditions to secure the proposed mitigation measures. The proposal is also accompanied by a Biodiversity Net Gain Calculation which sets out an overall net gain of 2.64%. Whilst this is significantly lower than the 10% national requirement to be introduced early in 2024, ALP policy ENV DM5 currently only requires that a net gain is demonstrated and so there can be no conflict with the policy. It is also material that there is limited space on the site for new habitat and no current policy requirements for biodiversity off-setting.

CLIMATE CHANGE/SUSTAINABLE CONSTRUCTION:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and should incorporate decentralised, renewable, and low carbon energy supply systems. It states for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable. Policy ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The energy statement sets out that the building will include the following building methods/technologies to achieve an overall 32.2% carbon reduction:

- Low external envelope U-values and low air permeability.
- Low energy LED lighting with lighting controls.
- Metering connected to a battery management system with auto monitoring and targeting of energy.
- Mechanical ventilation with passive heat recovery (MVHR).
- Air source heat pump (ASHP) providing space heating.
- High efficiency air-to-water CO2 Heat Pump for hot water services (HWS); and
- Solar photovoltaic (PV) panels generating on site zero carbon electricity.

Furthermore, as set out in the submitted DAS, the hotel is targeting a BREEAM 'excellent' rating. A condition will be imposed to seek the detail of these features and a further condition will seek the placement of electric vehicle charge points in the cark (which will also satisfy policy QE DM3(c)). On this basis, the proposal complies with the relevant policies.

PAGHAM HARBOUR:

ALP policy ENV DM2 requires residential developments in 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. The site lies in Zone B and so it is necessary to seek financial mitigation. Arun DC do not have rules applicable to hotels, neither do Chichester DC (who the council has historically consulted for guidance on non-residential schemes). Natural England have proposed a suitable contribution which has been agreed with the applicant.

This contribution will be included in a legal agreement. ADC are required to assess the application with reference to the Habitats Regulations to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. The council's assessment has been agreed with Natural England and there is no conflict with policy ENV DM2.

OTHER S106 PROVISIONS:

WSCC Highways have stated that a Traffic Regulation Order (TRO) will be required for the signing and lining of the delivery lay-by in accordance with the Traffic Signs Regulations and General Directions 2016

(TSRGD). This TRO attracts a fee of £8,322 and this will need to be secured through a s106 agreement. In addition, a contribution of £3,500 will be required to cover the costs of WSCC of monitoring and auditing the Travel Plan. WSCC also request that the s106 enforce the required s278 agreement for off-site works to Clarence Road and the two car park accesses on Belmont Street. This could be secured by a condition, but it is also appropriate to include in the s106.

ALP policy T SP1 requires developments contribute to highway improvements and are supported by a Travel Plan, which is effective and deliverable. Policy INF SP1 requires proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. The Parking SPD states, "If Traffic Regulation Orders (TRO) are required then developers will be expected to fund administration and works costs."

These requirements meet the CIL tests (Regulation 122 of the Community Infrastructure Levy Regulations 2010), and the requested contributions will therefore be included in the proposed legal agreement. On this basis, there is no conflict with ALP policies T SP1 or INF SP1.

SUMMARY:

The proposal must be determined in accordance with the development plan policies and paragraph 11c of the NPPF which states, "approving development proposals that accord with an up-to-date development plan without delay".

This report shows the proposal results in the following harm (some of which represent policy conflicts):

- The loss of designated public open space.
- Less than substantial harm to the Grade II listed Bognor Regis Town Hall.
- A loss of 20 parking spaces within the Regis Centre Car Park; and
- Some residual harm to the amenities of existing residents.

On the other hand the proposal represents sustainable development, and the scheme will deliver the following benefits (according to the applicant but agreed but the local planning authority):

- A multi-million-pound investment (approximately £10 million).
- 50 Full-time Equivalent (FTE) construction jobs over the build period.
- 30 FTE permanent jobs when fully operational with recruitment to be focused on Bognor Regis and the surrounding area.
- The potential for around 67,744 new overnight visitors per year (this is based on the average of 1.6 people sharing each hotel bedroom for 365 days of the year with a 100% occupancy rate).
- Linked spending within Bognor Regis and the Arun district, supporting the viability of the town centre - research suggests £3.3million would be spent in the visitor economy every year and the average Premier Inn guest spends £79 per night (excluding accommodation costs) within the local area; and

With the hotel being on the car park, it will increase natural surveillance over this space. The restaurant will be open to the general public. Economic Development officers support due to need for more quality in the tourism accommodation sector. These benefits are of a level that the less than substantial harm to the heritage assets and other policy conflicts are outweighed.

RECOMMENDATION:

The s106 agreement is at an advanced stage and is with ADC ready to be signed. However, signing cannot take place without the resolution of the committee therefore the recommendation is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice

Chair with authority to:

- (a) Grant planning permission subject to conditions; and
- (b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments authorised by the Group Head of Planning.

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 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 the recommendation for approval of the grant of permission 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 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 hotel is fully accessible to wheelchair users. Otherwise, the proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

This decision will be granted in accordance with a s106 legal agreement which secures the following:

PAGHAM HARBOUR

- A contribution of £12,873.38 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

HIGHWAYS

- A contribution of £3,500 for monitoring and auditing the Travel Plan.
- A Traffic Regulation Order required for signing and lining of the lay-by in accordance with The Traffic Signs Regulations and General Directions 2016 - and the accompanying fee of £8,322.
- A s278 Agreement to secure the new delivery layby and footway changes along Clarence Road plus tactile paving at the two Belmont Street accesses to the Regis Centre car park.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

date of this permission.

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Location Plan Dwg No 5740-PL 001 rev A.
Proposed Site Plan 5740-PL 010 rev C.
Proposed Ground Floor Plan 1740-PL 110 rev C.
Proposed First Floor Plan Dwg No 5740-PL 111.
Proposed Second Floor Plan Dwg No 5740-PL 112.
Proposed Third Floor Plan Dwg No 5740-PL 113.
Proposed Fourth Floor Plan Dwg No 5740-PL 114.
Proposed Roof Plan 5749-PL 115 rev B.
Proposed Demolition Plan 5740-PL 120.
Proposed Elevations 5740-PL 210 rev B.
Proposed Elevations 5740-PL 211 rev B.
Proposed Street Elevations 5740-PL 225 rev B.
Proposed Sections Dwg No 5740-PL 310.
External Lighting Services Layout Dwg No C8347-TLP-00-00-DR-E-801 rev P2.
2022/6402/003 rev P5 Existing and Proposed Car Park Arrangements.
2022/6402/004 rev P6 Proposed Servicing Arrangements.
2022/6402/005 rev P2 Parking Swept Path Analysis.
2022/6402/008 rev P1 Proposed Access Improvements.
Delivery and Servicing Management Plan Ref 2023/6402/DSMP01; and
Noise Impact Assessment rev 04 21/07/2023.

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

- 3 Notwithstanding the provisions of the Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting these Orders), the use hereby permitted shall be restricted to a hotel under class C1.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative uses particularly given the parking provision and the proposed permitted development rights to allow hotels to be converted into residential accommodation, in accordance with Arun Local Plan policies D DM1, T SP1 and QE SP1.

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (LC Ecological Services, January 2023) and the Shadow Appropriate Assessment (LC Ecological Services, April 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under Arun Local Plan policy ENV DM5, the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &

Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 5 The development shall be carried out in accordance with the submitted flood risk assessment (ref 6 April 2023, issue 1) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 5.1 metres 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 Arun Local Plan policy W DM2 and the NPPF.

- 6 Development shall not commence, other than works of demolition, 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. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No part of the building shall 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.

- 7 Development shall not commence, other than works of demolition, site survey and investigation, until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 8 Prior to the commencement of any demolition taking place, a copy of any asbestos register held for the former fire station building, and any remedial strategy (where appropriate), must be provided to the Local Planning Authority for approval in writing. The demolition should thereafter proceed in accordance with the approved details.

Reason: To protect future residents in accordance with policy QE DM4 of the Arun Local Plan. This is required to be pre-commencement condition because otherwise there could be a risk

to human health including that of neighbouring residents and persons in the vicinity.

9 No development shall take place, including any works of demolition (but excluding site survey & investigation works), until a Construction Environmental Management Plan (CEMP) and accompanying Site Setup Plan have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.
- 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,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- The provision of wheel washing facilities/other works required to mitigate the impact of construction on the public highway (including the provision of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works. This shall include details of how measures will be put in place to address any environmental problems arising from any of the above. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of the area, to conserve and enhance protected and priority species and allow the Local Planning Authority to discharge its duties under Arun Local Plan policies ENV DM5, T SP1 & QE SP1. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

10 No demolition shall occur unless and until a Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how the retained wall of the Town Hall is to be protected and how the Fire Station frieze is to be carefully removed and protected prior to being included in the new hotel building. The demolition shall thereafter be undertaken in accordance with the approved Statement.

Reason: To enable the Local Planning Authority to control the development in detail in the

interests of the character and appearance of the Listed Building in accordance with Arun Local Plan policies HER SP1 & HER DM1 and the National Planning Policy Framework. This is required to be pre-commencement condition because otherwise damage could occur to the retained Town Hall building.

- 11 Development shall not commence, other than works of demolition, site survey and investigation, unless and until the applicant has prepared and submitted for written approval an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. This must be a pre-commencement condition as it relates to the construction phase and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 12 No development above damp-proof course (DPC) level shall take place unless and until a Biodiversity Enhancement Strategy for protected and Priority species as prepared by a suitably qualified ecologist has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or product descriptions to achieve stated objectives;
- c) Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under Arun Local Plan policy ENV DM5, the NPPF 2021 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 13 Within 2 months of the commencement of the demolition of the fire station, the applicant/developer shall provide a detailed drawing and accompanying schedule of materials and finishes concerning the finish of the exposed wall of the Town Hall to the Local Planning Authority for approval in writing. This detail shall include the brick type, the brick bond, details of the stone base/coping and the new insulation. The approved scheme and materials shall then be used in the making good of the town hall.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the preservation of the listed Town Hall in accordance with policies D DM1, HER SP1 and HER DM1 of the Arun Local Plan.

- 14 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 roofs of the proposed building has 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 and the preservation of nearby heritage assets in accordance with policies D DM1, HER SP1 and HER DM1 of the Arun Local Plan.

- 15 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding

season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

16 No part of the development shall be first occupied unless and until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), Arun Local Plan policy ENV DM5 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

17 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan.

18 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

19 No part of the development shall be occupied unless and until the developer/owner has submitted details of an information plaque to be attached to the hotel front (Clarence Road) elevation, for approval in writing by the Local Planning Authority. This must present information regarding the context of the site including the former fire station and neighbouring

town hall and other demolished buildings. Thereafter, the agreed plaque shall be installed prior to occupation and permanently retained thereafter in a good and safe condition.

Reason: In the interests of heritage interest in accordance with Arun Local Plan policies HER SP1 and HER DM1.

- 20 No part of the hotel hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with policies ECC SP1 and W DM1 of the Arun Local Plan.

- 21 The approved development shall achieve a minimum of 10% energy supply reduction from either the use of decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of the hotel and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in on site energy use in accordance with policy ECC SP2 of the Arun Local Plan and the NPPF.

- 22 Prior to the occupation of any part of the approved hotel, the applicant or developer shall provide electric vehicle charge points to serve the 10 parking spaces associated with the approved building in accordance with the council's standards as set out in its Parking Standards SPD. This requires EV charging points in 20% of parking spaces (rising to 30% from 2023, 50% from 2028 & 100% from 2033) with electric ducting provided to all other spaces to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 23 No part of the proposed restaurant shall be used unless and until details of a suitable system for the extraction of cooking odours (including details of the extract fan units, filters, extraction hoods and ducting, together with method of noise abatement) has been submitted to and approved in writing by the Local Planning Authority. The submission should also include details of hours when the kitchen ventilation extract system will be operational. The equipment approved under this condition shall be installed by a competent engineer before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of local residents in accordance with policy QE DM1 of the Arun Local Plan.

- 24 Notwithstanding the submitted Delivery and Servicing Management Plan, no delivery vehicles shall arrive at or depart from the delivery bay, and no industrial, commercial or trade goods shall be loaded, unloaded or otherwise handled, outside the hours of 08:00 and 18:00 Monday to Friday, 08:00 to 18:00 on Saturdays or at any time on Sundays, Bank or other Public Holidays.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 25 The approved external terrace shall not be used by customers of the hotel or the restaurant outside of the hours of 07:00 to 23:00.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 26 There shall be no more than 14 delivery vehicles of the type discussed in section 3 of the Delivery and Servicing Management Plan arriving at the site per week.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 27 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 28 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 in the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments 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 in the NPPF.

- 29 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following obligations:

(a) A contribution of £12,873.38 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

(b) A contribution of £3,500 for monitoring and auditing the Travel Plan.

(c) A Traffic Regulation Order required for signing and lining of the lay-by in accordance with The Traffic Signs Regulations and General Directions 2016 - and the accompanying fee of £8,322; and

(d) A s278 Agreement to secure the new delivery layby and footway changes along Clarence Road plus tactile paving at the two Belmont Street accesses to the Regis Centre car park.

- 30 INFORMATIVE: The owner(s) of any commercial property built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the former fire station is being demolished to make way for a form of commercial development which will accommodate people living/sleeping, the Local Planning Authority need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to

minimise risk to human health as there is no safe threshold for asbestos exposure.

- 31 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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 32 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 33 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken in the event that substantiated complaints within the remit of the Environmental Protection Act 1990 are received. For further information, please contact the Environmental Health Department on 01903 737555.
- 34 INFORMATIVE: It is presumed that Building Control shall ensure that there shall be a sufficient provision of grease traps fitted in accordance with Building Regulations Document H to the drainage serving the proposed commercial hot food business.
- 35 INFORMATIVE: It is presumed that the applicant shall ensure that a full asbestos survey of all existing structures to be demolished shall be undertaken prior to demolition and any asbestos materials identified shall be removed/managed in accordance with HSE guidelines and the Control of Asbestos Regulations 2012.
- 36 INFORMATIVE: The business is required to submit a Food Registration Form to the Environmental Health department 28 days before opening. Further advice can be given to the business, for example, on the internal layout of the food premises. For further advice, please

contact the Environmental Health Service on 01903 737755.

37 INFORMATIVE: Environmental Health require there to be an adequate provision of sanitary accommodation in food businesses.

38 INFORMATIVE: A formal application for connection to the public sewerage system is required 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 the New Connections Services Charging Arrangements documents: <https://beta.southernwater.co.uk/infrastructurecharges>.

39 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 02/05/23) as available on the council's website.

40 INFORMATIVE: Flood proofing of the proposed development shall be incorporated, where necessary, in accordance with flood resilience and resistance techniques to be included in accordance with 'Preparing for floods' (ODPM 2003)

41 INFORMATIVE: The dewatering associated with this development may require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. There is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

42 INFORMATIVE: The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- treated materials can be transferred between sites as part of a hub and cluster project; and
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. It is recommended that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice; and the waste management page on GOV.UK.

43 INFORMATIVE: Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991.
- Hazardous Waste (England and Wales) Regulations 2005.
- Environmental Permitting (England and Wales) Regulations 2016; and
- The Waste (England and Wales) Regulations 2011.

Developers should ensure all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a

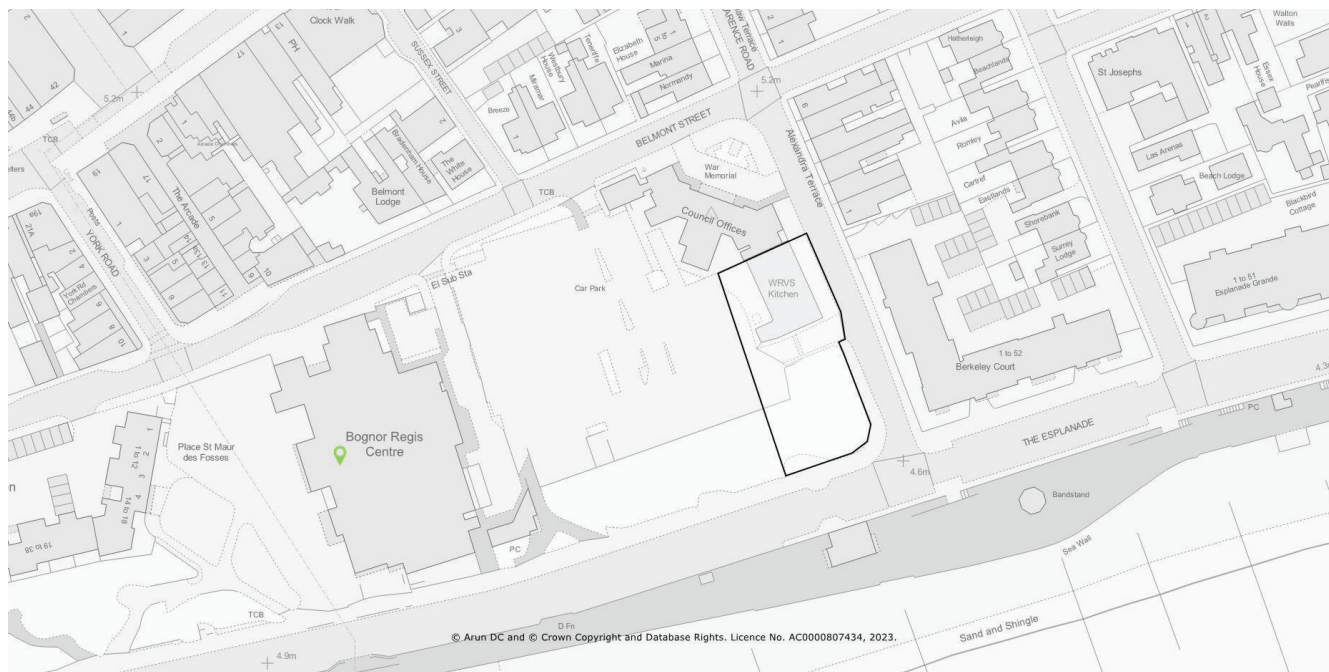
Sampling Plan' and the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

- 44 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 45 INFORMATIVE: The erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

BR/83/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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