

Recommendation Report for Planning Permission

REF NO: FG/2/19/PL

LOCATION: Greensward South Of Car Park
Beach Hut 37a
South Drive
Ferring

PROPOSAL: Reinstatement of 3 No. beach huts.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed application is part retrospective and is for the construction of 3 beach huts on the greensward at Ferring Beach close to the Bluebird cafe and greensward beyond adding thto the existing group of approx. 40 beach huts in that location.

They would match in size and style of construction the existing beach huts.

The 3 beach huts are and would be located within the same location as the existing beach huts and 'square off' the area where the other beach huts are, appearing as part of the group of existing beach huts.

It is noted the property deeds do show that there were historically beach huts on the site of the 3 proposed beach huts.

There would be no additional dedicated car parking for the proposed beach huts.

SITE AREA

N/a.

TOPOGRAPHY

The site gently slopes down from the top of the pebble beach dune promenade to the car park with two rows of beach huts in between.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The beach huts do not have any boundary treatment around them and are open to the public car park to the rear and beach to the front.

SITE CHARACTERISTICS

The beach front at Ferring where there is a large group of approx. 40 beach huts next to the Bluebird Cafe and pubic car park.

CHARACTER OF LOCALITY

Beachfront adjacent to a residential area.

RELEVANT SITE HISTORY

ENF/401/18 Alleged Unauthorised Beach Huts

The planning application has been received as a result of a registered Enforcement complaint where the offending party was requested to submit a planning application for the part built development. The concrete bases for three of the beach huts and two of the beach huts in their entirety have been constructed.

The planning application is described as a re-instatement of the beach huts which is technically accurate as shown on the land deeds of ownership however it is noted that the development is not a re-building or repair operation and therefore requires planning permission as the beach huts have been entirely demolished and the site laid vacant.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

No comments received.

Ferring Conservation Group - Objection on the following grounds

- 1) No evidence that the three beach huts are replacements rather than new beach huts.
- 2) That there is insufficient parking for the proposed development of 3 beach huts and this would have an unacceptable impact on parking neighbouring private roads during peak periods.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application is considered on the basis that the 3 beach huts are new development. However, evidence has been provided by the applicant that the beach huts are a reinstatement and on examination it is considered to be accurate. On this principle the beach huts are not adding to parking demand.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Engineers (Coastal Protection)

CONSULTATION RESPONSES RECEIVED:

ADC Engineers - No objection with respect to surface water drainage.

ADC Coastal Engineer - No objection subject to informatives.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
OUTSIDE BUILT UP AREA BOUNDARY

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
LANDM1	LAN DM1 Protection of landscape character
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 10

Sustainable water management

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, Made Neighbourhood Development Plans and the South Marine Plan 2016.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Ferring has a made Neighbourhood Development Plan (FGNP) and the relevant policies within it have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have an acceptable effect on the visual amenities of the locality, the established character of the surrounding area and the residential amenity of nearby properties.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031, the Ferring Neighbourhood Plan (FNP).

Arun District Local Plan (2011-2031):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area. Policy C SP1 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB where it does not comply with other policies in the Arun Local Plan. Due to the sites location outside of the BUAB the proposals would be in conflict with principles of policy C SP1 of the Arun Local Plan 2011 - 2031. However, an assessment of harm is required in order to determine whether the proposal affects the purpose of this policy - to protect the character of the countryside.

Ferring Neighbourhood Plan (FNP):

The FNP was made in 2014 and as such forms part of the development plan in the determination of this application.

Policy 1A of the FGNP seeks to focus development within the BUAB as defined in the plan and makes it clear that proposals outside of the built up area boundary that do not accord with development plan policies in respect of the control of development in the countryside will be resisted.

National Planning Policy Framework (NPPF):

It states in paragraph 12 that 'Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Conclusion on Matters of Principle:

The principle of development on this site is contrary to the development plan as per the principles within Arun Local Plan policy C SP1 and policy 1A of the FNP which seek to protect the countryside from unwarranted development. The policies which could result in compliance with part (f) of policy CSP1 which would deem that development in this location would be acceptable, are considered in more detail and discounted as set out below.

Another material planning consideration that would warrant a decision not in compliance with

development plan policy is that the evidence provided establishes the previous stationing of 3 beach huts in this location and this proposal represents a reinstatement of those beach huts.

TOURISM

The proposed location is within an area of existing beach huts where this use is long established.

Policy TOU SP1 'Sustainable tourism and the visitor economy' states that the Council will encourage sustainable tourism development "where it protects as well as promotes the main tourism assets of the waterfronts - the coast, rivers and estuaries" and policy TOU DM1 'Tourism related development' confirms that "proposals for development, including expansion, which are likely to attract visitors (such as leisure or cultural facilities) will be supported provided that they are in accessible locations and achieve good design."

As discussed below the proposal is considered to be of an acceptable design, appropriate in its location, reflecting other beach huts in the group as required by policy TOU DM1(1). Part 2 of policy TOU DM1 refers to development outside the built up area boundary and states that proposals will generally be expected to be small in scale which the beach huts are. In all cases development in the countryside should be compatible with its countryside location and is sensitively designed to minimise its impact. It is considered that the principle of an expanded tourism facility should be supported but this needs to be weighed against the scale of the proposals and the impact of these.

CHARACTER AND DESIGN

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm. With reference to character the policy states that proposals should 'Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.'

Arun Local Plan policy D SP1 - Design states:

'All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details....' The policy requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

The proposal would modestly extend the number of beach houses which would not detract from the rural character of the area or landscape, given their location within an existing group of beach huts.

The materials of the constructed beach huts, and of the final beach hut not yet built, would be weatherboarding and timber doors with the colour being a variety of pastel shades from blue to grey with additional contrasting white painted doors which matches the existing beach huts

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that good design is a key aspect of sustainable development (paragraph 124) and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 127).

Paragraph 130 goes on to say that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'....

The beach huts are surrounded by other beach huts with the car park to the rear. The wider beach front area is generally open with the Bluebird cafe to the west and greensward beyond which features more sporadic development. The closest residential dwellings are mainly detached and set back from the beach area behind the car park area to the south and greensward to the west. The proposed and existing beach huts as a whole form an integrated part of the character of the area with the new proposed development being indistinguishable within the existing landscape.

It is therefore considered that the proposal would not have an adverse impact on the rural character of the area in accordance with policy D DM1 (1), D SP1 and LAN DM1 of the ALP 2011 - 2031 and paras 127 and 130 of the National Planning Policy Framework.

PARKING AND HIGHWAY SAFETY

The proposal does not provide any additional other parking dedicated car parking on-site. There is an existing uneven, potholed, unsurfaced car parking area providing an estimated 80 and 100 spaces to the east, which is not entirely within the applicant's ownership. It is available to all motorists and not just those using the premises. It is also shared by walkers, beach users, beach hut owners, servicers of the public toilets and Environment Agency employees. The existing parking is informal and is not marked out in bays. No changes to the parking area are included within the application. The demand for parking already does occasionally exceed the capacity of the parking area in the summer months. The car park has no length of stay restriction and is not restricted to any user.

The end user of the beach huts are likely to be pre-dominantly existing users of the beach or residential properties in the vicinity of the area such that the level of additional parking required would not be sufficient to warrant a refusal of the application on parking grounds.

The addition of 3 beach huts is not considered to significantly add to the parking demand within the car park nor cause any danger to highway traffic as a result and therefore the proposal is considered to accord with policy TSP1 of the Local Plan. In any event the proposal does not amount to a net increase in demand for parking given that there were previously 3 beach huts in operation.

FLOODING & SURFACE WATER DRAINAGE

Arun Local Plan 2011 - 2031 policy W DM2 seeks to limit development in areas at risk of flooding and W DM 3 discusses the need for sustainable urban drainage systems.

Policy 10 of FNP 'Sustainable Drainage Systems and Water Management' confirms that it expects proposals for development to demonstrate that their sustainable drainage design features are acceptable.

The Council's Drainage Engineer has not raised any objection to the scheme and the proposal would therefore accord with these policies.

RESIDENTIAL AMENITY

The constructed and proposed additional beach huts would not overlook, cause a loss of light or loss of privacy to any neighbouring residential properties being located approximately 35 metres from the nearest residential property in The Strand and 15m from the rear garden boundary.

The noise and activity of the use would not be significantly different the existing group of beach huts.

It is accepted that the premises is close to residential dwellings but it is an existing established use and it does not directly abut any residential curtilage. Given the distance to boundaries and that the nearby dwellings have relatively long rear gardens it is considered that there would be no materially adverse impact on adjacent properties by reason noise or disturbance. and the proposal accords with policy D DM1 of the Arun Local Plan with respect to residential amenity.

CONCLUSION

It is therefore considered that the proposal is in accordance with the conflicts with the development plan it does not meet the policy requirements of policies C SP1, TOU DM1, D SP1, D DM1, W DM2, W DM3 and T SP1 of Arun Local Plan, the relevant sections of the Ferring Neighbourhood Plan and the National Planning Policy Framework.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION**APPROVE CONDITIONALLY**

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

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

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

Existing & Proposed Block Plan - Dwg.no. 1001 dated Dec 2018.

Existing & Proposed Site Plan - Dwg.no. 1002 dated Dec 2018.

Plans - Dwg.no. 2001 Rev 01 dated Jan 2019.

Elevations - Dwg.no. 2000 Rev 01 dated Dec 2018.

Materials - Email dated 08 February 2019 -15:19.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy D DM1 of the Arun Local Plan.

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

- 4 INFORMATIVE:

- There can be no guarantee that assets situated next to the sea are 100% safe. Building close to any expanse of water always carries some level of risk; asset owners should be aware of this and should take appropriate precautionary measures if they consider it necessary.

- Arun District Council is the Coast Protection Authority and has permissive powers to carry out coast protection work in accordance with the Coast Protection Act 1949.

- There is a marked interruption in 'typical' sediment transport ~50m south west of the proposal where the Ferring Rife interacts with the coastline. The Environment Agency are responsible for managing this area as their remit covers both main rivers and areas susceptible to coastal flooding. Consequently, the Agency manage the rife - and all its ancillaries, rife outfall, adjacent coastline and associated groyne field. The coastal boundaries of their management area are easily recognised by understanding that the Agency are responsible for three groynes either side of the concrete outfall. Therefore, the beach adjacent to the proposal is managed by the Environment Agency.