APPLICATION REF: FP/121/07/

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Outline application for redevelopment of site into 4 no. 1 bedroom apartments in 3 storey building with parking to rear (Re-submission following FP/42/07/). Site of Mermaid and Playbox, Adjacent to Sea Road, Felpham.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.02 hectares approximately.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Application site and neighbouring properties are located at a lower level than the access to the south side of the site, by approximately 1m.
TREES	None.
BOUNDARY TREATMENT	No defined boundary.
SITE CHARACTERISTICS	Vacant. Overgrown site.
CHARACTER OF LOCALITY	Residential area located adjacent to the sea. Surrounding properties are varied in style and character. Single storey detached building located to the west side of the site, which is a mixture of red brick and concrete to walls, with sections of horizontal weather boarding. Double pitched roof. Two storey brick building located further west of the site. 'Shingle End' and 'Vilhoet' are single storey detached buildings, which are positioned above ground level (former railway carriages). 'Limpet' appears from the street scene as a two storey flat roofed building, which steps up to a three storey building towards the rear. 'Adelaide' is a three storey detached building, which is used as flats.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
FP/223/89/	Demolition of Mermaid and Playbox and Redevelopment of site into 4 No. 1 bedroom flats in three storey building with parking at rear and access onto Longbrook/Sea Road.	Approved Conditionally 28-02-1990.
FP/129/97/	Redevelopment to provide 4 No. 1 bed flats.	Refused 05-03-1998.
FP/137/00/	New dwelling house.	Refused 24-10-2000.
FP/42/07/	Outline application for the redevelopment of site into 4 no. 1 bedroom apartments in 3 storey building with parking to rear.	Refused 30-03-2007.

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Felpham Parish Council	Awaited.
LOCAL GROUPS	None.
One Letter of Objection	There is only a four-foot access to the property which would prohibit any construction or parking; The flats would be out of keeping with immediate surrounding buildings; The proposed development would have a devastating impact visually and would take light and sun from neighbours.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Environment Agency	Objection: The application site lies in flood zone 3, an area of high flood risk, as defined in PPS25 Table D1. PPS25 requires applicants for planning permission to submit a FRA in accordance with Annexe E when development is proposed in such a location. Although we appreciate that the Flood Risk Assessment (FRA) pro-former from the companion guide to Planning Policy Statement 25 (PPS25) has been completed, it is inappropriate in this instance. Due to the location of the proposed development, immediately behind a sea defence, and the high risks associated with this site, a more comprehensive FRA is required. Any such assessment would need to include overtopping and breach analysis, together with details of safe access and egress routes. It should be noted that due to the high risks associated with the proposal's location, it is unlikely that any FRA will be able to satisfy our flood risk concerns.
County Highways	The Highway Authority have been consulted on a previous application on this site under FP/42/07/. The Highway Authority issued advice on this application given that the site is accessed from a private road. However, it is noted that the Planning Authority did refuse this application. Given that the current application differs very little from the previous in terms of detail and likely traffic generation, I would refer you to the Highway Authority's previous comments on FP/42/07/. Suggested conditions
Property Services Manager	The Council owns the portion of roadway at the rear of Adelaide. Any access over this section of the roadway will require a negotiation if planning permission is granted.

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POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan: LOC1, DEV1, CH1, NE2, NE3, NE17, ERA4.
Arun District Local Plan: GEN2, GEN7, GEN10.

PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport
PPS25 - Development and Flood Risk.

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

COMMENT ON CONSULTATION RESPONSES

The Environment Agency's objection and comments from the Council Property services Manager are noted and will be taken into consideration when a decision is made on the application.

COMMENT ON REPRESENTATIONS RECEIVED

Noted. The application will be considered on the basis of the submitted information. It is noted that there are flats within the surrounding area, most notably 'Adelaide' to the north east side of the application site. It is noted that County Highways have raised no objection of the grounds of access/parking arrangements and highway safety.

It is agreed that the proposed three storey building would detrimentally affect the residential amenities of the closest neighbouring dwellings to the east side by way of overbearing effect and loss of light.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that the application has not been accompanied by an appropriate Flood Risk Assessment (FRA) as required by Annex E of Planning Policy Statement 25 – Development and Flood Risk (PPS25). Further, the proposed three storey building would represent a form of development, which would be out of keeping with the character of the surrounding area and detrimental to the residential amenities of the neighbouring property to the east.

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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

The proposal is an outline application for the redevelopment of the site into 4 no. 1 bedroom apartments in 3 storey building with parking to rear. The application is to consider the principle of the development only, with all matters being reserved.

There is extensive history on the site, which is as follows:-

- FP/223/89/ - Demolition of Mermaid and Playbox and Redevelopment of site into 4 No. 1 bedroom flats in three storey building with parking at rear and access onto Longbrook/Sea Road. Approved Conditionally 28-02-1990.
- FP/129/97/ - Redevelopment to provide 4 No. 1 bed flats. Refused 05-03-1998.
- FP/129/97/ - New dwelling house. Refused 24-10-2000.
- FP/42/07/ - Outline application for the redevelopment of site into 4 no. 1 bedroom apartments in 3 storey building with parking to rear. Refused 30-03-2007.

This application is a resubmission of application ref: FP/42/07/, which was refused on the following grounds:-

1. The proposed three storey building, comprising 4 No. flats would represent a form of development which would be out of keeping with the character of the surrounding area and detrimental to the residential amenities of the neighbouring property to the east;
2. The proposal is considered to conflict with relevant Development Plan policies in that the application is not accompanied by a Flood Risk Assessment (FRA) as required by Annex D of Planning Policy Statement 25 - Development and Flood Risk (PPS25) and there is no evidence that the sequential test has been applied;
3. On the basis of the information available the Local Planning Authority is not satisfied that satisfactory access to this site can be achieved.

It is considered that none of these reasons for refusal have been overcome with this current application. Indicative plans have been submitted as part of the current application, however it is still considered that the proposed three storey building, comprising 4 No. flats would represent a form of development, which would be out of keeping with the character of the surrounding area and detrimental to the residential amenities of the neighbouring property to the east. Further the Councils Property Services Manager is still of the opinion that the applicants do not have a vehicular right of way to the site as this has not been agreed with the Council who control the access road at the northern end of Longbrook. Finally, although on this occasion the Flood Risk Assessment (FRA) pro-former from the companion guide to Planning Policy Statement 25 (PPS25) has been completed, the Environment Agency is of the opinion that it is inappropriate in this instance and that due to the location of the proposed development, immediately behind a sea defence, and the high risks associated with this site, a more comprehensive FRA is required.

It is therefore recommended that the application is refused, for the reasons outlined overleaf.

RECOMMENDATION

TOWN AND COUNTRY PLANNING ACT 1990

ARUN
DISTRICT COUNCIL

Application Ref: FP/121/07/

RECOMMENDATION

1 **To Addressee**

2 **Site Address**

Site of Mermaid and Playbox
Adjacent to Sea Road
Felpham

3 **Description of Development**

Outline application for redevelopment of site into 4 no. 1 bedroom apartments in 3 storey building with parking to rear. (Re-submission following FP/42/07/)

4 In pursuance of their powers under this Act and related Orders and Regulations the Council REFUSE to approve the development as described in the application and plan for the reasons stated.

RECOMMENDATION

REASON 1 The proposed three storey building, comprising 4 No. flats would represent a form of development which would be out of keeping with the character of the surrounding area and detrimental to the residential amenities of the neighbouring property to the east. The proposal would therefore be contrary to policies LOC1, DEV1, CH1 of the West Sussex Structure Plan and GEN2, GEN7 of the Arun District Local Plan.

REASON 2 The proposal is considered to conflict with relevant Development Plan policies in that the application is not accompanied by an appropriate Flood Risk Assessment (FRA) as required by Annex E of Planning Policy Statement 25 - Development and Flood Risk (PPS25). The proposal would therefore be contrary to polices ERA4 of the West Sussex Structure Plan and GEN10 of the Arun District Local Plan.

REASON 3 On the basis of the information available the Local Planning Authority is not satisfied that satisfactory access to this site can be achieved and the proposal would therefore be contrary to policies DEV1, NE17 of the West Sussex Structure Plan and GEN2, GEN7 of the Arun District Local Plan.

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Miss C Forrest

10th July 2007

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT