

Recommendation Report for Planning Permission

REF NO: FP/132/20/PL

LOCATION: 3 Mid Acre Close
Felpham
PO22 8JU

PROPOSAL: Change of use from land at golf course (D2 Assembly or Leisure) to garden land in connection with dwelling. This application is in CIL Zone 4 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This is a retrospective application.
SITE CHARACTERISTICS	Former gravelled car park land to Bognor Regis Golf Club. Now enclosed by close-boarded timber fence panels and comprises grassed garden land to no. 3 Mid Acre Close, a detached 2 storey residential dwelling. The area in question comprises approximately 0.2 hectares of flat land, which runs to the north-east behind nos. 3 and 2 Mid Acre Close.
CHARACTER OF LOCALITY	Within the Built-Up Area Boundary of Felpham. Sub-urban in character. Mid Acre Close comprises 3 x detached two storey brick and tile chalet style homes constructed in the early 2000s.

RELEVANT SITE HISTORY

FP/54/01/	New residential development consisting of three detached chalet style houses with integral garages. (Departure from the Development Plan)	ApproveConditionally 08-05-01
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REPRESENTATIONS

Felpham Parish Council - no objection.

No other representations were received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**WSSC HIGHWAYS:**

No objection. The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

ARCHAEOLOGY ADVISOR:

No objection. It is very unlikely that the proposed changes would have any archaeological implications.

TREES OFFICER:

No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Noted and addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary

Flood Zones 2 & 3

Tree Preservation Order

Archaeological Notification Area

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

DSP1	D SP1 Design
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
HERDM6	HER DM6 Sites of Archaeological Interest

[Felpham Neighbourhood Plan 2014 POLICY ESD2](#) Development in flood sensitive areas

Felpham Neighbourhood Plan 2014 POLICY ESD9 Tree protection

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The policies contained within the Felpham Neighbourhood Plan (made 2014) and the emerging Felpham Neighbourhood Plan (Reg 16 stage) are relevant in the determination of this planning application.

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 the change of use from Golf Club parking (D2 use) to private residential garden land (C3 use) is acceptable, and has an acceptable impact on the visual appearance & character of the area, highways, flood risk/drainage, trees and archaeological remains.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

VISUAL IMPACT:

The change from the former gravelled car park land (serving the Golf Club) to lawned residential garden land (serving no. 3 Mid Acre Close) has an acceptable visual impact, since the predominant character of the area is residential and the additional garden land appears as an extension to the existing gardens to no.3 and 2. The close-boarded timber fence panels installed to enclose the new garden land are above 1m in height but they do not adjoin a highway, and under permitted development rights such boundary treatments can be up to 2m in height. The fencing is likely to fall under permitted development. The proposals accord with the NPPF and policy D SP1 of the Arun Local Plan.

HIGHWAYS IMPACT:

The change of use resulted in the loss of a number of car parking spaces previously serving the Golf Club. Due to the access and configuration/layout of rows in this car parking area, this loss of parking is limited to around 3-4 spaces. The car parking area serves as an 'overspill' area for busy times at the Golf Club. Given this relates to an overspill parking area, and the limited loss of parking spaces (and also unrestricted parking in the area), it is unlikely that the loss of parking results in any overspill onto surrounding local roads nor result in any on-street parking pressure. The Local Highways Authority confirmed the development does not have a harmful impact on highways capacity/operation or safety. The development accords with the NPPF and policies T SP1 and T DM1 of the Arun Local Plan.

FLOOD RISK & DRAINAGE:

Part of the site is located in Flood Zones 2 & 3 (medium-high risk of flooding). In accordance with the NPPF, a Flood Risk Assessment is required. A FRA has been submitted and this concludes that due to

the nature of development, there is no increase to flood risk. The LPA agrees with this assessment and the development accords with the NPPF, policy W DM2 of the Arun Local Plan and policy ESD2 of the made Felpham Neighbourhood Plan. In terms of drainage, grass is as permeable if not more so than gravel, and so the new garden land would be appropriately drained, in accordance with Arun Local Plan policy W DM3.

TREES:

The area is the subject of a Tree Preservation Order. This appears to relate to trees located off-site in the Golf Club main car park adjacent to no.2 and 1 Mid Acre Close. No trees of note (significant arboricultural or amenity value) appear to have been affected by the change from Golf Club to garden land, although it is acknowledged there may have been some loss of hedgerow to accommodate the additional parcel of land to the east of no.2. In any event, this would have related to only a small section of hedgerow, and the development accords with policy ENV DM4 of the Arun Local Plan and policy ESD9 of the made Felpham Neighbourhood Plan.

ARCHAEOLOGY:

The site lies in an Archaeological Notification Area. The Council's Archaeology Advisor has confirmed that it is very unlikely that the proposed changes would have had any archaeological implications. As such, the proposals would accord with policy HER DM6 of the Arun Local Plan.

SUMMARY:

The change of use from Golf Club parking (D2 use) to private residential garden land (C3 use) is acceptable, and has an acceptable impact on the visual appearance & character of the area, highways, flood risk/drainage, trees and archaeological remains. It is recommended for approval, subject to the following conditions:

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

Proposed Site Plan (Drawing No. 103 Rev A), received 11/08/2020

Reason: For the avoidance of doubt and in the interests of visual amenity and highways and the environment in accordance with policies D SP1, T SP1, W DM2 and ENV DM4 of the Arun Local Plan.

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.