

Recommendation Report for Planning Permission

REF NO: FP/135/25/PL

LOCATION: The Fox Inn
Waterloo Road
Felpham
PO22 7EH

PROPOSAL: Change of use of first floor to provide 5 No. guest bedrooms with ensembles for short term stays, replacement timber pergola and replacement first floor windows. This application may affect the character and appearance of the Felpham Conservation Area, may affect the setting of listed buildings and is in CIL Zone 4 (zero rated).

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| SITE AND SURROUNDINGS |
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| DESCRIPTION OF APPLICATION | As above. |
| SITE CHARACTERISTICS | The site is two-storey detached building on the corner of Vicarage Lane. The principal and northern elevations are finished with flint with brick detailing, while the remaining elevations are brick. The ground floor is in use as a public house, while the first floor is currently a 4-bedroom flat. |
| CHARACTER OF LOCALITY | The Fox Inn is located within the Felpham Conservation Area, which covers the historic centre of Felpham village. The properties in the immediate vicinity of the site are largely residential, and traditional buildings and materials dominate. |

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| RELEVANT SITE HISTORY |
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| FP/195/23/PL | Relocation of toilets including single storey extension to south/west elevation. This application is in CIL Zone 4 (Zero Rated) as other development, may affect the setting of a listed building and affects the character and appearance of the Felpham Conservation Area. | ApproveConditionally 23-01-24 |
| FP/220/22/PL | Removal of an existing covered drinking area to the rear elevation and replace with a new permanent enclosed drinking area in the same location. This application affects the character and appearance of the Felpham Conservation Area and is in CIL Zone 4 (zero rated as other development). | ApproveConditionally 07-02-23 |
| FP/146/14/PL | Extension of existing commercial kitchen and provision of external cold stores within timber close boarded fencing | ApproveConditionally 23-10-14 |

to modernise and upgrade the existing facilities. This application affects the appearance and character of the Felpham Village Conservation Area.

Planning history noted.

REPRESENTATIONS

Felpham Parish Council - No objection.

Conservation Area Advisory Panel - Objection.

- The building, locally listed, is located in a very prominent position and with its fine design, finishes and detailing, makes a distinctly positive contribution to the character and appearance of the conservation area.

- The Panel have no objection to the proposed change in use.

- However, the existing metal windows are very important features of the building and it is considered that a condition survey should be submitted as part of the application. Repair rather than replacement should be the aim and secondary glazing could be undertaken in order to improve thermal efficiency.

- On the street elevation, if the first floor windows need to be replaced then the glazing pattern needs to match the existing.

- The bow window is a particularly fine feature of the front elevation of the building. The existing fenestration is curved to match the curve of the cornice and it will appear clumsy and inappropriate to introduce straight sections of window frames. There is a strong case here to retain the existing windows if replacement precisely as existing is not proposed.

One letter of support was received from nearby occupiers, stating that their only concern with the proposals was parking. Parking in Waterloo Road is already extremely difficult. The pub is very popular and the carpark is usually busy. Will there be additional dedicated parking spaces for the extra 5 rooms on the pub premises. An additional possible 5 vehicles is going to make it even more difficult for local residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection.

ENVIRONMENTAL HEALTH - No objection.

ECONOMIC DEVELOPMENT- Support.

SOUTHERN WATER - No comment.

CONSERVATION OFFICER - No objections were raised to the proposed change of use and replacement pergola, however, there were strong concerns regarding the replacement windows.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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| POLICY CONTEXT |
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Designation applicable to site:

Locally Listed Building

Felpham Conservation Area

Lidsey Local Flood Risk Zone

Built Up Area Boundary 2km Buffer for SSSI

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

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| DDM1 | D DM1 Aspects of form and design quality |
| DDM2 | D DM2 Internal space standards |
| DDM4 | D DM4 Extensions and alter to exist builds (res and non-res) |
| TOUDM1 | TOU DM1 Tourism related development |
| TOUSP1 | TOU SP1 Sustainable tourism and the visitor economy |
| HERDM2 | HER DM2 Locally Listed Buildings or Structures of Character |
| HERSP1 | HER SP1 The Historic Environment |
| HERDM1 | HER DM1 Listed Buildings |
| HERDM3 | HER DM3 Conservation Areas |
| TSP1 | T SP1 Transport and Development |
| QEDM1 | QE DM1 Noise Pollution |
| QESP1 | QE SP1 Quality of the Environment |
| ENVDM5 | ENV DM5 Development and biodiversity |
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[Felpham Neighbourhood Plan 2019-31 Policy BT6](#) Tourism Activities

Felpham Neighbourhood Plan 2019-31 Policy CLW5 Assets of Community Value

Felpham Neighbourhood Plan 2019-31 Policy ESD6 Retain Buildings and Structures of Character

Felpham Neighbourhood Plan 2019-31 Policy ESD7 Felpham Conservation Area

PLANNING POLICY GUIDANCE:

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| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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.

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 proposals provide additional visitor accommodation, and do not harm the significance of designated and non-designated heritage assets.

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.

Where an application may impact the setting of a Listed Building, Section 66(1) of the Act states that "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."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is in the Built-up Area Boundary as set out in Arun Local Plan (ALP). The proposed change of use, and replacement windows and pergola are acceptable in principle subject to compliance with other policy considerations.

Felpham has a 'made' Neighbourhood Development Plan (FNDP). FNDP policy BT6, which encourages sustainable tourism and policies ESD6 and ESD7 which relate to applications which affect heritage assets are relevant to this proposal. Policy CLW5 is also relevant and states that proposals that will enhance the viability and/or community value of the properties registered as Assets of Community Value (ACV) will be supported. The Fox Inn is identified as a ACV under this policy.

Paragraph 11(c) of the NPPF states that development proposals which accord with an up-to-date development plan should be approved without delay. 11(c) is relevant in this case as the proposal falls within the Built Up Area Boundary and will be determined under an adopted Local Plan, in accordance with ALP policy SD SP2.

The proposal seeks to change the use of the upper floor of the property from C3 dwelling to C1 Bed and Breakfast. This is acceptable in principle given its siting in a sustainable location in the Built-Up Area Boundary, in walking distance of a range of shops, facilities and services. The proposals would accord with the ALP policy SD SP2 and the NPPF.

CHARACTER AND VISUAL AMENITY

The proposed change of use of the first floor of the building from a single flat to 5 No. guest rooms is likely to result in an increase in occupation. Given the existing use of the ground floor as a public house, the increase in the intensity of the use of the first floor is unlikely to be apparent, and would not harm the character of the area.

As part of the proposals, the windows at first floor level are to be replaced, with the exception of the existing bay window, which will remain. The windows on the front elevation would be replaced within the existing window openings and the replacement windows would maintain the existing pattern of glazing, including the opening style and glazing bars present. On the rear elevation, minor alterations would be made to the position and size of windows in order to replace two larger windows which currently do not match the remaining fenestration the property. The windows would be replaced with materials to match the existing, and would be painted white. Although the windows may appear slightly different to the existing as modern replacements within the historic context of the building and wider conservation area, the replacement of the windows affects the first floor of the property only, and replaces the windows in the same positions and materials as the existing. The alteration would not be visually prominent, and the replacement windows would not have an unduly harmful impact on the character or visual amenity of the area, in accordance with ALP policies D DM1 and D DM4.

The proposed pergola replaces an existing structure to the rear of the building. The pergola will be slightly deeper than the existing, and will have a flat roof. The pergola projects 4.9m from the rear elevation and has a width of 3.6m. The structure is located to the rear of the property, and although it is easily visible from Waterloo Road, is not prominent when viewed from the street. The pergola would be constructed from timber, which reflects the existing materials. Overall, the replacement of the pergola would have a minimal impact on the appearance of the property, and would not harm the character or visual amenity of the property or the wider area, in accordance with ALP policy D DM1.

HERITAGE

The property is a locally listed building and is located within the Felpham Village Conservation Area. The building is in a prominent location, close to the junctions of Waterloo Road, Vicarage Lane and Blakes Road. The property is also located within close proximity of listed buildings, the closest being to the south of the site, on Blakes Road and on Vicarage Lane to the west.

It is common for the first floor of public houses to accommodate guest rooms, and this alteration would enable to first floor accommodation to be efficiently used. The change of use would not harm the

character or appearance of the building or the conservation area. The pergola is located to the rear of the public house and would replace one of a similar design. These alterations would not harm the character or significance of the locally listed building or the conservation area in accordance with ALP policies HER DM2 and HER DM3, FNDP policies ESD6 and ESD7 and para 213 of the NPPF.

The proposal also seeks to replace the first floor windows on the front and rear elevations. The conservation officer has raised concerns about the impact of the replacement windows, as the existing metal windows are important architectural features of the building and contribute to its historic character. The preferred approach would be repair rather than replacement, with secondary glazing considered as a means of improving thermal efficiency without compromising the building's significance. The conservation officer emphasised the need for new glazing to replicate the existing pattern and for the curved fenestration of the bay window to be retained or replicated. Following the comments from the conservation officer, the proposal has been amended, with the existing bay window remaining in situ, and the remaining fenestration amended to reflect the glazing pattern of the existing.

It is noted that the conservation officer maintains their objection following these amendments, and that the preferred approach would be to repair the existing windows rather than replace them. However, the proposed replacement would closely match the existing fenestration in terms of materials and appearance, and the visual impact of the alteration would be minimal. It is also possible that like for like replacement would not be considered development for which planning permission would be required. Although the proposal result in the loss of some features which contribute to the interest of the building, the proposals do not harm the historic and architectural importance of the building and are in accordance with HER DM2 and FNDP policy ESD6.

Overall, the proposals will have minimal impact on the Felpham Conservation Area, and will result in no harm to the significance of the conservation area, or the setting of neighbouring listed buildings. The proposals therefore result in no harm to designated heritage assets in accordance with para 213 of the NPPF, and ALP policies HER DM1 and HER DM3. The like-for-like replacement of the windows would also not result in unacceptable impacts on the character of the Fox Inn as a locally listed building, in accordance with HER DM2, FNDP policy ESD6 and para 216 of the NPPF.

RESIDENTIAL AMENITY

ALP policy D DM1(3) requires the consideration of impacts of neighbouring amenity such as loss of sunlight, privacy and outlook and unacceptable noise and disturbance. The alterations to fenestration which are proposed as part of the application seek to replace the windows within the existing openings on the front elevation, with some minor alterations on the rear elevation. The windows will remain in similar positions to the existing and will not result in additional views or overlooking effects. The proposed pergola similarly replaces an existing structure the same location and is located away from neighbouring properties. It will not result in impacts on neighbouring occupiers.

The proposed change of use to guest accommodation is likely to result in an increase in occupation. However, given the existing use of the ground floor as a public house, the change of use would not result in any significant increase in noise or disturbance, such that the residential amenity of neighbouring occupiers would be affected. Environmental Health were consulted on the application, and raised no objection. The development will not be unduly harmful to neighbouring residential amenity and accords with ALP policies D DM1 and QE SP1, and the Arun Design Guide.

ALP policy D DM2 requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. The Nationally Described Space Standards (NDSS) requires that, in order to provide 2 bedspaces, a double bedroom must have a floor area of 11.5sqm at minimum. One of the guest bedrooms proposed does not meet this standard. Although D DM2 does not limit the need to comply with the NDSS to rooms within dwellinghouses, the NDSS are described as standards for

housing. The proposed accommodation is for the temporary accommodation of visiting guests, rather than as permanent accommodation. Given that there would be a decreased need for storage, and guests would be staying for short periods, the reduced space in this room would not have an unduly detrimental impact on the amenity of future occupiers. Although some rooms do not meet the NDSS, the internal spaces are of an appropriate size, and the proposals are therefore in accordance with D DM2.

TOURISM

ALP policy TOU DM1 concerns tourism related development and states that proposals for visitor accommodation will be supported provided that they are in accessible locations, address visitor management issues, and achieve good design.

The application proposes 5 No. bed Bed and Breakfast rooms with the historic centre of Felpham Village. The property is in a sustainable location, close to local amenities and with public transport links to Bognor Regis and the surrounding area. The council's Economic Development team are in support of the application, and their response references a recent visitor accommodation study which has identified a need for further visitor accommodation in the area. As such, the proposal accords with ALP policy TOU DM1 and FNDP policy BT6.

TRANSPORT

ALP policy T SP1 requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Arun District Council has adopted a Parking Standards SPD (Jan 2020) (APS). Principle 1 at para 2.12 stresses that parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety, and avoiding increased on-street parking demand. Use Class C1 uses do not have a specific parking provision set out by the APS, and will be assessed on a case by case basis.

The site plan provided shows that five spaces to the rear of the existing car park would be designated for guest parking. These are existing parking spaces which are currently available to customers. The proposed change of use from a single flat to 5 guest bedrooms would likely see an increase in in parking demand. The APS suggests that 2-3 spaces would be appropriate for the existing flat, and the parking demand generated by the proposed guest bedrooms is likely to be greater than this.

WSCC Highways were consulted on the application and raised no objection, stating that the proposals would not add any significant traffic/capacity or safety related issues to the local highway network in this area. The increase in parking demand may result in some increased on street parking. However, the site is in a sustainable location, being in close proximity to the village centre, and public transport links. As such, visitors to the premises could arrive by means other than by private car, and the lack of additional parking provision is acceptable in this instance.

The parking provisions are acceptable and accord with ALP policy T SP1.

BIODIVERSITY

ALP policy ENV DM5 requires developments seek to achieve a net gain in biodiversity and protect existing habitats on site. A Biodiversity Enhancement Statement has been provided with the application, and states that 1 bat and 1 bird box will be provided on the existing dwelling, and 1 hedgehog house in an existing soft landscaped area. These measures are acceptable, and will result in some increase in biodiversity on site. In order to secure these measures, a condition has been applied below. Statutory biodiversity net gain is not applicable to this development, and the application is in accordance with ALP policy ENV DM5.

SUMMARY

The proposal is compliant with relevant Development Plan policies and relevant paragraphs of the NPPF. As such, it is recommended for approval subject to the following conditions and informatives.

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

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.

CIL DETAILS

This application is not CIL liable.

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:

- Location plan, existing floor plans and existing elevations 01
- Block plan, proposed floor plans and proposed elevations 02 rev A
- Revised Window Elevations
- Biodiversity enhancement strategy 03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and HER DM3.

3 Prior to occupation of any of the approved guest rooms, the biodiversity enhancements as

included within the 'Biodiversity enhancement strategy 03' shall be implemented. This includes the following:

- Provision of 1 bat and 1 bird box on the existing dwelling
- Provision of 1 hedgehog house in an existing soft landscaped area

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 4 Notwithstanding the provisions of Part C, Class C3 Dwelling House to the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, without the prior permission of the Local Planning Authority. The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: The application has been assessed on the basis that the guest rooms would not be used for permanent occupation. Use of the guest rooms as permanent residences would not provide an acceptable standard of residential amenity, and the condition is attached to ensure the development complies with Arun Local Plan policy D DM2.

- 5 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.