

Recommendation Report for Planning Permission

**REF NO:** FP/13/20/PL

**LOCATION:** Beachcroft Hotel  
Clyde Road  
Felpham  
PO22 7AH

**PROPOSAL:** New outdoor seating together with new fence, gate to promenade & planter.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | The application seeks to construct additional outdoor seating. A gate is also proposed to enable access from the external seating area directly to the promenade. |
| BOUNDARY TREATMENT         | The site consists of low level fencing and brick walls, with a car park to the north of the site.                                                                 |
| SITE CHARACTERISTICS       | The site is occupied by a Hotel which has an external seating area which runs adjacent to the promenade.                                                          |
| CHARACTER OF LOCALITY      | The area is predominately residential.                                                                                                                            |

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| <b>RELEVANT SITE HISTORY</b> |
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| FP/7/20/A   | Installation of 1 x internally illuminated fascia sign and 3 x non illuminated fascia signs to timber boundary.   | ApproveConditionally<br>10-03-20 |
| FP/190/17/A | 1 No. non-illuminated fascia sign on eastern gable wall.                                                          | ApproveConditionally<br>18-10-17 |
| FP/21/15/PL | Rear extension                                                                                                    | ApproveConditionally<br>28-05-15 |
| FP/65/11/   | Extension to rear of hotel providing conference facilities and 6 guest bedrooms                                   | ApproveConditionally<br>06-10-11 |
| FP/127/94   | Proposed covered way, changing facilities, W.C.s for existing swimming pool together with laundry and games room. | ApproveConditionally<br>04-11-94 |

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| FP/173/93 | Extension to dining room | ApproveConditionally<br>11-02-94 |
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| FP/3/90 | New lobby extension to existing hotel | ApproveConditionally<br>12-02-90 |
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Noted.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Felpham Parish Council

An objection was initially received however following additional information this was amended to No objection

No representation received from nearby occupiers.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

## CONSULTATIONS

WSCC Strategic Planning

Environment Agency

Engineers (Drainage)

### CONSULTATION RESPONSES RECEIVED:

WSCC - Any items to be placed within the public highway are not to be permanently fixed and are to be removable. A licence will also need to be required to enable tables and chairs are removed from the highway. If the proposed seating area does not encroach publicly maintained highway then a licence will not be required. Include information regarding a licence.

Coastal Engineer - We strongly object to the alteration of the sea wall. The sea wall provides protection to Clyde Road and alterations would compromise the integrity of the defence. The area to the top would become chaotic and investigation would be needed to ensure compliance with the Equality Act. . Under the Coast Protection Act the applicant would still need to serve notice on Arun District Council as the Coast Protection Authority, which we would object to.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. As a result of the comments the alteration to the sea wall was removed. Access will therefore remaining as existing.

## POLICY CONTEXT

Designation applicable to site:

Built up area boundary

## DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

SDSP2 SD SP2 Built-up Area Boundary

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#) Design of new development

## 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 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.

Felpham has a Neighbourhood Plan with policy ESD1 of relevance to the 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 it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

## 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

They key policies considered are D DM1 of the Arun Local Plan. Felpham has a made Neighbourhood Plan with policy ESD1 of relevance to the application.

### DESIGN AND VISUAL AMENITY

The hotel currently has an external seating area and the application seeks to extend this in order to incorporate additional seating. This will also extend over the existing flower bed.

The existing seating area is raised in height and runs adjacent to the promenade. There is a ramp to the west of the seating area for public access to the promenade and beach from Clyde Road.

The proposed terrace extension will extend to the north of the site and to the west and will match the height of the existing seating areas with the construction of a timber framed extension. It will have a height from ground to floor level of 1.15m with a picket fence surrounding it with a height of 1.05m. This will match the design and appearance of the existing terraced area. As a result, it is considered to appear sympathetic in appearance.

The addition to the north will increase the depth by a maximum of 6.5m. The proposed terrace extension to the west will extend approximately 2.75m encompassing area to the front of the access ramp.

The siting of the new terraced area may appear slightly dominant upon the street scene with the seating encompassing an area located to the front of the access ramp to the beach. However the increase in size is modest and it retains the appearance and style of the existing seating area and therefore is considered well integrated.

### RESIDENTIAL AMENITY

There are no nearby properties with the beach situated to the rear and road to the front.

The terrace may be partially visible from the Beach Hut suites to the south-west however, due to the scale and siting of the proposal it is not considered to give rise to adverse impacts upon amenity and accord with D DM1 of the Arun Local Plan.

### SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following informatives and 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 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  
- Proposed Site Plan - IBA/526/02 Rev B  
- Proposed Elevations - IBA/526/03 Rev A  
  
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: The items placed within the public highway are not to be permanently fixed and are to be removable. This is to permit the maintenance of the public highway and to ensure that a permanent obstruction does not result. If Planning Consent is approved, a separate Licence agreement will be required to be entered into with the Highway Authority, WSCC. It will be a requirement of the Highway Licence that tables and chairs must be removed from the highway each and every night and only placed out at times stated within the Licence agreement. The applicant is advised to contact the Highway Licensing team (01243 642105) in order to obtain the required licence.
- 4 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.