

Recommendation Report for Planning Permission

REF NO: FP/14/22/PL

LOCATION: The Old Barn
42 Felpham Road
Felpham
PO22 7DF

PROPOSAL: Change of use: Ground floor of former pub to be annexed to provide downstairs living area of existing residence (resubmission following FP/209/20/PL). This site is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to change the use of the ground floor former public house to provide downstairs living area of existing residence at the first floor.
	The bar has been removed to allow the ground floor are to be used as a living room, kitchen, dining room, study, TV room and storage area. There are no alteration to the first floor area. Five double bedrooms, two bathrooms, kitchen and living are would remain as well as the key defining features of building and site layout would remain unchanged.
SITE AREA	614.00 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	16 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Site boundary treatments comprise a flint wall to the west, with all other boundaries being delineated by wooden picket fencing up to 1m in height.
SITE CHARACTERISTICS	The site of comprises a two storey property with a small single storey, flat roof extension to the east. The main building is constructed of flint with brick detailing and a thatched roof with brick chimneys. There are a significant number of openings at each level. A metal stairway is on the southern elevation, providing private access to the first floor flat. Outdoor seating to the west and to the south along with 3 car parking spaces. The second parcel of land is located opposite, on the southern side of Barn Feld and is currently used to provide 5 car parking spaces for customers.
CHARACTER OF LOCALITY	The area benefits from wider access to Chichester and Littlehampton via a number of public transport methods. The area is suburban in nature with most properties in the locality

comprising 2 storey dwellings set close to Felpham Road.

To the north and south of the site are 2 locally listed buildings which the enquiry site comprises its setting. Barn Feld runs along the southern boundary of this corner plot and is a cul-de-sac used predominantly for access only to residential properties of Barn Feld.

RELEVANT SITE HISTORY

FP/209/20/PL	Change of use of the ground floor public house (Sui Generis Use) to create 2 No. 2 bed dwellings (C3 Use Class), subdivision of the first floor 1 No. 5 bed flat to create 1 No. 2 bed flat & 1 no. 1 bed flat. This site is in CIL Zone 4 (Zero Rated) as flats.	ApproveConditionally 26-02-21
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REPRESENTATIONS

Felpham Parish Council: No objection.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: No objection subject to suggested conditions.

WSCC: Does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Flood Zone 2;
Built Up Area Boundary;
2km Buffer for Site of Special Scientific Interest Bognor Reef;
2km Buffer for Site of Special Scientific Interest Felpham.

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management

Felpham Neighbourhood Plan 2019-31 Policy ESD1 Quality of Design

Felpham Neighbourhood Plan 2019-31 Policy GA4 Parking in New Residential Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

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 Felpham Neighbourhood Development Plan² was 'made' on 17th March 2021; the relevant have been considered in the determination of this application and emerging plan have been considered in this report.

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 no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, highways/traffic, flooding.

PRINCIPLE

The site is in the Felpham built-up area boundary in the Local Plan where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it accords with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity and parking. The key policies of the Arun Local Plan are D SP1, D DM1, D DM2, ECC SP2, ENV SP1, ENV DM1, ENV DM5, W DM2 and T SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy ECC SP2 expects all new development to be energy efficient. Policy W DM2 sets the criteria for development in areas at risk from flooding.

Regard should be had to policy SD SP1 of the Arun Local Plan which states "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." Para 120 (d) of the NPPF states that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively". Paragraph 124(d) NPPF requires planning policies and decisions to support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting.

Paragraph 157 NPPF states in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

The proposal is acceptable in principle given its location in a sustainable location within 1.5 miles from Bognor Regis railway station. The station provides regular services on the east-west line and also north to London. Bus stops are located within walking distance on North End Road. Services provide access to the train station on route to other destinations such as Walberton, Barnham, Chichester, Littlehampton and Bognor Regis. Due to the position of the site the extra accommodation would not conflict with the policies above which, in principle, allow for development or redevelopment in the built up area. The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

The principle of conversion to residential use was established under reference FP/209/20/PL.

DESIGN AND VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan (ALP) requires development makes 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. Policy D DM1 (ALP) sets out a 15 point criteria against which the design of new development should accord with. Criteria 1 requires development to reflect or improve upon the character of the site and surrounding area, in terms of scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features.

Policy ESD1 of the FNDP2 requires new and existing development including extensions and alterations to be of high quality, and designed to be sympathetic to the local design style principles set out in the Felpham Design Guide.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, reached Post Regulation 12b Public Participation stage. Part N.O1 which deals with Building Conversion observes that the original and/or existing land use of buildings often makes a valuable social or economic contribution to their context and should be retained wherever possible and conversions must protect the original character and appearance of buildings through careful use of considerate materials, preservation of distinctive features, and minimal internal and external alterations and extensions.

Paragraph 130 of the National Planning Policy Framework (NPPF) requires planning decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 130 (NPPF) states 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.

To the north and south of the proposal site are locally listed buildings. Development of the site will impact upon the setting of these locally listed heritage assets. The contribution of the building to the setting of adjacent heritage assets presently derives from its visual appearance.

The existing building is a two storey property constructed of flint with brick detailing and thatched roof with brick chimney occupying a prominent corner position with landscaped front garden which offers an outdoor seating together with the southern yard facing to Barn Feld. The existing wooden picket fencing up to 1m in height shows the boundary whilst keeps the open view of the site.

The key defining features of the building and layout of the site would remain unchanged; there are no changes proposed with regards to fenestration. Since the fenestration of the building always reflects its use, the development would protect these typical features of building which served previously as a pub what is a positive approach. The boundary treatment would be unchanged.

The change would maintain simplicity and retain the building's character and integrity. The proposed development would turn a pub on the ground floor into a residential without a change to the character and appearance of the converted building. Therefore in accordance with policies D SP1 and D DM1 of the Arun Local Plan, policy ESD1 of the Felpham Neighbourhood Development Plan, the principle of Arun Design Guide and relevant paragraphs of NPPF.

NEIGHBOURING AMENITY:

Policy QE SP1 (ALP) requires development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) (ALP) requires development to have a minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Paragraph 130(f) (NPPF) requires planning decisions to create places with a high standard of amenity for existing and future users.

The building is surrounded on its north and east boundaries by residential development. Owing to existing boundary treatments and no changes to the fenestration the proposed change of use would result in additional impacts in terms of privacy or overlooking. The re-arrangement of the first floor bedrooms have been already approved under reference FP/209/20/PL and no changes are proposed at the first floor level. The proposal is not considered to result in any additional impacts in terms of privacy and overlooking.

The change of use of the building is likely to result in a more compatible and harmonious relationship with neighbouring properties given the suburban character of the area. Existing impacts such as noise from the building would be significantly reduced which would improve the building's relationship with neighbouring residential properties.

Taking the above factors into account, the development would not result in any significant or demonstrable impacts on neighbouring amenity in terms of privacy and overlooking in accordance with Policies QE SP1 and D DM1 of the Arun Local Plan and paragraph 130 of the NPPF.

INTERNAL SPACE STANDARDS

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The 5 bed dwelling relates to gross internal floor space of approximately 324 square metres which is significantly above the requirement for a 5 bed dwelling (128 square metres).

As such the development would be in a conformity with the detailed Nationally Described Space Standards the development and would accord with Policy D DM2 of the Arun Local Plan.

EXTERNAL SPACE STANDARDS

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. However, Design Guide was published and the Part H.04 deals with Residential Outdoor Amenity & External Space Standard states: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres. This may not be possible for building conversions and the merit of the proposal should be considered.

Regard should be had to para 130 of the NPPF which requires that new development has a high standard of amenity for existing and future users.

The dwelling would not be provided by a proper private rear garden, only the areas facing to the road, however the proposal is for a conversion of an existing building and in addition the proposal site is within walking distance to open spaces and the seashore it is therefore considered that the scheme provides an acceptable standard of amenity for future occupiers.

The proposal is considered to comply with policy D DM1 and the Design Guide.

HIGHWAYS, TRAFFIC AND PARKING

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

Policy GA4 of the Felpham Neighbourhood Development Plan includes a presumption against the loss of off-street parking unless there is equivalent off-street parking made available, in perpetuity.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments.

The Arun Parking Standards requires electric vehicle provision to be made and this can be the subject of a condition.

The application form indicates that two parking spaces are provided on site and will be retained for the enlarged dwelling. The plans do not demonstrate the location of parking, however, it is anticipated that this will be provided within the existing parking area visible on local mapping, accessed from Barn Feld. Additional parking provision is available on the other side of Barn Feld within the applicant's land.

It is not considered that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the NPPF (paragraph 111), and that there are no transport grounds to resist the proposal subject to condition. As such development would comply with policy T SP1 of the Arun Local Plan and policy GA4 of the Felpham Neighbourhood Development Plan and relevant paragraphs of the NPPF.

FLOODING ISSUES:

W DM2 of the Arun Local Plan states development in areas at risk from flooding (as identified by the EA) will only be permitted following compliance with listed criteria.

According to Environment Agency Flood Risk Map the 2/3 of the building is in flood zone 2. The submitted FRA states flood risk of 1 with some in zone 2, The application is supported by a full Flood Risk Assessment detailing flood resilient measures that ensures the occupants of the building would not be put at unacceptable risk of flooding.

The Climate Change Data shows that entire area (whole proposal site included) to be Flood Zone 3a by 2061 and 2111 (Future Flood Risk).

The Environment Agency has not responded to the consultation. A Flood Risk Assessment has been supplied and is considered to be sufficiently robust to be comply with to W DM2 and the NPPF. The use of the building as 1 dwelling poses less risk than the previous permission for 5 units as there should be fewer people and they would have access to the upper floor as a refugr.

SITE OF NATIONAL IMPORTANCE FOR NATURAL CONSERVATION:

The site falls within the 2km buffer of the Bognor Reef and Felpham SSSIs which is noted in paragraph 17.1.9 of the Arun Local Plan as comprising a Nationally Designated Site. In accordance with paragraph 175(b) of the NPPF, Local Plan Policy ENV DM1 makes clear that proposed development likely to have an adverse effect on land within the designated features of any Site of Biodiversity or Geological Importance will not normally be permitted.

The applicant has not provided a supporting Habitats Report to assess any potential impacts of the proposed development upon the SSSI, therefor the proposal would not comply with policy ENV DM1 of the Arun Local Plan and paragraph 175(b) of the National Planning Policy Framework. Given the location of the development and its size and impacts on the SSSI's are likely to be limited to a small increase in visitor numbers and it is not considered necessary in this case to submit environmental information.

CONCLUSION:

Permission exists for the building to be converted into flats - this permission has less impact and the number of occupants would be lower - reducing the flood risk of the site. This proposal represents an appropriate redevelopment of the site without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. The proposal represents a sustainable development.

The policies most relevant to this application are not considered out of date in accordance with paragraph 11 of the NPPF. The scheme is acceptable when applying the Local Plan polices (that are relevant and up to date) and it is recommended that in accordance with paragraph 11c of the NPPF that permission is granted subject to 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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:

Dwg No 005 Location Plan;
Dwg No EX01 Floor Plans and Elevations.

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 The existing car parking spaces for the current use shall be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policy T DM1 of the Arun Local Plan.
- 4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.
- 5 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours

(Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 6 Prior to occupation of the converted dwelling details of Biodiversity Net Gain shall be submitted to and approved by the Local Planning Authority. The details so approved shall be implemented no later than 6 months following the occupation of the dwelling and permanently retained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 7 The converted dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems including full details of solar panels or air source pumps. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun

- 8 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.