

Recommendation Report for Planning Permission

REF NO: FP/262/18/PL

LOCATION: Land adjacent to
The Gun Post
Clyde Road
Felpham

PROPOSAL: 4 No. beach huts with sleeping accommodation & 4 No. car parking spaces for use with The Beachcroft Hotel.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.04 hectares (379m ²).
TOPOGRAPHY	Promenade approximately 1.5m higher than ground level of site which slopes from the promenade.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Dwarf concrete wall to east with small close boarded fence atop (hedge behind). 1.8m fence to rear (west). 1.5m wall with 0.5m close boarded fence atop (hedge behind) to north elevation facing clyde road.
SITE CHARACTERISTICS	Side garden/boat storage space to The Gun post, laid to lawn with slipway to east and hard surfacing. The application site is flanked by adjoining properties Greenock (shown as Glenlock Villa on the submitted plans) to the west and The Gunpost (shown as the Old Gunpost on the submitted plans).
CHARACTER OF LOCALITY	Residential and hotel use area. Detached, semi detached and terraced properties in residential and commercial use. Buildings range from two storey to 4 storeys in height and are of various styles. Some properties have off street parking to front.

RELEVANT SITE HISTORY

FP/268/17/PL	Detached 9No. bedroom annexe for Beachcroft Hotel with 9No. car parking spaces.	ApproveConditionally 16-02-18
FP/5/02/	Renewal of unimplemented outline planning permission FP/23/99 for 2 no 2bedroom flats and associated parking	ApproveConditionally 18-02-02

FP/23/99/	Renewal of unimplemented outline planning permission FP/40/96 for 2 no. 2 bedroom flats and associated parking.	ApproveConditionally 07-04-99
FP/40/96	Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for outline planning permission for 2 No 2 bedroom flats and associated parking	ApproveConditionally 09-04-96

Officers note the previous planning history in particular previously granted application ref: FP/268/17/PL for a detached four storey building with under croft parking accessed from Clyde Road. Officers note that this proposal was for a much larger scheme than that proposed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Felpham Parish Council: Do not object:

Already approved the larger development so if this is a substitute for the previous application we have no objection. (Either or).

No neighbour comments have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

Economic Regeneration

Environment Agency

CONSULTATION RESPONSES RECEIVED:

Environmental Health Officer: Does not object and is satisfied that any potential noise impact would be low and would also be adequately monitored.

The Highways Officer: does not object to this application:

The parking spaces would meet the additional parking required for this development and the required

dimensions as per the Manual for Streets.

Considers site to be sustainable given the alternative travel options in close proximity e.g. bus

4 'beach huts' would not have a 'severe' impact on the operation of the highway network and there are no transport grounds to refuse the proposal.

Drainage Engineer: Does not object to this application subject to the imposition of a condition.

Coastal Engineer: Does not object subject to the imposition of conditions re: provision and maintenance of flood defences.

Environment Agency: Do not object subject to the imposition of a flood risk condition upon any approval of planning permission:

Imposition of a condition ensuring that finished floor levels are set no lower than 5.10m above Ordnance Datum (AOD) as per the submitted Flood Risk statement.

Economic Regeneration: Do not object to this application:

Economic Development are keen to support additional visitor accommodation in the district.

Accommodation will be high quality and unusual which will not only attract visitors but awareness of the area.

This application accords with Policy TOU SP1 and on that basis Economic Development support the application.

COMMENTS ON CONSULTATION RESPONSES:

Consultation comments received will be assessed/discussed in the relevant part of the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:
 Within the built up area boundary
 Flood zone 2 and 3 (medium and high risk)
 2km Buffer for SSSI: Felpham and Bognor Reef.

DEVELOPMENT PLAN POLICES

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

TOUDM1	TOU DM1 Tourism related development
DDM1	D DM1 Aspects of form and design quality
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
WDM4	W DM4 Coastal Protection
QEDM1	QE DM1 Noise Pollution
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	W DM1 Water supply and quality
WSP1	W SP1 Water

Felpham Neighbourhood plan 2014 POLICY BT6	Recreation and tourism
Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details
Felpham Neighbourhood Plan 2014 POLICY ESD11	Increasing the energy efficiency of our buildings
Felpham Neighbourhood Plan 2014 POLICY ESD2	Development in flood sensitive areas
Felpham Neighbourhood Plan 2014 POLICY ESD3	Coast protection and sea defence works
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management

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.

The development is considered to meet the aims of the relevant Felpham NDP policies which will be considered in the conclusions section.

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.

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:

The site is within the built up area boundary where development is acceptable in principle. The development would create a tourism use and an expansion of an existing hotel employment facility. This is supported on the Districts waterfronts by policies, TOU SP1, TOU DM1 and Felpham NDP policy BT6, and providing the development is acceptable in terms of impact on visual amenity, of good design and is in a good location in terms of accessibility which will be assessed below. The scheme is considered to address visitor management issues as it is an expansion of an existing tourist use and provide off street cycle and car parking. It is also considered to ensure a viable visitor economy and potentially extend the variety of types of visitor accommodation provided.

DESIGN & VISUAL AMENITY:

The area is characterised by varying types of design and scales of buildings. The proposed 'beach huts' provide a modern design and appearance that takes its cues from colourful beach huts typically seen at seaside locations. While the proposed 'beach huts' would be of a much larger size and scale than the more 'standard' wooden beach huts, such as those sited further along the Bognor Regis Promenade, they would have a size and scale less than that previously approved on the site under application ref: FP/268/17/PL.. Having regard to their size, scale and massing along with their modern design and seaside location, it is considered that the 'beach huts' as shown on the submitted plans would be appropriate in this position.

The applicant has stated, in the submitted materials schedule received on the 25/03/2019, that the proposed external materials would be utilised:

Walls: Eternit Cedral weather boarding (blue grey).

Roofs: Zinc - standing seam.

Windows: PPC Aluminium - Ral 9010 (white (standard)).

Doors: PPC Aluminium - Ral 9010 (white (standard)).

Frame: Timber frame detail (painted Oxford blue)

Gutters and Downpipes: Galvanised steel with a Lindab box gutter.

Officers consider that while the proposed 'beach huts' would be clad in Eternit Cedral blue grey cladding, the materials would be acceptable for their location. It is considered that the proposed materials would not have a detrimental impact on the streetscene or the wider area including the coastline and the promenade.

Overall the proposed 'beach huts' including associated landscaping would reflect the seaside character of the area. As such, the development is considered to have a positive impact on the location, providing

detailed design and is considered appropriate for an area characterised by varied styles of architecture and building sizes in compliance with saved Policy D DM1 and Felpham NDP Policies ESD1 and ESD10.

RESIDENTIAL AMENITY:

The main properties to be directly impacted by the proposal are Greenock Villa (shown as Glenlock Villa on the submitted plans) to the west and The Gunpost (shown as The Old Gunpost on the submitted plans) to the south. The development would be sited approximately 36.59 metres at its maximum (hut 1) and 23.99 metres (hut 4) at its minimum from the side elevation of Greenock Villa. The proposed 'beach huts' would have a port hole window at lower ground floor level in the front elevation which would serve the bunk room and would face toward Greenock Villa, at an angle. From an assesment of the plans and the officers site visit this window would allow views toward the rear of adjoining property Greenock Villa. however, it is considered that given the small size of the 'porthole' (round) windows and that views would be at an angle, no detrimental overlooking would occur to the occupiers of adjoining properties Greenock Villa and The Gunpost.

A high level 'porthole' (round) window is proposed into the side elevation of hut 4. This window would be set at such a height that no views out would be possible from the mezzanine bedroom which it would serve. without use of a long a ladder.

Greenock Villa has 1 window in the side elevation facing the development which appears to serve the roof space. It is not clear what this windows serves. However, it is considered that even though it would face the proposed development, given its size along with the separation distances as aforementioned, no detrimental overlooking would occur. Additionally it is considered that no detrimental overshadowing and loss of light/sunlight would occur to the occupiers of Greenock Villa.

From an assesment of the plans and the Officer's site visit it is considered that the impact on The Gunpost would be limited. The 'beach huts' main 'windows' are the glazed bi-fold doors and the high level porthole window serving the mezzanine floor, both of which would face toward the promenade. Additionally, each 'beach hut' would feature a raised deck area facing toward the Bognor Regis Promenade. Views toward The Gunpost from the aforementioned raised decking would be available, however from an assesment of the plans and the Officer's site visit it is not considered that these views would have a detrimental impact on the residential amenity of occupiers. Therefore, it is considered that no materially detrimental overlooking would occur to the occupiers of The Gunpost or 1-3 Coast Guards opposite (fronting Canning Road)

The side facing windows of The Gunpost are not primary windows to habitable rooms and whilst the development would be of a height which would bring the side of the proposal (hut 4) in front of them and what appears to be a side facing balcony, it is not considered close enough to result in a significant overshadowing to justify refusal of planning permission on the grounds of loss of light or overbearing impact. Therefore, it is not considered that development would result in a significant detrimental impact on the residential amenities of The Gunpost

With regard to noise, the Council's Environmental Health Officer has commented and is satisfied that any potential noise impact would be low and would also be adequately monitored. Therefore they do not object.

The impact on other neighbouring residential dwellings is not considered to be significant as they are set away from the development. Whilst the proposed 'beach huts' are fairly large it is considered that they would not have a detrimental impact on the residential amenity of the occupiers of neighbouring properties with regard to overlooking, overbearing effect, overshadowing and loss of light/sunlight. Additionally Officers note the far larger 9 bedroomed Beachcroft hotel annexe that was granted planning

permission on the application site under application ref: FP/268/17/PL.

The proposed 'Beach Huts' are considered to accord with Policies D DM1, D DM4 criterion 3 of the Arun Local Plan and Policies ESD1, ESD10 of the Felpham Neighbourhood Plan.

PARKING AND HIGHWAY SAFETY:

The Highways Officer has been consulted and does not object to this application. They state that the provide 4 spaces would meet the additional parking required for this development and that they meet the required dimensions as per the Manual for Streets. With regard to sustainability they note that the site is an approximate 6 minute bicycle ride from Bognor Regis train station and local shops. Also there are bus stops within a 2 minute walk from the site.

They do not consider that the proposal for the 4 'beach huts' would have a 'severe' impact on the operation of the highway network and there are no transport grounds to refuse the proposal.

As such, the proposal is considered to comply with Policy T SP1 of the Arun Local Plan.

DRAINAGE:

The councils Drainage Engineer has been consulted and does not object to this application subject to the imposition of a condition stating that the agreed drainage scheme is carried out etc.

As such, it is considered that the proposal would comply with Policy WDM3 of the Arun Local Plan and Policy ESD5 of the Felpham Neighbourhood Plan.

IMPACT ON FLOODING AND FLOOD RISK:

The application site falls within Flood Zones 2 and 3. The Environment Agency have commented on this application and do not object subject to the imposition of a condition ensuring that finished floor levels are set no lower than 5.10m above Ordnance Datum (AOD) as per the submitted Flood Risk statement.

As such, it is considered that the proposal would comply with Policy W DM2 of the Arun Local Plan and Policy ESD2 of the Felpham neighbourhood Plan.

The Council's Coastal Engineer has commented on this application and does not object. They acknowledge that through consultation on a previous application (FP/268/17/PL) has acknowledged the importance of designing structures with respect to flooding from the sea. Therefore they recommend the imposition of condition(s) where the applicant shall be responsible for erecting a suitable splash wall to the satisfaction of the LPA and that the applicant shall be responsible for maintaining the structure in perpetuity to the satisfaction of the LPA.

As such, it is considered that the proposal would comply with Policies W DM4, W DM2 of the Arun Local Plan and Policy ESD3 of the Felpham neighbourhood Plan.

ECONOMY/TOURISM:

Economic regeneration support this application as they are keen to support additional visitor accommodation in the district. Consider that the proposed accommodation would be high quality and would attract visitors but also promote awareness of the area.

As such it is considered that the proposal would adhere with Policy TOU SP1 of the Arun Local Plan.

IMPACT ON BIODIVERSITY/SSSI:

The application site is situated within 2km Buffer for SSSI: Felpham and Bognor Reef. It is not considered that the proposal would have a detrimental impact on the Felpham and Bognor Reef SSI. The applicant has submitted a Biodiversity Survey Report consisting of a Preliminary Ecological Survey Report and a Protected Species Assessment Survey. The survey states that no further surveys are required, that Clearance of vegetation and demolition of buildings should be undertaken outside the nesting season (nesting season: March - August) or following inspection by an ecologist to ensure no active nests are present and does not identify the presence or evidence of any protected species on site. The Gun Post' which is situated outside of the site to the south was generally well-sealed. Access was permitted into the building for internal survey. There were 2 no. small voids; one within the staircase and one within the roof. Access into the roof void from outside appeared possible from the eaves. The voids both contained rat droppings but no evidence of bats.

Therefore, it is considered that the proposal would not have a detrimental impact on the Felpham and Bognor Reef SSI or on any Protected Species. Should the applicant spot any protected species, while unlikely, during construction it is their responsibility to take the appropriate action (in line with law) to ensure that no protected species or their habitat is harmed.

FELPHAM NEIGHBOURHOOD PLAN:

From an assessment of the Felpham Neighbourhood Plan the proposal(s) would adhere to all relevant Policies.

HUMAN RIGHTS ACT

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:

ADS/001 p
 IBA/510/01
 IBA/510/02
 IBA/510/03
 IBA/510/04
 IBA/510/05
 404127/10P3- Drainage GA and Details
 BA/510 - Finishes Schedule received 25/03/2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policies D DM1 and D DM4 of the Arun Local Plan.

- 3 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use hereby permitted shall be restricted to C1 (Hotel).

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun District Local Plan policy D DM1 and D DM2.

- 4 Surface water drainage shall be completed in complete accordance with the submitted surface water drainage details as per: Drawing 404127/10P3- Drainage GA and Details, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that the proposed development has a satisfactory means of disposing of surface water in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 5 The development shall be carried out in accordance with the submitted Flood Risk Assessment ref: 30/11/2018/Ivon Blumer Architects LTD and the following mitigation measures it details:

Finished floor levels shall be set no lower than 5.10m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy WDM2 of the Arun Local Plan.

- 6 The applicant shall be responsible for erecting a suitable splash wall to the satisfaction of the Local Planning Authority, details of which shall be submitted to and agreed in writing prior to the first use (occupation) of the 'beach huts' hereby approved and the applicant shall be

responsible for maintaining the structure in perpetuity to the satisfaction of the Local Planning Authority.

Reason: Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy WDM2 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 and T DM1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 and T DM1 of the Arun Local Plan.

- 9 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.

- 10 INFORMATIVE: The Environment Agency (EA) recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

Please note that it is not our role to assess any details on flood evacuation or emergency plans, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The EA therefore recommend seeking comments from your Local Authority emergency planners.

The EA recommend that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. More information can be found in the Government publication 'Improving the flood performance of new buildings' which can be viewed at:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>