

PLANNING APPLICATION REPORT

REF NO: FP/136/21/PL

LOCATION: Beachcroft Hotel
Clyde Road
Felpham
PO22 7AH

PROPOSAL: Re-modelling of existing swimming pool with re-clad elevations and private roof terrace over. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to remodel the swimming pool which will involve re-cladding and the addition of a first floor roof terrace.
BOUNDARY TREATMENT	The site has a brick wall to the north elevation.
SITE CHARACTERISTICS	The site is on the sea front, with the rear boundary backing onto Canning Road; It comprises a hotel complex of two storey buildings and a single storey flat roof front projections and a single storey flat roof extension to the rear with a pitched roof swimming pool building in the north-east corner with two sheds on its west side.
CHARACTER OF LOCALITY	Clyde Road and Canning Road are cul-de-sacs giving access to residential properties, the Beachcroft Hotel and the promenade. Residential properties on Clyde and Canning Road are predominantly two storey semi-detached and terrace structures. To the west is Butlins.

RELEVANT SITE HISTORY

FP/56/21/PL	Two storey rear extension, to create two, two-bedroom family suites, new entrance doors & new accessible toilets. This site is in CIL Zone 4 (Zero Rated) as other development.	ApproveConditionally 06-05-21
FP/181/20/PL	2 storey rear bedroom extension. This site is in CIL Zone 4 (Zero Rated) as other development,	ApproveConditionally 06-01-21
FP/65/11/	Extension to rear of hotel providing conference facilities and 6 guest bedrooms	ApproveConditionally 06-10-11

Noted.

REPRESENTATIONS

Felpham Parish Council provided a objection.

- Overlooking to neighbouring properties.
- Lack of privacy.

Amended plans and comments were received.

- This development although now screened is still at first floor level of the neighbours and only a short distance away thus extending the impact on their outlook already compromised by the planned room development
- There are no restrictions on the times the gardens may be used and thus there could lead to noise and light disturbance to those in Canning Road possibly going late into the night especially in the summer
- The desire to add this garden feature has been done so with little or no consideration to the neighbours.

5 letters of objection received from nearby occupiers. 2 letters received from the management company for a nearby block of flats.

- Intrusion of privacy.
- It will result in additional noise pollution.
- The terrace could be use as an entertainment facility.
- It will result in direct views into the flats opposite.
- Overlooking.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[Felpham Neighbourhood Plan 2019-31 Policy BT1](#) Business Expansion

Felpham Neighbourhood Plan 2019-31 Policy BT6 Tourism Activities

Felpham Neighbourhood Plan 2019-31 Policy Quality of Design

ESD1

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

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 that it would not have a significantly adverse impact on the residential amenities of nearby properties sufficient to justify a refusal nor would it have a significant 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 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.

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

CONCLUSIONS**PRINCIPLE**

The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Felpham has a made Neighbourhood Plan with policy ESD1, BT6 and BT1 of relevance.

DESIGN AND VISUAL AMENITY

The proposal seeks to refurbish a swimming pool which involves the addition of a roof terrace for use of by 2 cottages approved under FP/56/21/PL.

The development fronts Canning Road. There is a pitched roof structure used as a swimming pool which will be remodelled and to form a flat roof with roof terrace above. The height of the development will be around 4.4m with a further 1.7m balcony screening. This is only slightly higher than that the pitched roof swimming pool at 5.3m and the footprint will remain the same.

The elevations consist of blue cladding. The external design is to be similar to that of the beach hut suites to be constructed next to it. This is acceptable as it ensures it appears well integrated with the remainder of the site.

The existing brick wall running along the boundary to be rendered and painted to match the hotel.

Arun adopted a Design Guide which seeks to raise design in the district. Section J relates to building design. This states 'The design process should respond to the specifics of the site' and 'Reflect the scale of existing buildings'. The proposal complies with the Design Guide, which upgrades an existing structure with the appearance matching development in the area considered acceptable.

The proposal complies with ESD1 of the Felpham Neighbourhood Plan as the design and appearance of the development is appropriate to its location. Policy BT6 and BT1 is complied with in that the development supports tourism opportunities in the area and upgrades sites which contribute to employment within the district.

The proposal due to the design and location does not deemed ham the appearance of the street scene or wider area and accord with D DM1 and D DM4 of the Arun Local Plan and ESD1, BT1 and BT6 of the Felpham Neighbourhood Plan.

RESIDENTIAL AMENITY

The building is not considered to result in overbearing or overshadowing with the structure already in existence. The roof terrace above results in overlooking to the north and south. To the north, flats are located opposite and as a result, it may give rise to direct views into the properties with around 14m separation distance. Views are available to the hotels room to the south. As a result the screening has been increased in height to 1.7m. This is considered sufficient to overcome adverse overlooking and ensure that views available into neighbouring residential properties will not be significant.

It is acknowledged that the proposal will introduce a structure where there are opportunities for additional and unacceptable overlooking but officers consider that a glazed screen at a height of 1.7m would just about mitigate these impacts. It has to be acknowledged though that a slightly higher screen (1.8m) would further mitigate these impacts. Members may also consider that a different material resulting in a solid screen would also further mitigate these impacts by introducing a screen where activity is no perceptible from outside of the site.

To the east sits a block of flats at 'Coastguards'. There would be some overlooking available into the first floor windows, predominately from terrace 1 due to the height and location of the terrace and the fact that only a 1.1m screen is proposed facing south towards these properties in order to provide sea views from the terrace. The position of the windows on this building are located at a sharp angle to the terrace and as such direct views would be largely restricted. The balcony screening has been set back to the eastern elevation by 2.5m to increase the separation which is around 10m. A green roof and planting will be

located to the remaining roof of the terrace. Officers acknowledge that this is a very difficult relationship but, on balance, conclude that the amended designs, which reduce the useable area of the deck, this would not be so significant such that a refusal is justified.

There may be some increases in noise as a result of the use of terrace however this is only accessible by residents of the 2 cottages that are to be built and therefore the number of people using it will be relatively small. As such the noise will be excessive in which a refusal is justified. Environmental Health have powers to deal with noise nuisance.

With the addition of screening, the proposal is not considered to result in adverse harm upon amenity and accords with and D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such 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

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

- Location and Block Plan - IBA-550-01
- Proposed Site Plan - IBA-550-02
- Proposed Ground Floor Plan - IBA-550-07
- Proposed East and West Elevation - IBA-550-11 Rev A
- Proposed South Elevation and Part Floor Plan - IBA-559-09 Rev A
- Proposed North Elevation - IBA-550-10 Rev A
- Proposed Roof Terrace - IBA-550-08 Rev B

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 roof terrace shall not be occupied unless and until the obscured glazed balcony screening has been constructed in accordance with the approved plans (IBA/550/10/Rev A and IBA/550/11/Rev A). This shall be retained in perpetuity. The area of green roof shall not be used as a balcony.

Reason: In the interests of the amenity of the neighbouring dwelling in accordance with policies D DM1 of the Arun Local Plan.

- 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.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

FP/136/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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