

Recommendation Report for Planning Permission

REF NO: AL/146/16/PL

LOCATION: Fontwell Park Racecourse
Fontwell Avenue
EASTERGATE

PROPOSAL: Installation of cambered all weather bend

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal involves raising the existing ground level of the existing southern bend by up to 2m and surfacing it with a fibresand surface above a stone base. Drainage channels will also be provided. The following details are given:

- * Raising and resurfacing of a 66.2m radius bend with 5% camber;
- * Resurfacing to also include a 12m straight on section entry/exit point;
- * Area of all weather surface - 4090 m²;
- * 997m³ cut / 841m² fill
- * Inner rail - 280m²;
- * Outer rail - 320m²; and
- * Bend width - 12m (post to post) except as widens in back straight.

SITE AREA

0.4 hectares.

TOPOGRAPHY

Predominantly flat but the racecourse is approximately 0.5m higher than the surface of Level Mare Lane.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Part 2-3m high hedge, part 2m high wire mesh fencing. The hedge is highest along the Level Mare Lane boundary.

SITE CHARACTERISTICS

Existing Racecourse site. The proposal affects the southernmost part of the course which is grassland. Also includes white single bar race course type barriers

CHARACTER OF LOCALITY

Existing racecourse in a semi-rural location, adjacent to A27 and A29.

RELEVANT SITE HISTORY

The site has an extensive site history and it is not relevant to list these here.

REPRESENTATIONS

Representations received:

No comments received.

Comments on Representations received:

N/A.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Parks and Landscapes

Consultations responses received:

ADC LANDSCAPE OFFICER - "no comments".

ADC DRAINAGE ENGINEERS - "no surface water drainage comments"

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;

Trunk Road;

Class A Road;

Special Control of Adverts;

Article 4 Direction;

PD Restriction;

No Public Sewer; and

Site of Nature Conservation Interest

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

AREA15

GEN3

GEN7

GEN9

GEN29

GEN32

[Publication Version of the Local Plan \(October 2014\):](#)

Sites of Local Importance for Nature Conservation

Protection of the Countryside

The Form of New Development

Foul and Surface Water Drainage

Nature and Conservation Across the District

Noise Pollution

C SP1 Countryside

D DM1 Aspects of Form and Design Quality

ENV DM1 Designated sites of biodiversity or geological importance

ENV DM5 Development and Biodiversity

ENV SP1 Natural Environment

QE DM1 Noise Pollution

W DM3 Sustainable Urban Drainage Systems

LAN DM1 Protection of Landscape

Character

Aldingbourne Neighbourhood Plan 2016 POLICY EH1 Resist development outside

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walbarton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement

is less than 2 years old

- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies of the Aldingbourne Neighbourhood Plan have been taken into account in determining this 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 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 lies outside of the defined built up area boundary. As such, the principle of development is considered to be unacceptable with reference to Arun Local Plan GEN3, Aldingbourne NDP Policy EH1 and Policy CSP1 of the Emerging Local Plan - unless necessary for the needs of agriculture, forestry, the extraction of minerals, deposit of waste, the diversification of the rural economy or where such development is in accordance with a policy within sections 2 & 3 of the adopted Local Plan.

The applicant states that proposal will increase racehorse safety and reduce the amount of time and investment required to maintain the current turf surface. The addition of a drainage system will also minimise the risk of waterlogging. These improvements will therefore benefit this existing rural business and in turn support the local economy.

Paragraph 28 of the National Planning Policy Framework states that local planning authorities should:

- (1) Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- (2) Promote the development and diversification of agricultural and other land-based rural businesses; and
- (3) Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

VISUAL AND RESIDENTIAL AMENITY:

The proposal involves raising and resurfacing the existing bend in the southern part of the course.

The proposal will add 2m to the height of the outer edge track at the highest point but always sloped in towards the inner edge. The closest site boundary to the works is that with Level Mare Lane (at a distance of 7m at the closest point). This has 3m high hedging which will be capable of screening out most of the new earthwork. There are gaps within the hedge but as evidenced from a site visit, local people use these gaps as an opportunity to watch the view the course. It is not considered that the raising of the bend will have any harmful impact on the local landscape.

There are other viewpoints to the east and west but these are at longer distance and will not be harmful to landscape character given the setting of the existing race course use. There are dwellings along Level Mare Lane but these are well set back from the road with landscaping to their front boundaries. Noise is not considered to be an issue as although the horses will be galloping at a higher level than as before (and as such the existing noise mitigation of the boundary will be diminished), the galloping of horses along the bend will occur only occasionally (i.e. when a race is happening and when the horses are at the southern part of the course) and there will be no permanent noise from the proposal.

NATURE CONSERVATION:

Policy AREA 15 Sites of Local Importance for Nature Conservation states that:

"Proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Local Nature Reserve, Site of Nature Conservation Importance (including ancient woodlands or wildlife corridors) or Regionally Important Geological/Geomorphological Site will not be permitted unless it can be demonstrated that reasons for the proposal outweigh the need to safeguard the nature conservation value of the site/feature. Where development is permitted which would damage the nature conservation value of the site/feature, such damage should be kept to a minimum.

Conditions or planning obligations will be used to secure necessary compensatory or mitigation measures, enhancement and site management. Where appropriate, the Authority will consider the use of legal agreements to provide appropriate compensatory measures, enhancement and site management."

However, the Nature Conservation designation covers only the inside of the racecourse and serves to protect "grassed banks of racecourse with calculus components which are mainly improved and species rich". The course itself is subject to regular trampling by horses as well as maintenance by tracked or other vehicles. It is not considered that the proposed works will have any harm on the species rich grassland of the inner part of the course.

SUMMARY:

It is recommended that permission be granted subject to the following 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:

Site Location Plan Ref HG3301-01 Rev B;
Proposed Construction Profile Ref 1311/003 Rev P1;
Proposed Layout and Setting Out Ref 1311/011 Rev T1;
Proposed Cross Sections Ref 1311/012 Rev T1; and
Proposed Drainage Ref 1311/004 Rev P1.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The proposed development shall be carried out in accordance with the submitted Construction Methodology Plan by PSD Agronomy ref R/001/FAWB/1311/R/161104.

Reason: In the interests of the amenities of the area and nature conservation in accordance with policies GEN7 and GEN29 of the Arun District Local Plan and the National Planning Policy Framework.

- 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.
- 5 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.