Recommendation Report for Planning Permission

REF NO: **AL/2/17/PL**

LOCATION: Aldingbourne Community Sports Centre
Olivers Meadow
Westergate

PROPOSAL: Erection of steel lattice framework post with attached access ladder to support railway semaphore signals.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The structure will be no higher than the adjacent signal box and will be sited to the north of the existing signal box. The signals will normally only be operated when the Bognor Regis Model Railway Club are occupying the premises - Monday to Friday, 6pm - 9pm; Saturday 9am - 1pm. The signals may also be operated during educational visits or on general open days.
SITE AREA	15,000 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site of the community centre compound is enclosed by green wire mesh fencing to a height of 2/2.5m. To the east there is a 1.8-2m high close boarded fence and a couple of mature trees within the garden of the adjacent property which act as screening.
SITE CHARACTERISTICS	An existing compound housing a storage barn, small shed and the former Barnham signal box. The compound also contains football goal posts laid on the ground. The site is located in a corner of the Aldingbourne Community Sports Centre playing field. There is a car park just to the north and a footpath runs around the field passing just to the north and west of the compound.
CHARACTER OF LOCALITY	The site is within the Aldingbourne Community Sports Centre. A residential road, "The Cornfields" passes close to the southern and eastern boundaries. The closest neighbour is no. 4 The Cornfields, a detached dwelling with

double glazed windows which is some 25m away from the signal box.

RELEVANT SITE HISTORY

AL/54/09/	The re-siting of Barnham Signal Box to recreation ground at Olivers Meadow, from its present position at Barnham Railway Station. Building to be used as a clubhouse and meeting place for Bognor Regis Model Railway Club. Works include erection of fencing.	ApproveConditionally 07-08-2009
AL/3/11/NMA	Application for a Non Material amendment following a grant of planning permission, AL/54/09/, to change the heights to a standard 2.4m for the fencing which will enclose this area	Approve 31-01-2011
AL/1/11/NMA	Application for non- material amendment following planning application AL/65/10 - To replace the sloping roof of the proposed extension with a flat roof. To move the exit door. To increase the number of windows to 6.	Approve 21-02-2011
AL/62/12/NMA	Application for a non-material amendment following a grant of planning permission AL/54/09/ for alterations to stairs & balcony to the upper floor	Approve 03-07-2012
AL/82/13/	Retention of an Air Source Heat Pump affixed at the southern end of the Eastern Elevation.	ApproveConditionally 13-12-2013
AL/78/16/DOC	Application for approval of details reserved by condition imposed under AL/54/09 relating to condition No. 4 (Hard & Soft Landscaping)	DOC Approved 15-09-2016

None.

REPRESENTATIONS

Representations received:

No response from the Parish Council.

One letter received from a local resident raising the following concerns:

(1) Requests that a condition be attached to any permission requiring that the structure's height & position be as per the application plans and documents; that it will be lower than than the signal box and and that it will not be visible at all to nearby residents to the east and south of the site.
(2) Requests clarification of any noise from the structure. Requests that the signal/levers not

be used after 7.30pm on weekdays and not at all on weekends other than for open days or special functions.
(3) Requests that restoration works to the structure be carried out by professionals not volunteers, that noisy restoration works be carried out only on weekends and a maximum of 6 weekends.

The applicant has responded to this letter with the following comments:

(a) The application clearly states that the structure when erected will be lower than the height of the signal box
(b) The objectors property borders with an existing playing field which is well used and is also close to a track leading to a working farm. The objector was also aware of the signal box when they moved into the house. It is not considered that the occasional use of a signal will greatly add to the general level of noise in the vicinity of the site.
(c) The signal will only be used in connection with the use of the signal box by the Bognor Regis Model Railway Club.
(d) They would agree to sound testing by Environmental Health should noise become an issue.
(e) Restoration works will be completed as soon as possible having regard to existing constraints upon working times & use of power tools imposed by the site owner. Much of the work will be carried out off-site.

The local resident then responded to the above points. The below is a summary of the most relevant points:

(i) A condition on accordance with the plans is necessary to prevent any variation over time.
(ii) The playing field is not used in the evenings and the community centre is not subject to noisy uses in the evenings.
(iii) The request for limits on restoration work was not to prevent restoration work but just to seek a sensible resolution to the noise issues associated with restoration of the signal box that have been on-going at the site for some time.

The resident also expresses a concern that the comments of the applicant are extremely personal and portray the resident in a negative manner on a public website. The resident is concerned as to how the applicant might respond in the future.

Comments on Representations received:

The following comments are made:

(1) The planning permission if granted, will be subject to a standard planning condition requiring that the development is carried out in accordance with the submitted plans & documents.

(2) This is discussed within the Conclusions section.

(3) It is not possible by planning condition to restrict the restoration works in such a way as to prevent work being carried out by non-professionals. Furthermore, working hours restrictions are covered by separate legislation enforced by Environmental Health officers.

(4) The concerns of the resident in respect of the response by the applicant are acknowledged but this is not a material planning consideration.

CONSULTATIONS

Environmental Health

Consultations responses received:

ADC ENVIRONMENTAL HEALTH - "No EH comments as I do not consider that the noise from the use of the proposed signal is likely to be significant. If any of the local residents do consider the noise from either construction/restoration works, or the signal box itself to be unreasonable, then I would advise them to contact Environmental Health so that we can investigate this issue further."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area;
Asset of Community Value (Aldingbourne Community Sports Centre); and
Class A Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA5	Protection of Open Space
	GEN3	Protection of the Countryside
	GEN32	Noise Pollution
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		C SP1 Countryside QE DM1 Noise Pollution D DM1 Aspects of Form and Design Quality D SP1 Design OSR DM1 Open Space, Sport and Recreation
Aldingbourne Neighbourhood Plan 2016 POLICY EH1		Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY LC3		Provision of buildings for community use

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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; Kingston; Littlehampton; Rustington; Walberton; 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

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 not considered to comply with the Development Plan in that it is not a form of development allowed by policies which seek to protect the countryside. However, the proposal is considered to be acceptable in respect of visual and residential amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that the National Planning Policy Framework is an important material consideration in the determination of this application.

CONCLUSIONS

PRINCIPLE:

The site lies outside of the built up area boundary and as such principle of development is considered to be unacceptable with reference to Arun Local Plan policy GEN3 and Aldingbourne Neighbourhood Development Plan (NDP) policy EH1 - 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 the other parts of the development plan.

The Aldingbourne NDP forms part of the development plan but policy LC3 only provides support to new community buildings and cannot be applied to the proposed signal structure. There are no other policies within the adopted or emerging local plans which specifically support the proposal such s to make it acceptable in principle within the countryside.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of the application. Paragraph 28 states that local planning authorities should "promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship". This would support the proposal.

IMPACT ON PUBLIC OPEN SPACE:

Development plan policies seek to protect public open spaces and the land on which the signal box compound sits is part of such an open space. However, as the proposed structure is sited wholly within an existing compound which has already gained planning permission, it is not considered that the structure will affect the quality or integrity of the existing playing fields.

VISUAL AMENITY:

The proposed structure will be just lower than the height of the signal box and will be sited in such a manner (adjacent to the northern end of the signal box and with the existing storage barn & boundary trees to the east) so as to minimise but not completely prevent its visibility from residential properties to the south and east. It will be visible to views from the rears of those houses to the north east and also from other viewpoints to the north and northwest/west within the whole site. However, the structure will be seen against the existing signal box and will not appear out of place. Indeed, it will be in character with the existing railway signal box.

RESIDENTIAL AMENITY & NOISE:

Concerns have been raised that the operation of the signals will result in noise at unsocial times and that this will adversely affect the amenity of nearby residential properties. The Council has consulted its Environmental Health officers who have technical expertise on such issues. They do not consider the possible noise from the operation of the signal to be significant. Therefore, it is not considered that the operation of the signal box will be noisy to the extent that there will be harm to residential amenity.

SUMMARY:

Although unacceptable in principle having regard to the development plan, it is considered that there is support for the proposal within the NPPF and that in any case, the level of impact associated with the proposal is low and it would therefore be appropriate to grant permission. It is therefore recommended that the application be approved with 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 an documents:

Location Plan;
Block Plan;
Floor Plans (1st & Ground);
Proposed South, West, East & North Elevations;
General Construction Plan Ref BRS-SM-83; and
Design and Access Statement.

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 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.