

Recommendation Report for Planning Permission

REF NO: A/171/19/PL

LOCATION: Rustington Golf Centre Driving Range
Golfers Lane
Angmering
BN16 4NB

PROPOSAL: Alterations to fencing.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to increase the height of the golf driving range fencing in part from 6 metres to 10 metres and where the fencing is 10 metres in height to 20 metres in height
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Protective fencing of 6 metres in height and 10 metres in height currently forms the border of the golf driving range.
SITE CHARACTERISTICS	Rustington Golf Centre includes an 18 hole golf course, a 9 hole golf course, a 3 hole academy course and an 18 hole putting green which are situated in a parkland setting. The character is landscaped fairways with golf course features. The application site is located to the south west of the Golf Centre comprising the 36 bay driving range and American Golf shop and cafe. Rustington Golf Centre is separated from the Ham Manor housing estate by substantial landscaping.
CHARACTER OF LOCALITY	The area is in leisure use with a variety of different facilities including a health club, bowling alley as well as the golf uses. The site borders the A259 to its southern edge
None relevant.	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Angmering Parish Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

ADC Arboriculture - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

OUTS BUILT AREA

CLASS A ROAD

PUBLIC SEWER ON SITE

PD RESTRICTION

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
HWBSP1	HWB SP1 Health and Wellbeing

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.

There are no policies in the Angmering Neighbourhood Plan relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**PLANNING**

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 the design of the new fencing is appropriate to the use and appearance of the golf driving range and would not have a

significant adverse impact on the residential properties that border the golf course which surrounds the golf driving range.

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 OF DEVELOPMENT

The site is located outside of the built-up area where the principle of development is generally unacceptable under policy C SP1 however part f. states that if the proposal is in accordance with other policies in the Plan which refer to a specific use of type of development it might be acceptable. In this case policy HWB SP1 of the Arun Local Plan relating to health & wellbeing states that in particular regard shall be had to:

'Providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space, sports and recreation facilities'

The proposal is contributing to 'necessary infrastructure to encourage physical exercise and health' supporting an existing use in the countryside and is therefore considered to be acceptable in principle subject to acceptable design and impact upon the residential amenity of neighbouring properties and impact on health & wellbeing.

DESIGN

Policy D DM1 of the Arun Local Plan seeks to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

The proposal does not result in any significant change to the appearance of the fencing just an increase in the size of it. The site is well landscaped and over 210 metres from the nearest residential property and therefore the proposed development is not considered to have an adverse impact on the character of the area.

RESIDENTIAL AMENITY

The proposed new fences replace existing fences enclosing the golf driving range. The site is surrounded by a golf course and the nearest residential property is in excess of 210 metres away. For the above reason the new fences will have any significant impact on the residential amenity of any residential properties which border the sports complex site as a whole. There will also be a benefit to existing users of the site and potential dog walkers as the likelihood of a stray golf ball escaping the golf driving range fences would be substantially reduced.

The proposal is considered to comply with policy D DM1 of the Arun Local Plan with respect to design and residential amenity.

HEALTH & WELLBEING

Policy HWB SP1 advises that particular regard shall be had to providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space, sports and recreation facilities (including outdoor fitness equipment).

As set out in the Planning Statement the proposed raising of the fences would enhance the health and safety of the facility supporting the existing substantial usage of the site for its clients. It is considered

that the proposal contributes to the necessary infrastructure to encourage physical exercise and health and accords with policy HWB SP1 of the Arun Local Plan.

TREES

There are a number of substantial and attractive trees the form part of the landscaping to the golf driving range and would potentially be affected by the erection of the new fencing. No objection to the proposal has been made by the Council's Arboricultural Officer subject to tree protective fencing being erected in accordance with submitted plans. A condition has been applied to this effect.

The proposed development is considered to comply with the Development Plan and is recommended for approval 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:

Proposed Driving Range Fencing Layout dwg.no. 19-170094 - AP01
Proposed Fencing Elevations dwg.no. 19-170094 - AP02

Proposed Fencing Tower Elevations dwg.no. 19-170094 - AP03

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 All tree work operations must meet the requirements of BS3998:2010 Tree work - Recommendations:
- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
 - Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In accordance with policy ENV DM4 of the Arun Local Plan in the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice.

- 4 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Report, Hayden's Arboricultural Consultants, Proj. No 7921, 22/01/2020.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 5 Before demolition work or construction work occurs a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert or Site Manager representing the site owner(s) - at this meeting ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been installed and positioned exactly as shown on the Tree Protection Plan, TS & AIA Dwg. no. 7921-D-AIA, 22/01/2020.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan. This is required as a pre-commencement condition to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 6 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.