Recommendation Report for Planning Permission

REF NO: A/35/23/PL

LOCATION: Angmering Community Centre
Foxwood Avenue
Angmering
BN16 4FU

PROPOSAL: Erection of 6m high flag pole. This application is in CIL Zone 2 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This application does not seek approval for a flag which , if needed, should be sought at the relevant time from an advertisement consent application.
BOUNDARY TREATMENT	Low-level wooden bollards surround the perimeter of the open green space.
SITE CHARACTERISTICS	Open green space to the East of the Angmering Community Centre.
CHARACTER OF LOCALITY	Predominantly residential with the exception of the Angmering Community Centre and its associated green space, park, and car park.

REPRESENTATIONS

Angmering Parish Council - No comment.

9 No. objections from nearby occupiers:
- Concerns of noise.
- Concerns of visual amenity.
- Dangerous for users of the open space.
- Money better spent on other things.
- Desire for relocation.
- Concerns of encouraging grouping of users in this area.
- Concerns of fouling on flag pole.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. All relevant planning comments are addressed in the conclusions section below.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:
Built-up Are Boundary.
Existing open green space.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

All relevant Angmering Neighbourhood Development Plan policies have also been considered.

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 complies with relevant Development Plan policies in that it is appropriately designed, and would not have a materially adverse effect on the residential or visual amenities.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(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.

CONCLUSIONS

PRINCIPLE

The key Development Plan policies relevant to this application are D SP1 & D DM1 of the Arun Local Plan (ALP) and policies HD4 & HD5 of the Angmering Neighbourhood Development Plan (ANP).

The Arun Design Guide provides principles for positive development and has informed this decision.

DESIGN AND VISUAL AMENITY

The proposed flagpole would be 6m in height and sited somewhat centrally to the open green space to the East of the Community Centre. It would be sited just to the South of the footpath that crosses East to West through this open space. The siting of the flagpole is acceptable as it is located somewhat centrally, being a visual feature that establishes itself within the open space.

The flagpole is to be white in coloration with a gold cap. This is a fairly typical design for a flagpole and not a design that would be visually offensive in any regard. Similar structures within the locality such as lampposts and signs are generally black in coloration. The white flagpole, whilst not being coherent with this coloration and therefore, contrary to policy HD4 of the ANP, it is visually appropriate for a flagpole and remains acceptable. The flagpole would not be overly dominant in within its site and is acceptable in terms of its visual amenity.

The proposal is compliant with relevant Development Plan policies D SP1, D DM1(1)(9)(14) of the ALP and policy HD5 of the ANP.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal is minor in scale and is separated from nearby dwellings sufficiently. It would have no adverse impacts by way of overbearing or overshadowing on any neighbouring dwellings.

There has been concerns raised regarding the noise produced by a flagpole such as this. From conversations with the applicant, the intention is for a flag to be flown when nationally significant events are occurring and for it to not be in use when they are not. In the event of a flag being flown permanently, or for extended periods of time, there would not be any significantly adverse impacts by way of noise production and disturbance caused by this flag. It is separated from the nearest dwelling by approx. 23m and whilst it is accepted, that a flag or the string or flag weight flapping or knocking in the wind may cause some noise, this would not significantly harm the amenity of neighbouring properties. However, it needs to be noted that this application seeks consent for the flag mast only.

The proposal is compliant with relevant Development Plan policies D DM1(3) of the ALP.

SUMMARY

The proposal is complaint with relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and inforamtives.

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:

- Block Plan (Dated 14/02/23).
- Elevations Plan (Accepted 17/02/23).
- Location Plan (Dated 10/02/23).

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 INFORMATIVE: The permission for this flag pole only and does not grant permission for the flying of flags that may require advertisement consent from the submission of a separate advertisement consent application. The following link provides information as to what flags do and do not require express advertisement consent. Please review this information before flying any flags. https://www.gov.uk/government/publications/flying-flags-a-plain-english-guide/flying-flags-a-plain-english-guide

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.