

**Recommendation Report for Planning Permission****REF NO:** A/95/14/PL**LOCATION:** Rustington Golf Centre  
Golfers Lane  
Angmering**PROPOSAL:** New miniature golf course**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

As above. The proposal is for an 18 hole miniature golf course and includes the provision of a kiosk in the south west corner of the site which would have brick elevations and a tiled roof and measure 2.7m squared in floor area with a ridge height of 3.3m .

**SITE AREA**

0.22 hectares

**RESIDENTIAL DEVELOPMENT DENSITY (NET)** N/A**TOPOGRAPHY**

Predominantly flat.

**TREES**

None of any significance affected by the proposed development.

**BOUNDARY TREATMENT**

The site is open to the road and golf course to the south. Hedging to north behind bund and to west

**SITE CHARACTERISTICS**

The site is currently a grassed area opposite the golf course and adjacent to the access road

**CHARACTER OF LOCALITY**

Rural area to the north of the A259 within an existing leisure complex which includes a golf centre and 2 no. 9 hole golf courses, practice bays as well as a fitness centre both of which have existing parking associated. Residential properties beyond service buildings to the east of the site.

**RELEVANT SITE HISTORY**

|           |                                                                                                                              |                                    |
|-----------|------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| A/5/91    | Change of use of agricultural land to a golf course including new clubhouse, driving range, ancillary buildings and car park | ApproveConditionally<br>08-05-1991 |
| A/123/03/ | Extension to create additional leisure and sporting facilities to include 5 no. indoor                                       | Refused<br>23-10-2003              |

|           |                                                                                                                                                                                                                                                                                 |                                    |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
|           | tennis courts                                                                                                                                                                                                                                                                   |                                    |
| A/159/04/ | Extension                                                                                                                                                                                                                                                                       | ApproveConditionally<br>17-12-2004 |
| A/147/04/ | Extension to create additional<br>leisure/recreational facilities (Resubmission of<br>A/123/03)                                                                                                                                                                                 | ApproveConditionally<br>12-04-2006 |
| A/29/12/  | Change of use of vacant building from family<br>activity centre (D2) to restaurant/cafe (A3)<br>with ancillary food preparation/packaging<br>(B1), farm shop (A1) & hot food takeaway<br>(A5). Minor amendments to northern<br>elevation. (Re-Submission following<br>A/120/11) | Approved Cond + S106<br>16-10-2012 |

#### REPRESENTATIONS

**Representations received:**

Angmering Parish Council

No Objection

**Comments on Representations received:**

None

#### CONSULTATIONS

Health & Safety Executive

WSCC Strategic Planning

Parks and Landscapes

**Consultations responses received:**

County Highways - It is not considered that the proposed development will have a material impact on the operation of the highway network. It is recommended a Construction Management Plan should be sought by way of condition

Landscapes - No comment

**Comments on Consultation responses:**

- comments noted. Condition requested by County Highways has been imposed

#### POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Class A road

#### DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)  
[GEN3](#)  
[GEN7](#)

Built-up Area Boundary  
Protection of the Countryside  
The Form of New Development

[Publication Version of the Local Plan -  
Excluding the Spatial Portrait, Employment,  
Housing Allocations, Transport, Monitoring and](#)

C SP1 Countryside  
SD SP1 Sustainable Development

Implementation sections (February 2014):

## **PLANNING POLICY GUIDANCE**

### **POLICY COMMENTARY**

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

### **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).

#### **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**

The site lies outside the built up area boundary where development unrelated to the needs of agriculture, forestry etc would not normally be permitted. However, the proposed course would be located within the curtilage of the established golf centre and adjacent to other leisure uses. It would not therefore result in the loss of agricultural land or incursion into the countryside.

The area is currently flat and grassed and this would be altered to a miniature golf course with associated structures. No precise details have been submitted of the height and design of each of the features and a condition has therefore been imposed to ensure control over their precise appearance. The kiosk is considered acceptable in terms of visual amenity given its comparatively small dimensions. The site is 160m from the site entrance and benefits from screening from trees and hedging around the site. The proposal would not detract from the character or visual amenities of the locality or the appearance of the golf course generally.

The existing golf course, sports centre and out of bounds centre already generate traffic and activity at the site and it is not considered that the proposed use would significantly increase these levels or adversely impact on the residential amenities of properties to the north. The northern boundary is screened by existing hedging to approximately 2m height. The rear edge of the golf course would be between 17-18m from the rear boundary of the adjacent property at its closest point and the use is ancillary to the main established use of the site as a golf course.

It is therefore recommended that the application be approved subject to the conditions set out below.

#### **HUMAN RIGHTS ACT**

**FOR APPROVAL**

**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 (the right to respect for 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 neutral 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).

**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 12.1572.LP02 revA, 12.1572.LP03 revA, Layout Plan sheet 2 of 4, Kiosk elevations and plans and colour rendering sheet 9 of 9.

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 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed kiosk building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the kiosk building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No development shall be carried out unless and until precise elevations of the proposed golf course features have been submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the details so approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters, the anticipated number, frequency and types of vehicles used during construction,
- the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of Arun District Local Plan.

- 6 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.