Recommendation Report for Planning Permission

REF NO: BN/120/23/PL

LOCATION: Eastergate Sports Pavilion
Barnham Road
Eastergate
PO20 3RP

PROPOSAL: **Replacement of existing non compliant cricket net practice facility with new compliant cricket net practice facility. This application is in CIL Zone 2 (Zero Rated) as other development.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks permission for the replacement of existing non compliant cricket net practice facility with new compliant cricket net practice facility. This will be a double bay facility, with an enclosed / gated waiting area at one end. The whole facility will be enclosed, accessed though a lockable gate.
TOPOGRAPHY	Predominantly flat.
TREES	There are a number of trees along all boundaries. There is a TPO along the southern boundary, however none of the trees along this fence line have individual orders. No trees on site will be affected by the works.
BOUNDARY TREATMENT	Timber close-boarded fencing, measuring approximately 2m high to west, south and eastern boundaries, with a number of trees. Fencing and hedges to the north boundary.
SITE CHARACTERISTICS	The site is predominantly recreational, comprising a large sports field, pavilion and training facilities. It is primarily used for football, cricket and other recreational events.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential, with a few recreational, medical and retail facilities also within the vicinity.

None.

REPRESENTATIONS

Barnham and Eastergate Parish Council - Support:
- Subject to the applicant not using heavy plant over the tree root zone.
- The committee requests the applicant engages with the neighbours regarding tree works and arranges an Arboricultural report.

15 letters of support / no objection received from nearby occupiers:
- Excellent facility to help support the local community.
- The club needs compliant equipment for people to use and this should be encouraged with all sports

equipment.
- This ground is fantastic and the team do a wonderful job and so their facilities should be upgraded.
- It will promote active recreation for all ages.
- Will enrich the local community, especially the younger generation.
- A much needed and utilised facility to replace the old nets.
- Great opportunity for all levels of local cricketers.
- It will enable a safe space for players to practise and enhance the development of the cricket club.
- It will be in the same area as the old nets and will not have any impact on the area, rather being an improvement to the existing.
- Will provide invaluable protection for batters and bowlers, and will stop balls leaving the premises and causing damage to property or injury to the public.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC DRAINAGE ENGINEERS:
No objection and no conditions to add.

ADC PARKS AND LANDSCAPES:
No response.

ADC ECOLOGY:
No objection. The applicant should avoid encroachment onto the root protection zones of adjacent trees.

NATURAL ENGLAND:
No response.

WSCC MINERALS AND WASTE SAFEGUARDING:
No objection.

SOUTH DOWNS NATIONAL PARK:
No comments.

SOUTHERN WATER:
No objection, subject to a 3m clearance of the 150mm diameter gravity sewer, no new development or tree planting within 3m of the external edge of this sewer without consent, no soakaways or other surface water features to be located within 5m of any sewers, and all existing infrastructure should be protected during construction.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built Up Area Boundary

Existing Open Space
Lidsey Treatment Catchment
WSCC Mineral Consultation Area
HRA Buffer - Singleton and Cocking Tunnels SAC

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVSP1	ENV SP1 Natural Environment
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary

Barnham & Eastergate Neighbourhood Plan 2019 POLICY CLW3 Recreation facilities

Barnham & Eastergate Neighbourhood Plan 2019 POLICY CLW6 Designation of local green spaces

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.

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 the works would not have an adverse impact on the visual amenity of the site, nor the amenity of local residents.

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.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE
The key policies are D DM1, D SP1, ENV DM4, ENV SP1, OSR DM1, QE DM1 and QE SP1 of the Arun Local Plan (ALP). The Arun Design Guide (ADG) is also of relevance.

Barnham and Eastergate have a 'made' Neighbourhood Plan (BENDP), of which policies CLW3 and CLW6 are relevant.

Policy CLW3 concerns recreation facilities, and states that the provision of recreational buildings will be supported provided that their design and scale are in keeping with the local character, and there will be acceptable impact to residential amenity.

Policy CLW6 concerns the designation of local green spaces. Eastergate Sports Field is designated second in Schedule B - Local Green Spaces in the BENDP. It has significant recreational value, and therefore any proposals must protect and enhance this.

The principle of a new net facility within this sports and recreational location is acceptable, and will preserve and enhance the established character of the open green space and its associated infrastructure, in accord with OSR DM1 of the ALP.

DESIGN AND VISUAL AMENITY
Eastergate Sports Field already has a set of double bay cricket nets, orientated southwest to northeast in the south-western corner of the site. These nets are deteriorating in their quality, and are non-compliant (with relevant sports standards) as a training facility.

The works seek to install a new double bay cricket net facility. This will be in the same location, however rotated 90 degrees to face northwest and southeast, and moved tighter to the site boundary. The facility will measure 33m long, 7.3m wide, and 4m high, and be fully enclosed with netting held up by steelwork frames. The nets will be arranged with two 25.55m by 3.65m lanes, with a waiting space at the end measuring 7.3m by 7.45m. This is accessed via a pedestrian gate facing northeast. These nets will be a more substantial facility than the existing, however will not differ in their impact to the visual amenity of the site. They will remain in keeping with the sports character of the site, and are an acceptable replacement for the existing facility. This is in accord with CLW3 and CLW6 of the BENDP, and will enhance the visual appearance of this corner of the site, by being a positive improvement to the quality of the nets in comparison to the existing facility.

Being in the southwestern corner, and tighter to the boundary, this facility will be slightly less visible from the street scene than the existing nets. The nets will retain a significant distance from the B2233 and will not result in an adverse or unduly obtrusive structure within the appearance of the public realm.

The replacement net facility is acceptable for the character of the locality, and will not result in adverse harm to visual amenity. This is in accord with D DM1 and D SP1 of the ALP, CLW3 and CLW6 of the

BENDP and the Arun Local Plan.

RESIDENTIAL AMENITY
Policy QE SP1 of the ALP requires that all development contributes positively to the quality of the environment and does not have a significantly negative impact upon residential amenity.

The reorientation of the location of the nets will result in the facility moving closer to the boundary of neighbouring properties. The new location will retain a minimum of 1.2m to the southern boundary, and 1.8m to the west. This will be around 4m closer to No.2 Abercorn Walk to the south, and subsequently will result in an increase to the amount of overshadowing they experience. Given there are a number of trees to this boundary, and the facility is minimal in its structure (being only steel and netting), the impact to their amenity will be negligible. The other properties affected are further from the boundary, and are at less risk of harm than No.2. The impact to amenity of neighbouring properties, by way of overshadowing, overbearing and overlooking will not be adverse, and is acceptable.

The proposal does risk some harm in terms of noise pollution, being that it will be slightly closer to the boundaries than the existing facilities. As the same number of nets are being retained, and there is only a minor change in its location, the increase in noise will be negligible. The noise produced will only be during matches and training, which will be dependant on weather, and more prominent within the spring and summer months. During the autumn and winter, these nets will have little use, and therefore the noise produced will be occasional and not a consistent source of pollution.

The proposal is acceptable and in accord with D DM1, QE DM1, and QE SP1 of the ALP.

BIODIVERSITY
Policy ENV DM4 of the ALP concerns the protection of trees and states development will only be permitted where it can be demonstrated that trees protected by TPOs will not be damaged or destroyed. There are a number of trees on the site boundary, and it is noted that there is a TPO which falls to the south (Order 1/79/EG). However, it appears none of these trees are protected under this TPO.

Due to its location, the development will result in some risk to the root protection area of these trees. However the trees have no protected status, and any harm will be to the outer parts of the root protection area, this impact will not be adversely harmful to the amenity of the trees. The works are therefore acceptable.

SUMMARY
The development accords with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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:

- Location Plan LP01
- Block Plan BP01
- Plans and Elevations PE/01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.

4 INFORMATIVE: The applicant is encouraged to note the concerns of the Parish Council regarding the works and the impacts on adjacent trees.