

Recommendation Report for Planning Permission**REF NO:** BR/113/17/PL**LOCATION:** Putting Green Hotham Park
Upper Bognor Road
Bognor Regis**PROPOSAL:** Construction of an adventure golf course, kiosk, car park extension & conversion of existing kiosk into 2 No. WCs. This application affects the Upper Bognor Road & Mead Lane Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The development would be to the northern section of the park over the existing unused putting green garden.
SITE AREA	0.02 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. Two smaller specimens to be removed to the south of the site, of no special amenity value.
BOUNDARY TREATMENT	3m wall to north and smaller low level fencing within the park.
SITE CHARACTERISTICS	North section of Hotham Park with car park to east, currently a vacant putting green, laid to lawn.
CHARACTER OF LOCALITY	Public park with Chichester University to north and main road. Residential properties to the north east and Butlins Holiday Resort to the east.

RELEVANT SITE HISTORY

BR/343/88	Application Under Regulation 4 of the Town & Country Planning General Regulations 1976 for an extension to existing car park.	Deemed Perm Cnd 13-07-1988
BR/267/88	Application under Regulation 4 of the Town and Country Planning General Regulations 1976 for change of use from ornamental gardens to childrens play area.	Deemed Perm Cnd 13-07-1988
BR/77/89	Application under Regulation 4 of the Town and Country Planning General Regulations	Deemed Perm Cnd 29-03-1989

1976 for erection of a 1.8 metre in height chain link security fence to be erected prior to demolishing a structurally un-safe wall and rebuilding to same height.

BR/271/94	Renewal of temporary planning permission BR/171/93 for car boot sales to be run on Sundays throughout the year excepting Christmas Day and Boxing Day.	ApproveConditionally 07-12-1994
BR/284/94	Erection of a sales kiosk	ApproveConditionally 09-01-1995
BR/77/05/	Extend existing railway ticket office and extend existing train lock up area.	Approve 15-04-2005
BR/123/10/	Outline application under Regulation 3 of the Town and Country Planning General Regulations 1992 for a new cafe to enable internal & external seating with all year operation	ApproveConditionally 24-06-2010
BR/190/14/PL	Change of use from cafe (A3 Restaurants and Cafes) to shed (Sui Generis), This application affects the character and appearance of the Upper Bognor Road and Mead Lane Conservation Areas.	Approve 22-10-2014
BR/236/14/PL	New cafe with external seating. Re-submission of BR/142/14/PL. This application affects the character and appearance of Upper Bognor Road & Mead Lane Conservation Area	ApproveConditionally 28-10-2014
BR/7/16/PL	New conservation type rooflights to south elevation and serving hatch to north elevation to existing kiosk	ApproveConditionally 10-03-2016

None directly relevant.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Two public representations objecting on the grounds of:-

- Loss of park space
- No requirement for a toilet block
- The public space should not be used to make money

Comments on Representations received:

Comments noted.

The proposal would make more use of a public space which is currently unused. The loss of a small section of the existing putting green to make space for more parking, disabled parking, and public toilets is not considered to be a valid reason to refuse the application. It would enhance the public service provided to the public in this public amenity.

CONSULTATIONS

Concessions Officer
WSCC Strategic Planning
Economic Regeneration
Engineering Services Manager
Engineers (Drainage)
Conservation Officer

Consultations responses received:

Drainage Engineers

Infiltration must be investigated for surface water disposal in respect to the proposed car park extension. Please apply standard condition ENGD2A.

Please note that there is an existing flooding issue associated with the current car park and the new proposals will provide an opportunity to help improve the situation. The applicant is advised to discuss this further with the Council's Engineers.

WSCC (Strategic Planning)

No objection.

Economic Development

Economic Development are keen to see additional good quality attractions for visitors and residents and would, therefore, support this application.

Conservation Officer

The new facilities are appropriate to the context of Hotham Park and the proposal as a whole causes no harm to the significance of the Upper Bognor Road & Mead Lane Conservation Area.

The importance of sustaining and enhancing the significance of heritage assets, while keeping them in viable and appropriate uses, is emphasised throughout section 12 of the NPPF. Para. 132 requires great weight to be given to their conservation and there is no objection to the proposal in terms of Local Plan 2003 Policy Area 2, and Local Plan 2014 Policy HER DM3.

CAAC:- no objection - kiosk should be same style as toilets.

Comments on Consultation responses:

Comments noted.

The drainage condition will only be for the extension of the car park not the golf course section of the development.

POLICY CONTEXT

Designation applicable to site:

Conservation Area
Within the built up area boundary
Setting of a listed building

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA2 AREA7 GEN28 DEV34 GEN9 GEN12 GEN2 GEN7	Conservation Areas Public Car Parks Trees and Woodlands Tourist Accommodation and Attractions Foul and Surface Water Drainage Parking in New Development Built-up Area Boundary The Form of New Development
Publication Version of the Local Plan (October 2014):		ENV DM4 Protection of Trees W DM2 Flood Risk W DM3 Sustainable Urban Drainage Systems D DM1 Aspects of Form and Design Quality D SP1 Design HER DM3 Conservation Areas HER SP1 The Historic Environment QE SP1 Quality of the Environment SD SP2 Built-Up Area Boundary T DM2 Public car parks T SP1 Transport and Development
Bognor Regis Neighbourhood Plan 2015 Policy 1		Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 9		Local Green Space Designations

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; 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 a 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, it would preserve the established character of the surrounding conservation 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 proposal is for an 18 hole Disability Discrimination Act compliant adventure golf course featuring animals and a waterfall. The scheme also includes a pitched roof kiosk, a pitched roof double coin accessible toilet with baby change and additional car parking spaces.

IMPACT ON THE CONSERVATION AREA

The new facilities are modest in scale and appearance, appropriate to the historic context of Hotham Park and the proposal as a whole causes no harm to the significance of the Upper Bognor Road & Mead Lane Conservation Area. Overall the proposal is considered to preserve the appearance of the Conservation Area and the materials are acceptable for a historic park environment. The main material to be used are:

- compacted type one aggregate
- green plastic artificial grass
- kiln dried sand (bunkers)
- hand carved cement with sand render and/or gunnite grey cement spray
- block pavers laid upon a compacted aggregate with sharp sand sub base
- rockwork and spray painted features, some masonry paint

The materials are specified on the plans and within the design and access statement which will be approved as part of a condition. This part of the park is set away from the Listed house within the park and does not impact adversely on the listed wall adjacent.

TREES

The small trees to be removed are not considered to be of significant visual amenity value. Given the high number of mature trees in the park, the loss of these smaller specimens is not considered to be harmful to the area in terms of visual amenity or biodiversity.

IMPACT ON NEIGHBOUR AMENITY

There are no direct neighbouring properties and as such there will be little impact from the proposal.

TOURISM AND GREEN SPACE ENHANCEMENT

The development is considered to enhance the attractiveness of the park and will bring the vacant putting green into use. Furthermore, toilet facilities will be provided. It is considered that the proposal offers an additional leisure facility for residents and tourists, enhancing the community use of this local green space in line with policy 9 of the Bognor NDP.

DRAINAGE

There is an identified drainage problem for the existing car park. Engineers have recommended a pre- commencement condition for the car park area of the development for ground water monitoring and how to disperse additional surface water runoff. This is considered reasonable and necessary and will be imposed. Furthermore, it will not prevent the commencement of works on the golf course section of the development.

CAR PARKING

The development of the golf course will inevitably lead to increased visitor numbers to the park. It is considered necessary that additional parking is provided in line with policy AREA 7. Especially as two No disabled parking bays will be provided.

The application is recommended for conditional permission.

HUMAN RIGHTS ACT

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 positive impacts have been identified upon those people with the following protected characteristics - disability and maternity.

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:-

DESIGN AND ACCESS STATEMENT REV A 06/05/17

G-1001|A

G-2001|G

G-2302|A

G-2703|B

G-2401|D

G-2702|E

G-2701|E

G-2601|D

G-2501|D

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 Development of the car park extension shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

The car park shall not be used until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an

allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design.

The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineer Paul Cann on paul.cann@arun.gov.uk or 01903 737819. Supplementary guidance notes are also available on request.

- 5 **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.