

REPORT UPDATE

Application No: BR/272/13/

Reason for the Update / Changes

Reason for Update/Changes:

Following extensive negotiation between the applicant and Natural England, it has been agreed that the ramp can be an extra 1m longer (i.e. only 1m shorter than as per the originally submitted drawing). Natural England has confirmed their agreement to this and amended plans have been received. This results in a change to the recommendation, namely the amendment of the plans condition (condition 02) to reflect the revised block and location plans (which are Revision C).

In addition, comments have been received from the Council's Conservation Officer and these state that:

"The application is for a replacement ramp of a more permanent nature. It is noted that the structure will sit flush with the shingle and that the material will age to a silver grey. It is therefore considered that the ramp will not adversely affect the character or appearance of the Conservation Area."

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

BR/272/13/

Recommendation Report for Planning Permission

REF NO: BR/272/13/

LOCATION: Beach adj Bognor Regis Yacht Club
Victoria Road South
Bognor Regis

PROPOSAL: Construct a replacement launching ramp on the beach. This application affects the character and appearance of Aldwick Road Bognor Regis Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The replacement launching ramp will be 33m long (extending into the sea from the promenade) and 4m wide. The first 14m will be flat and the rest sloping at an angle. The ramp will be constructed from timber and will include a 75mm by 75mm toe rail on each

report

	side.
SITE AREA	0.0105 hectares.
TOPOGRAPHY	The first 14m of the beach is flat with the rest sloping at a slight angle into the sea.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	N/A.
SITE CHARACTERISTICS	Existing shingle public beach. The shingle is understood to be approximately 2-2.5m above the sea level for the first 14m decreasing gradually into the sea itself. The existing ramp can be seen on the site and this consists of chain linked timbers that appear to resemble linked bed slats and are rolled out when the ramp is required and rolled back up when not in use.
CHARACTER OF LOCALITY	Public beach with adjacent public promenade. To the north of the promenade there is the Bognor Regis Yacht Club and beyond this private residential houses on Victoria Road South.

RELEVANT SITE HISTORY

BR/246/49	Club house	ApproveConditionally 05-10-1949
BR/246/49/A	Club premises	Approve 14-12-1949
BR/246/49/B	Alterations & additions	Approve 28-01-1958
BR/983/83	Extension to Yatch Club to form store kitchen lounge dining area on ground floor & new observatory over	ApproveConditionally 04-01-1984

No comments.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Conservation Officer
Economic Regeneration
Natural England
Engineers (Fluvial Flooding)

Consultations responses received:

Arun DC Economic Regeneration - no objection.

Conservation Area Advisory Committee - no objection.

Conservation Officer - to follow.

Natural England - no objection:

This application is within Bognor Reef Site of Specific Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. We have assessed the application for direct and indirect impacts on the SSSI, and have no objection to this planning application subject to the following measures being secured:

1. The ramp is to extend no further than the nearby outfall pipe (see photo in annex 1) in order to avoid impacting the movement of natural sediment;
2. Storage of plant machinery and equipment to be outside of the SSSI (i.e. on hard standing and not on the shingle beach);
3. Fuel, oil and any other potential pollutants to be stored securely outside of the SSSI boundary to avoid accidental spillage on SSSI shingle habitat. All refuelling of plant/machinery to be carried out outside of the SSSI;
4. Use of suitable protective matting to be used by machinery when tracking across the shingle and foreshore, as the softer sands and sediments are especially vulnerable to compaction from machinery tracking across the intertidal areas;
5. No vehicular movements to be permitted within the SSSI (excluding the immediate work area), in order to avoid unnecessary disturbance to the shingle bank and damage/compaction of intertidal sands and mudflat habitat. The work area should be clearly marked (using thin metal rods and tape), and contractors should be fully briefed on the sensitivity of the site and the restricted area; and,
6. After works have finished, for the area above the high tide line, the shingle bank should be re-profiled (as necessary) to remove any ridges formed by vehicles. However for the shingle below the high tide line, natural tidal processes should be allowed to redistribute shingle.

Comments on Consultation responses:

With the exception of the first condition (which is not capable of being a planning condition and for which amended plans have instead been provided), the remaining suggested conditions have been re-worded and form part of the recommendation. It should be noted that the change to the length of the ramp has resulted in a slight increase to the angle of the slope.

POLICY CONTEXT

Designations applicable to site:

Conservation Area; and

Bognor Reef SSSI.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA2	Conservation Areas
	AREA14	Sites of National Importance for Nature Conservation
	GEN7	The Form of New Development
	GEN13	Public Access to the Coast
	GEN23	The Water Environment
	GEN25	Water Resources
	GEN29	Nature and Conservation Across the District

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

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

Paragraph 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

It is proposed to replace the existing boat ramp with a more permanent structure to be constructed from timber and fixed to the sea bed/shingle using piles. The ramp is to be used in connection with the Yacht Club but will also improve public pedestrian access to the beach at low tide.

Impact on the Environment

Given the site's location on the shingle beach within the Bognor Reef SSSI, consultation has been undertaken with Natural England both before and during the application. Natural England have responded to state that they have no objections subject to confirmation that the ramp will not extend beyond the end of the adjacent outfall pipe and to a set of conditions designed to protect the shingle beach. The applicant has provided amended plans to show the ramp not extending any further than the end of the pipe.

Impact on the Conservation Area

The ramp structure is to replace an existing timber fold up ramp. Whilst the new structure will be of a more permanent and solid construction, it is not considered to be sufficiently significant to be such that it would harm the character or appearance of the Conservation Area. The Conservation Area Advisory Committee has not raised any objections and whilst the Conservation Officer comments have not yet been received, it is not anticipated that any objection will be raised. It is not considered that the ramp will be prominent in views from roads along the seafront and in any case this is to be balanced against the improved pedestrian and disabled access to the shore that this ramp will enable. It is considered that boat ramps are a common feature within such coastal shoreline locations.

Conclusions

It is considered that the proposed replacement boat ramp is a necessary development for the continued operation of the Yacht Club. The proposal has been assessed and has not attracted any objections from the local community nor have any of the statutory consultees raised any objections. It is therefore considered that the proposal should be approved subject to the conditions set out below.

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" Rev C; "Site Plan" Rev C; and "Proposed Plan - JE1949 iss A"

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 All plant machinery, equipment, oil, fuel and other pollutants shall be stored securely on hardstanding outside of the defined area of the Bognor Reef Site of Special Scientific Interest, and all refuelling of plant/machinery shall also take place outside of the Site of Special Scientific Interest.

Reason: In the interest of protecting and conserving the ecological quality of the Bognor Reef Site of Special Scientific Interest in accordance with the NPPF paragraph 118 and policies GEN7 and GEN29 of the Arun District Local Plan.

- 4 No development including site access, demolition or associated construction activities, shall take place on the site unless and until details of suitable protective matting to be used by machinery when tracking across the shingle/foreshore have been submitted to and approved by the local planning authority and subsequently laid out within the immediate work area (which shall be defined in accordance with details submitted to and approved by the local planning authority) and along the route from the hardstanding to the work area. Such protective matting shall be retained throughout the construction process and any damaged matting shall be replaced as and when damage occurs.

Reason: In the interest of protecting and conserving the ecological quality of the Bognor Reef Site of Special Scientific Interest in accordance with the NPPF paragraph 118 and policies GEN7 and GEN29 of the Arun District Local Plan.

- 5 There shall be no vehicular movements within the defined area of the Bognor Reef SSSI except within the immediate work area which shall include a route from the hardstanding to the 'immediate work area' and which shall be clearly marked out using thin metal rods and tape in order to ensure that contractors do not stray from the work area.

Reason: In the interest of protecting and conserving the ecological quality of the Bognor Reef Site of Special Scientific Interest in accordance with the NPPF paragraph 118 and policies GEN7 and GEN29 of the Arun District Local Plan.

- 6 All contractors shall be made aware of the sensitivity of the site and good working practices shall be maintained to avoid any infringement on the restricted area or other pollution incidents on the site.

Reason: In the interest of protecting and conserving the ecological quality of the Bognor Reef Site of Special Scientific Interest in accordance with the NPPF paragraph 118 and policies GEN7 and GEN29 of the Arun District Local Plan.

- 7 Immediately after the works have been completed, the 'immediate work area' referred to in conditions 4 & 5 above shall be restored to its original state with such restoration works including the re-profiling of the shingle bank above the high tide line to remove any ridges caused by vehicles.

Reason: In the interest of protecting and conserving the ecological quality of the Bognor Reef SSSI in accordance with the NPPF paragraph 118 and policies GEN7 and GEN29 of the Arun District Local Plan.

- 8 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.