

Recommendation Report for Planning Permission

REF NO: BR/316/17/PL

LOCATION: Aldwick Cricket Club
Brooks Lane
Bognor Regis
PO22 8AT

PROPOSAL: Replacement cricket pavilion

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement pavilion - previous one suffered extensive fire damage. The new building measures 12.5m by 4.6m with a height of 4.06m. To the front is a veranda accessed via a ramp. The building contains a clubhouse/kitchen and two changing rooms.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Knee rail fence on western side. Hedge of 2/3m high to east beyond footpath.
SITE CHARACTERISTICS	Corner of sports field.
CHARACTER OF LOCALITY	The site lies to the east of a residential area.

RELEVANT SITE HISTORY

BR/155/67	Erection Of Storage Hut	ApproveConditionally 25-05-67
BR/780/75	New Sports Pavillion	ApproveConditionally 07-01-76
BR/221/16/PL	Replacement pavillion building.	ApproveConditionally 14-02-17
BR/260/14/PL	Refurbishment of clubhouse to include new veranda & refurbishment of existing toilet block into shower block.	ApproveConditionally 17-12-14

A previous planning permission for a similar building was granted in 2016. This building is just under 1m higher.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

Environment Agency

Sport England South East

Estates Manager

Sport England South East

CONSULTATION RESPONSES RECEIVED:

Sports England

No objection

Environment Agency

No objection subject to condition requiring development in accordance with flood risk assessment.

Landscapes

No objection

Engineers

No objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside built up area
 Right of way
 Flood zone 2/3
 Open Space
 Local Gap

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA11	Local Gaps
AREA5	Protection of Open Space
GEN12	Parking in New Development
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN33	Light Pollution
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D SP1	Design
OSR DM1	Open Space, Sport & Recreation
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE SP1	Quality of the Environment
W DM2	Flood Risk

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 and is 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.

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 has taking place. 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. The examination was completed in September 2017. Further consultations on Modifications is taking place until 23rd February.

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. 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.

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).

There are considered to be no BRNDP policies of relevance.

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

PRINCIPLE

This site is located outside of the urban area and within the defined countryside. Therefore, the application must be assessed against those policies which seek to protect the countryside from inappropriate development. The relevant policies are GEN3 of the adopted Local Plan and C SP1 of the emerging Local Plan. Both of these policies state that development that is for quiet, informal recreation is appropriate in the countryside. However, both policies also state that "development that is in accordance with other policies in the Plan which refer to a specific use or type of development" will be acceptable in the countryside. In this case, Policy AREA5 of the Local Plan and Policy OSR DM1 of the

Emerging Local Plan both state that existing playing fields and outdoor sports facilities should be protected from development.

The previous facilities supported the use of the adjacent playing field and it is considered that their replacement will be beneficial to the use of the playing fields by local people. It is therefore considered that the application is in accordance with the use of the land as playing fields/open space and complies with Policies AREA5 and OSR DM1. It is also noted that the proposals do not increase the floor area of these essential facilities from the previously approved application.

Furthermore the site lies in the Local Gap (AREA11) where development is only permitted if it is consistent with other Local Plan policies and it does not lead to the coalescence of settlements. The proposal is consistent with other Local Plan policies and, as a replacement building, does not lead to coalescence.

CHARACTER & DESIGN

The building would appear as a pavilion and is not of an unexpected design for a sports field location. It is of an improved design to the previous version. Whilst it is higher than the previous application the appearance is acceptable in the locality.

RESIDENTIAL AMENITY

The pavilion is sited significantly away from properties so that it would not have a demonstrably adverse impact on residential amenity.

SUMMARY

The proposed replacement facility will be positive both in terms of the appearance of the buildings and also in terms of the enhancement of the facilities which serve the existing open space. It is therefore recommended that permission be granted subject to the following conditions.

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 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).

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:-

730/01 B, 730/02, the Eco decking roofing systems information.

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 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (January 2017) and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 1.95 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and persons using it in accordance with policy GEN9 of the Local Plan.

- 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.