

Recommendation Report for Planning Permission

REF NO: BR/39/26/PL

LOCATION: Bognor Regis Sports Ground
Hawthorn Road
Bognor Regis
PO21 2UW

PROPOSAL: Replacement of existing 1.8m high fence panels along the perimeter of the sports ground (north and east) with a new 3m high green metal twin bar fence. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	2 No. small trees adjacent Hawthorn Road at the southeast corner of the site. Additionally, 1 No. mature
BOUNDARY TREATMENT	The north boundary of the site features a 1.8m tall close boarded timber fence and the east boundary of the site features a 1.8m tall concrete post and chain-link fence. The south boundary has a mix of fencing and hedging and to the west boundary is early-mature tree planing.
SITE CHARACTERISTICS	The site comprises a community sports ground serving the Bognor Regis Sports Club.
CHARACTER OF LOCALITY	The area is predominantly residential but also includes similar sports grounds and facilities.

RELEVANT SITE HISTORY

BR/22/26/CLP	Lawful development certificate for the proposed replacement of fence panels to metal fencing.	Withdrawn 18-03-26
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REPRESENTATIONS

Bognor Regis Town Council - No objection.

3 letters of objection:

- Opposition to the privacy netting.
- 3m is too high and uncharacteristic of the residential area.
- Noting lack of experience of balls exiting the site.
- Lack of evidence that the existing fence is a security risk.
- Loss of openness and obstructed views.

2 letters of no objection:

- Sensible.
- Visual improvement.
- Prevent balls exiting the site.

13 letters of support:

- Visual improvement.
- Improved security for kids and the club.
- Noting multiple recent break-ins.
- Reduced risk of balls exiting the site.
- Similar to what many other clubs have done.
- Lower maintenance.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Relevant designations applicable to site:

Built-up Area Boundary.

Existing Open Space.

TPO on site.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
HWBSP1	HWB SP1 Health and Wellbeing
ENVDM4	ENV DM4 Protection of trees

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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. There are no relevant policies within the Bognor Regis Neighbourhood Development Plan.

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 complies with relevant Development Plan policies in that it would support the ongoing use and functionality of the existing Open Space.

The proposal conflicts with relevant Development Plan policies in that it would be unacceptably detrimental to the character of the area.

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.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) under the de-minimis exemption.

CONCLUSIONS

PRINCIPLE

The site is in the Built-up Area Boundary and is an established Open Space. The proposal relates to the replacement of boundary fencing only and is acceptable in principle, subject to the consideration of relevant Development Plan policies in accordance with Arun Local Plan (ALP) policy SD SP2.

CHARACTER AND DESIGN

The site is an Open Space and sports ground with associated clubhouse. It features 1.8m tall wooden fencing along the north perimeter adjacent to Hawthorn Road, and 1.8m tall concrete post and chain link fencing adjacent to Nyewood Lane. These sections of fencing are the subject of this application.

The existing wooden fence does little by way of positive contribution to the visual amenity of the area but does have a domestic character not unfamiliar in a largely residential area. It has seen piecemeal replacement and repairs over time and provides limited security for the site. It is an extensive section of fencing spanning approx. 230m, all of which is directly visible from the adjacent footpath and street. It

predominantly obscures views into the sports ground except for those from elevated positions in the house opposite and is of a height commensurate to the fencing of a residential area.

The concrete post and chain link fence also does little by way of positive contribution to the visual amenity of the area. However, although weathered, it does not appear to be in any state of disrepair and has a generally consistent appearance. The chain link fence does not obscure views of the recreation ground and bolsters the relatively open character of this residential area, which features dwellings set back from the street, and wide roads with verges and footpaths.

The fencing is of a character commensurate to the residential setting, albeit of a worn and utilitarian appearance.

The replacement fencing is characteristic of a sports ground and is similar to other sports facilities within the District. These typically make use of 2m tall fencing of a similar design rather than 3m. Where taller fencing is incorporated, it is usually buffered/obscured by mature planting or significant separation from footpaths and the street scene.

Examples of 2m sports field fencing of similar design include the sports fields at The Angmering School and Pagham Cricket Club along Nyetimber Lane. Many employ much taller nets in strategic locations to prevent balls exiting the site that have a much more lightweight appearance, but all of which make use of 2m tall fencing which does not result in an excessive sense of enclosure or result in a detrimental impact to the character of the area.

The proposed fencing along Hawthorn Road would include privacy netting up to 2m which would maintain a comparable visual barrier to the existing wooden fencing, and the fencing along Nyewood Lane would have similar visual accessibility to the existing fencing. However, by extending up to 3m in height, the fencing would introduce a much greater sense of enclosure to an area that currently benefits from a relatively open character, despite its developed and residential setting. The fencing would be prominently read by anyone traversing the footpaths along Hawthorn Road and Nyewood Lane and would be imposing to a degree that is detrimental to the character of the area.

While the design of the fencing proposed would be a visual improvement over the existing, its height would introduce an undue and harmful sense of enclosure that would be unacceptably detrimental to the character of the area.

The proposal is in conflict with ALP policies D SP1 and D DM1.

HEALTH AND WELLBEING

ALP policy HWB SP1 states that all development shall be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. In particular it refers to contributing to the necessary infrastructure to encourage physical exercise and health.

The proposal would incur a number of benefits for the established sports ground and the club occupying it. Namely, improved security, reduced occurrence of balls exiting the site and conflicting with road users, pedestrians, or neighbouring properties, and lower maintenance cost going forward.

Evidence has been provided that there have been multiple accounts of recent break-ins and vandalism on site, of particular note is that some involved forced entry through the wooden fence along Hawthorn Road.

It is clear that the proposed development would be of benefit to the sports club and support its ongoing use and viability, thereby promoting a healthy community. As such, the proposal benefits from support by

ALP policy HWB SP1.

TREES AND BIODIVERSITY

The proposal is exempt from Statutory Biodiversity Net Gain under the de-minimis exemption, and given the limited nature of the development, while ALP policy ENV DM5 typically requires all development proposals to achieve an on-site biodiversity net gain, the Local Planning Authority are willing to agree a departure from this requirement.

The eastern perimeter of the site features a few trees. Of particular note, is a large Lime Common tree in the southeast corner. The limited scale of the works and that the proposal is for the replacement of the fencing, are such that the two smaller trees north of the (one in the highway off site and one along the fence line) are of no immediate concern. However, the mature Lime Common tree is subject to a Tree Preservation order, and works in and around this tree, including the siting of new post holes and the removal of the existing fencing, need particular consideration.

Discussion with the Arun District Council Tree Officer indicated that given the limited nature of the proposal, no Tree Survey, Arboricultural Statement, or other investigation is strictly necessary prior to the determination of this application. Had the application been approved, it was suggested that a condition securing an Arboricultural Method Statement and Tree Protection Plan produced by a suitably qualified arboriculturist prior to any works that would impact this tree be attached. Ultimately, the conclusions of this application are that it is to be refused and no such condition has been imposed as a result. However, the wording of the condition was sent through to the applicant for consideration and clarity in the event of an approval.

Subject to the abovementioned condition, the proposal would have been in accordance with ALP policies ENV DM4 and ENV DM5.

SUMMARY

The proposal, by virtue of its significant height, would result in an unacceptable sense of enclosure that is detrimental to the character of the area in conflict with relevant Development Plan policies. As such, it is recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1

The proposal, by virtue of its height and prominence within the street scene, would introduce an unacceptable sense of enclosure and be unacceptably detrimental to the character of the residential area in conflict with Arun Local Plan policies D SP1 and D DM1.
- 2

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 identifying matters of concern with the proposal and discussing those with the Applicant. It has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.