

Recommendation Report for Planning Permission

REF NO: BR/66/22/PL

LOCATION: South Bersted Church Of England Primary School
Church Lane
Bognor Regis
PO22 9PZ

PROPOSAL: Change from grass to bonded mulch all weather surfacing on Trim Trail. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for the changing of surfacing, changing from grass to bonded mulch all weather surfacing. The site is on existing recreation field at South Bersted C of E Primary School.
SITE AREA	155 sqm
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	The site is secured by a mixture of fencing, walls and large trees.
SITE CHARACTERISTICS	The site consists of South Bersted Church of England Primary School and totals 15,867 sqm, surrounded on all sides by residential developments. There are three Statutory Listed Buildings to the south-east of the site.

RELEVANT SITE HISTORY

BR/18/19/PL	Construction of Multi Use Games Area. This application may affect the setting of listed buildings.	ApproveConditionally 13-03-19
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Noted.

REPRESENTATIONS

Bognor Regis Town Council: No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways: Does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

ENVIRONMENTAL HEALTH: No objection subject to a condition regarding construction hours.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 in the Bognor Regis Neighbourhood Plan to the determination of this application.

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 as that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it would not have an adverse impact on the character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The development is in the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies as stated in SD SP2 of the Arun Local Plan.

In this case the key policy of the Arun Local Plan are D DM1, QEDM1 and HER DM1.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public Realm, Layout, Public Art, Density and Scale. Policy SD SP2 of the Arun Local Plan states that development should be focussed within the Built up Area Boundary and will be permitted subject to consideration against other policies in the Local Plan. Policy OSR DM1 of the Arun Local Plan relates to open space, sport and recreation. Policy QE DM1 of the Arun Local Plan considers noise pollution. Policy HER DM1 relates to the protection of Listed Buildings. It states proposals affecting Listed Buildings will be required to preserve or enhance the historic character, qualities and special interest of the buildings and to protect and where possible enhance the setting of a Listed Building.

DESIGN AND VISUAL AMENITY

The application seeks permission for a change of the area of 155sqm x 40mm (deep) from grass to Eco-Mulch surfacing.

The Eco-Mulch surfacing to host the Steel Trim-Trial would result in a loss of 155sqm of grass area however this is considered to be modest in comparison with the total area of the overall site. Given the size and design of the proposal it would be in an accordance with policy D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposal would replace the existing timber trim-trial, it would be located to the east of semi-detached 2 storey houses within end of Leas Court. The nature of the proposal would be the same as that of existing on the site would not be any increase in noise.

The area will be used during school hours and term time only with occasional evening and weekend usage. Given the whole area to the east of the school is already used as an playing field, the

development would unlikely give rise to any additional adverse impacts on the local residents.

Policy OSR DM1 of the Arun Local Plan relates to open space, sport and recreation. The policy states that existing open space, outdoor and indoor sport, community, arts and cultural facilities should not be built on or redevelopment unless the development is for an alternative open space, sports, community, arts or cultural provision and the needs for which clearly outweigh the loss. The proposal is for the replacement of a trail as such the use of this part of open space would be the same and would meet these requirements and accord with policy OSR DM1 of the Arun local Plan.

It should be noted that three properties to the south-east of the proposal site are Statutory Listed Buildings and as part of the application we must assess if there will be any negative impacts on them due to the proposal. Although the proposal does not enhance the setting of the listed Building, given the distance from the proposal to the Listed Buildings and fact that the proposal can be considered to be retractable in nature and the proposed climbing equipment is located within an area that is already used as a playing field, the proposal would not affect the setting of these Listed Buildings and therefore complies with Policy HER DM1 of the Arun Local Plan and relevant paragraphs of the NPPF.

CONCLUSION

The proposed Eco-Mulch surfacing would replace an existing timber trim-trial situated within a school playing field therefore would cause no additional impact on visual or residential amenity of the area it would be in accordance with policies D DM1, HER DM1 and QEDM1 of the Arun Local Plan.

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 dated 17/03/2022;

Block Plan;

Quote for Work prepared by AMV Playground Solutions Ltd.

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

- 3 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun 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.