

Recommendation Report for Planning Permission

REF NO: FP/103/19/PL

LOCATION: Land North of Felpham
Felpham

PROPOSAL: Amendment to Planning Reference Y/68/09 to replace sports pitch with a public amenity area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This planning application seeks to replace the approved sports facility comprising a changing facilities building, two hard surface five-a-side pitches and a senior football pitch, which was approved under reserved matters (Y/68/09) with a landscaped informal open space, but to retain the approved 30 car parking spaces. It is proposed that a financial contribution known as a commuted sum would be made in lieu of the sports facility so that alternative facilities could be provided to the benefit of the local community.
SITE AREA	2.3 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	Much tree coverage along the western boundary of the application site. The residential development at Blakes Mead has resulted in the retention of many trees across the larger site that comprises Blakes Mead, which was formerly known as Site 6, Felpham. Detailed landscape plans have been submitted, approved and implemented in relation to conditions on the outline planning permission for Blakes Mead.
BOUNDARY TREATMENT	Mixture of tree coverage, some contractor fencing and ranch style timber fencing; together with a landscaped bund and acoustic fencing along the eastern boundary of the application site with the Bognor Regis Relief Road. The site is bounded to the west by an open watercourse.
SITE CHARACTERISTICS	The site is an open field which is located on the northern western edge of Blakes Mead, which is a modern housing estate, located on the northern outskirts of Felpham.
CHARACTER OF LOCALITY	The area to the north of the application site and the land to the east of the Bognor Regis Relief Road is agricultural land. The land immediately west of the site comprises deciduous woodland. The site is located east of the Bognor Regis Relief Road (the A259) and is screened from view by a landscaped bund topped by timber acoustic fencing. The land that was allocated for the new primary school site is located immediately south of the application site, but the school has

not been built; beyond which is the new residential estate of Blakes Mead

RELEVANT SITE HISTORY

FP/92/04/	Outline Application for residential development and associated uses forming part of policy site 6. Construction of the Bognor Regis Northern Relief Road from A259 at Felpham to A29 (This application is accompanied by an environmental statement and affects a public right of way)	Called In by DCLG/SD 30-11-04
		Appeal: Allowed+Conditions 22-11-06
Y/68/09/	Reserved matters application pursuant to outline permission FP/92/04 Condition 1 (j) and (l) (part) relating to details of the sports changing facilities, layout of sports pitches, safety fencing	Approve Conditionally 14-01-10

Blakes Mead comprises of five phases of residential development, all of which are virtually completed. The land for the sports pitches and the changing facilities building (approved under reserved matters Y/68/09) and the adjoining school site were planned to be complimentary infrastructure supporting and enhancing the residential development at Blakes Mead.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Object.

A lack of detail and information has been provided on which to make a decision.

- Insufficient detail about fencing.
- Insufficient detail about preventing vehicles accessing the green space.
- The need for effective speed bumps on access road to control vehicle speeds.
- Lighting should be provided in the car park and on the access road.
- Insufficient detail about preventing access for larger vehicles, caravans and motorhomes.
- Robust height limiting bars are required at the entrance to deter travellers from accessing the site.
- Any access point must have robust gating to prevent unauthorised access.
- A byelaw is required making it illegal for overnight stays, including camping and caravanning.
- Effective measures must be in place to prevent noise nuisance to neighbouring residents.
- Rubbish bins and dog bins will be required on the site.
- Picnic tables with benches and hard-standings for barbecues may be sensible.
- A site management plan will be required including details of number of grass cuts per year.
- The site must be added to the sites of preserved green space in the Neighbourhood Plan.

An objection has been received from a local resident of Hoe Lane objecting to the proposed development on the following grounds:

- The site could provide a 'pit-stop' for boy racers who use the relief road as a race track.
- The site could become a dumping ground for fly tippers.

- The site could be occupied by travellers.
- The objection is negated if measures restricting lorry/car dumping and lorry/caravan access are conditioned.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and issues addressed in the Conclusions section below.

CONSULTATIONS

Environment Agency
Surface Water Drainage Team
Engineers (Drainage)
Engineering Services Manager
WSCC Strategic Planning
Parks and Landscapes
Arboriculturist
Sport England South East
Environmental Health

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection.

The changes set out on the revised drawing number D1530 L.320 Rev. E take on board the advice given in the previous consultation response of 2nd May 2019 and include dropped kerbs across the car park access; the continuation of the footway from the car park to the gated entrance at 2.0 metres in width; and the inclusion of cycle parking. A cycle parking condition is requested.

COUNTY PLANNING:

As the whole area (Blakes Mead) is covered by an outline planning permission, it is considered the topsoil and sub-soil material has come from the same site it has been deposited in; this is not a waste development and therefore the planning application (FP/103/19/PL) should be determined by the District Council as the Local Planning Authority. If the applicant had imported the material from another site (i.e. in this case, if the source of the material, and the field it has been deposited on are not within the same red line boundary), it is considered 'waste', and this would be considered a change of use to deposit of waste to land. County Planning could then look at it in terms of a breach of planning control and either ask for an application to regularise it or ask the applicant to remove it.

ENVIRONMENT AGENCY:

No objection.

The site is mainly in Flood Zone 1. The Environment Agency requires confirmation that no land-raising is proposed within fluvial Flood Zones 2 and 3. If land-raising is proposed within the fluvial flood zones then it will have to be demonstrated that there will not be any loss of floodplain, and the requirement of floodplain compensation will have to be assessed.

LEAD LOCAL FLOOD AUTHORITY:

No comments to submit for this application.

ADC DRAINAGE ENGINEERS:

No objection.

Areas of the site are within Flood Zones 2 and 3. It is clear that land-raising has occurred to date and is proposed as part of this application. The Environment Agency should be consulted. The proposed development is in close proximity to an ordinary watercourse and a 3.0 metre easement should be maintained. Permeable surfaces should be used as much as possible. A condition is required regarding discharge flows to watercourses.

SPORT ENGLAND:

No objection.

The proposed development does not fall within either Sport England's statutory remit or non-statutory remit. Therefore, Sport England has not provided a detailed response. However, if the proposal includes the loss of any sports facility then full consideration should be given to whether the proposal meets paragraph 97 of the NPPF, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

ADC NEIGHBOURHOOD SERVICES:

Object.

The provision of sports facilities at Blakes Mead (Site 6, Felpham) has been reviewed. Instead of providing a football pitch and facilities at Blakes Mead, a commuted sum is proposed to be invested at the King George V recreation ground in Felpham to improve the existing facilities. The proposal to create an area of open space at Blakes Mead would be a valuable asset to the local community. However, insufficient information has been submitted with the application regarding boundary treatment; the surfacing and drainage of the car park; the choice of cycle stands; the lack of cross sections of the site showing the levels; details of interpretation boards and signage; additional tree planting is required; pedestrian access is required to link with the footway onto the Relief Road; and details are required of seating, picnic tables and bins.

ADC ENVIRONMENTAL HEALTH:

No objection in principle.

Could the applicant provide specific details about the acoustic fence? This is in part due to the fact that the acoustic fence further to the south of this development was built with a gap between the bottom of the fence and the top of the soil bund, which would have impacted on the effectiveness of the fence, and the possibility of this happening again should be avoided.

ADC GREENSPACE:

Object.

Further clarification is requested regarding the tree and shrub details in the proposed plant schedule, including actual quantities, plant species, and proposed size at time of planting. The proposals would form a suitable public open space area, subject to appropriate maintenance provision and submission and agreement of further detailed plant specification, then ADC Greenspace would recommend no objection to the general layout details as shown for this area.

ADC ARBORICULTURAL OFFICER:

Object.

There are significant trees either on or overlapping the site, many of which enjoy statutory protection (Tree Preservation Order FP/1/07) and could be adversely affected by the proposed development. There is no supporting arboricultural information submitted with the application. As such, were this development to proceed, there would be insufficient information to guarantee such trees would be adequately respected and protected. There is the possibility of ground level-changes/preparation and soil treatments within the root protection area of retained trees, and pruning may be required. These issues must be among those addressed within an arboricultural impact assessment and method statement (AMS).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:

Within the built-up area boundary (the BUAB) within the Arun Local Plan.

Local Open Space within the Felpham Neighbourhood Plan.

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Felpham Neighbourhood plan 2014 POLICY BT6</u>	Recreation and tourism
Felpham Neighbourhood Plan 2014 POLICY CLW6	Local Green Spaces
Felpham Neighbourhood Plan 2014 POLICY CLW7	Local Open Spaces
Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details
Felpham Neighbourhood Plan 2014 POLICY ESD9	Tree protection
Felpham Neighbourhood Plan 2014 POLICY GA1	Pedestrian and cycle connections
Felpham Neighbourhood Plan 2014 POLICY GA2	Publicity and signage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 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.

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.

Felpham Neighbourhood Plan (NP: 2013-2029) was made on 16th July 2014. Relevant NP policies have been taken into account and are addressed in the Conclusions section of this report.

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 located in a strategic site (Site 6, Felpham) within the built-up area boundary in compliance with the Development Plan.

However, the proposal does not comply with the Development Plan due to the lack of information regarding the surfacing, the site levels and the drainage details; the height of the proposed bund in the northern part of the site; the boundary treatment around the car park; the pedestrian access into and out of the site from the footway which runs along the Bognor Relief Road; and the need for extensive landscaping.

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**

The principle of development was established with the granting of outline planning permission (FP/92/04) for residential development and associated uses forming part of Blakes Mead and the construction of the Bognor Regis Northern Relief Road from the A259 at Felpham to the A29, in August 2005, following a call-in inquiry.

The Section 106 Agreement which accompanied the outline planning permission (FP/92/04) required the provision of a changing room facility and a 30 space car park, a changing room facilities bond and a changing facility contribution of £9,694 and a sports equipment contribution of £42,480; the provision of a senior football pitch and a senior football pitch contribution; the provision of 2 five-a-side football pitches, including rebound wall; safety fencing comprising 6.0 metre high ball stop fencing measuring 175 metres in length along the boundary with the Relief Road; the provision of open space and an open space contribution. There were triggers in the Section 106 Agreement for the pitches to be delivered by spring 2015 (i.e. by the construction of the 450th dwelling); and all of the houses have been constructed at Blakes Mead.

The reserved matters approval (Y/68/09) included the provision of a senior sports pitch and 2 five a side football pitches, together with a changing facilities building and 30 car parking spaces, which was in accordance with the requirements of the Section 106 Agreement.

The current application (FP/103/19/PL) seeks to replace the approved sports facility, which was approved under reserved matters (Y/68/09) with an informal open space, but retaining the approved 30 car parking spaces. The proposed development would result in amendments to the Section 106 Agreement which accompanied the outline planning permission (FP/92/04), which would need to be regularised by means of a Deed of Variation. The LPA has sent out an application for a Deed of Variation, but no completed forms have been received.

COMMUTED SUM

Instead of providing a football pitch and facilities at Blakes Mead, a commuted sum is proposed to be invested at the King George V Recreation Ground in Felpham. King George V Recreation Ground is identified as Local Green Space in Policy CLW6 of the Felpham NP. The Playing Pitch Strategy, 2016 recognised that there is an improvement in sports provision required at the King George V Recreation Ground in Felpham - work to improve the site for the use of football is not defined, but is likely to include improvement to pitch drainage, new changing and other facilities within a pavilion building - there are 4 pitches on site this could mean a building including 6 or more changing rooms. Other improvements would include car park provision, access and landscape work. Work to value these improvements has not been undertaken, however estimates for a building are likely to exceed £500,000.

BDW (Southampton's) estimate for the works and the commuted sum figure which is set out in the submitted application (FP/103/19/PL) is the figure of £320,000.

The Council does not accept that the proposed commuted sum of £320,000 included within the current planning application (FP/103/19/PL) is sufficient to re-provide the facilities off-site at King George V recreation ground as an alternative to the provision of the facilities due to be provided on site in accordance with the existing Section 106 and the facilities approved under the reserved matters application (Y/68/09) for Blakes Mead.

The proposed commuted sum of £320,000 is considered to be insufficient as the cost of a new changing facilities building on the King George V recreation ground are likely to exceed £500,000.

Consequently the proposed development is contrary to Policy INF SP1 of the Local Plan as the financial contributions would not secure the necessary off-site sporting provision at the King George V recreation ground in Felpham.

In addition, the proposal is contrary to Policy OSR DM1 (1.b) of the Local Plan as the loss of the existing outdoor sports facilities resulting from the proposed development at Blakes Mead would not be replaced by equivalent or better provision of outdoor sports facilities in terms of quality at the King George V recreation ground.

LAYOUT

Policy D DM1(1) of the Local Plan requires the proposed development to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features".

Policy D SP1 of the Local Plan specifies that development proposals should have been derived from a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness and usability, health and wellbeing and climate change); and the influence these objectives have on the form of the development.

Policy T SP1 of the Local Plan says that "the Council will ensure that development promotes sustainable transport, including the cycle, pedestrian and bridleway network".

Policy ESD1 of the Felpham NP says: "new development which would have an effect on the appearance and character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location."

Policy BT6 of the Felpham NP says: "development proposals for recreational activity and facilities will be supported provided that the siting, scale and design has strong regard to the local character, historic and natural assets of the surrounding area."

In general terms, the overall layout of the site including the tree planting along the northern boundary of the site, the provision of a large area of grassland in the middle of the site, the siting of a 30 space car park in the southern part of the site, and a contoured bund in the northern part of the site is considered to be acceptable. It is also considered that the proposed landscaped informal open space could provide a visually attractive development, which could be used as an informal recreation space by members of the wider community.

However, a detailed assessment of the proposed layout is presented below.

Landraising

The application site, and the adjacent site which was formerly designated as land for a new primary school, have been used by the house builder over the course of the residential development at Blakes Mead as an area for the temporary stock-piling of topsoil and sub-soil.

Large amounts of this topsoil and sub-soil have been re-used in the landscaping and areas of public open space within Blakes Mead. However, some of the topsoil and sub-soil has been spread over the application site, causing land-raising to take place.

No reference has been made in the current planning application to the landraising that has already taken place on the site, caused by the spreading of the residual topsoil and sub-soil from Blakes Mead.

The current planning application (FP/103/19/PL) includes the proposal to create a landscaped bund in the northern part of the site. The location of the bund is identified on the submitted Drawing number D1530 L .320 Rev. E - "Detailed Hard and Soft Landscape General Arrangement Plan: Sheet 1 of 2". However, the current planning application excludes any details of the height of the bund, cross sectional drawings of the bund, or of its composition or of its drainage. No section drawings have been submitted with the planning application regarding the levels across the site, including the access road / car park area.

The LPA has requested details of the height of the bund and the submission of the cross sections; but these plans have not been submitted. Particular attention needs to be given to ensure that the levels marry in with the surrounding landform, particularly in areas where the ground is made-up. Areas of ground must not be compacted; where this is evident in future years the developer would be required to make good the land.

It is considered to be fundamental to the determination of the application that the details of the height of the bund are submitted prior to determination and cannot be conditioned, as the height of the bund and its impact on the surrounding area needs to be assessed in visual terms prior to the determination of the application and it cannot be conditioned.

Car Park Layout

The submitted plan (Drawing number D1530 L .320 Rev. E) denotes the provision of timber knee rail, i.e. Boundary type 2 fencing around the proposed car park. Alternative treatments to timber knee rails, such as railway sleepers and a bund are considered to be more appropriate and acceptable around the car park. Consequently, it is considered that the proposed boundary treatment around the car park is unacceptable as the proposed timber knee rail is not robust and would not provide adequate security to the car park and would be contrary to Policy D DM1(6) of the Local Plan, providing security measures that make places feel safer.

The use of a cycle shelter (Broxap Sheffield Cycle Shelter) at location FT3 as identified on Drawing number D1530 L .320 Rev. E is considered to be appropriate within an area of open space.

The proposed height barrier at the entrance to the car park, denoted as location FT1 identified on Drawing number D1530 L .320 Rev. E needs to include a security gate to enable closure of the car park. The LPA has requested the submission of plans showing the security gate. However, it is considered that the submission of the details regarding the proposed security gate could be conditioned.

Boundary Layout

The site is enclosed by ranch style timber fencing; together with a landscaped bund and acoustic fencing along the eastern boundary of the application site with the Bognor Regis Relief Road. The ranch style fencing is considered to be appropriate and in keeping with the character and appearance of the area.

Pedestrian access to Relief Road Footway

The proposed amenity open space needs to be accessible on foot from the surrounding area. The site is accessible from the main entrance.

The submitted drawing number D1530 L .320 Rev. E does not identify surfaced pedestrian access (tarmac or similar approved surface) from the site eastwards onto the existing footway on the Bognor Regis Relief Road; which will need to allow for measures to prevent the access of vehicles along the surfaced pedestrian access between the application site and the Relief Road. Consequently, the application site cannot be accessed on foot directly from the footway on the Relief Road. The LPA has requested the submission of amended plans showing details of the pedestrian access from the north east corner of the application site onto the footway of the Bognor Regis Relief Road; but the amended plans have not been submitted. This information is considered to be fundamental to the determination of the application and cannot be conditioned, as the principle needs to be established for a pedestrian access to the site from the existing footway on the Bognor Regis Relief Road.

Consequently, it is considered that the proposed development does not comply with Policy T SP1 of the Local Plan and Policy GA1 of the Felpham NP in terms of giving priority to pedestrian movements in and out of the site directly from the footway on the Bognor Regis Relief Road into the north eastern corner of the amenity space.

Tree planting and landscaping

Considerable numbers of additional trees and shrubs need to be planted around the boundaries of the site and around the 30 space' car park to enhance the appearance of the car park and the open space.

It is considered that the current level of tree planting is insufficient and the proposed level of soft landscaping does not reflect the appearance of the local area, especially the area of woodland to the west of the site and it is contrary to Policy D DM1(2) of the Local Plan.

No information has been submitted with the planning application regarding the specific species of trees and shrubs to be planted within the site, nor has any information been provided regarding the maintenance and management regime that will be implemented. The LPA has requested the submission of information identifying the specific species of trees and shrubs to be planted and the details of the maintenance scheme. The information on the tree species and the maintenance scheme have not been submitted. However, it is considered that the submission of the tree species information and the maintenance and management details are not fundamental to the determination of the application and could be conditioned.

Interpretation boards and access signs

No information has been submitted with the planning application regarding the design, appearance and location of the interpretation boards and access signs. The LPA has requested the submission of details regarding interpretation boards and access signs; but these details have not been submitted. However, it is considered that the submission of the details regarding interpretation boards and access signs are not fundamental to the determination of the application and could be conditioned.

Seating, picnic tables, bins and dog bins

No information has been submitted with the planning application regarding the appearance and locations of on-site furniture such as seating, picnic tables, bins and dog bins needs to be submitted. The LPA has requested the submission of these details; but the details have not been submitted. However, it is considered that the submission of the details regarding seating, picnic tables, bins and dog bins are not fundamental to the determination of the application and could be conditioned.

Surfacing, site levels and drainage details

No information has been submitted with the planning application regarding the surfacing, the site levels and the drainage details. The LPA has requested the submission of plans providing details of the surfacing, the site levels and the drainage details; but these details have not been submitted. However, it is considered that the submission of these details are not fundamental to the determination of the application and could be conditioned.

In summary, it is considered that the proposed tree planting and soft landscaping is not good enough and does not reflect the appearance of the local area, and it is contrary to Policy D DM1(2) of the Local Plan and it should be refused. In addition, the proposed boundary treatment around the car park is unacceptable as the proposed timber knee rail is not robust and would not provide adequate security to the car park and would be contrary to Policy D DM1(6) of the Local Plan, providing security measures that make places feel safer.

At the same time, the Local Planning Authority considers that insufficient information has been submitted in terms of site layout regarding the height of the proposed bund in the northern part of the site; the boundary treatment around the car park; and the pedestrian access into and out of the site from the footway which runs along the Bognor Relief Road . Consequently, the proposed development is contrary to Policy D DM1(1) , Policy D SP1 and Policy T SP1 of the Local Plan and Policy ESD1 and Policy BT6 of the Felpham NP. The LPA has requested the submission of this information several times since June

2019, but no amended plans or details have been submitted. However, it is considered that some of these issues could be conditioned.

FLOODING

Policy W DM2 of the Local Plan says that "development in areas at risk from flooding will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test has been met;
- b. A site specific FRA demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas.

Policy ESD2 of the Felpham NP says: "all developments in flood sensitive areas, including new green spaces will be designed and constructed to reduce the level of flood risk when compared to current use."

No Flood Risk Assessment (FRA) is required as the Environment Agency has confirmed that the site is mainly in Flood Zone 1. The proposed new bund would be located in Flood Zone 1 in the northern part of the site.

The western fringes of the application site are located within Flood Zones 2 and 3; and an ordinary watercourse is located immediately west of the application site within Flood Zones 2 and 3.

Consequently, it is considered that the proposed development complies with Policy W DM2 of the Local Plan and Policy ESD2 of the Felpham NP.

OPEN SPACE

Policy OSR DM1(1.b) of the Local Plan says: "existing open space, outdoor and indoor sport, community, arts and cultural facilities should not be built on or redeveloped for other uses unless the loss resulting from the proposed development would be replaced by equivalent or better provision of open space, outdoor and indoor sport, community arts and cultural facilities, which will be assessed in terms of quantity and quality and suitability of location."

Policy CLW7 of the Felpham NP says: "The Parish Council has designated the areas shown on Map E of the appendices (Site 6: Blakes Mead Open Spaces) as Local Open Space. Proposals for development of land designated as Local Open Space will not be permitted unless such development would promote or enhance the use of the land as Local Open Space."

It is considered that the retention of the open space measuring 2.3 hectares in this location would be a valuable asset to the residents of Blakes Mead and to the wider community of Felpham.

However, the proposal to create an area of landscaped informal open space on the site is considered to be contrary to Policy OSR DM1 (1.b) of the Local Plan as the loss of the existing outdoor sports facilities resulting from the proposed development at Blakes Mead would not be replaced by equivalent or better provision of outdoor sports facilities in terms of quality at the King George V recreation ground.

SPORTS PITCH

Policy OSR DM1(1) requires the protection of open space, outdoor and indoor sport, community, arts and cultural facilities and Policy HWB SP1 requires all developments to be designed to maximise its impact on promoting healthy communities and reducing health inequalities.

Section 8 of the National Planning Policy Framework states that planning decisions should aim to achieve healthy, inclusive and safe communities.

As the proposal includes the loss of a sports facility then full consideration needs to be given to whether the proposal meets paragraph 97 of the NPPF, in accordance with advice from Sports England. Paragraph 97 of the NPPF, February 2019 refers "Existing open spaces, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements ; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

It is considered that the loss of the approved sports facility at Blakes Mead resulting from the proposed development would not be made up for by a commuted sum which would be invested at the King George V Recreation Ground, in terms of quality and that the proposal is contrary to paragraph 97(b) of the NPPF.

The Playing Pitch Strategy, 2016 identified the various sports pitches and associated facilities across the district - it has noted their location and quality together with any improvements, particularly to improve their capacity. One clear theme which emerged from the Strategy, and which has become core to the future planning of new sports provision in the district, is that of providing sporting facilities at 'hub sites'; in other words to provide facilities at one site where possible and of a high quality. In the light of this, the provision of facilities at Blakes Mead has been reviewed. The Section 106 required the delivery of a full-sized football pitch together with two 5-a-side pitches and changing facilities. As a result of the recent guidance to have a stand-alone facility in this location is no longer supported as part of the policy contained within the Playing Pitch Strategy. It is instead more appropriate for resources to be provided to improve the quality of existing facilities in 'hub' locations.

Instead of providing a football pitch and facilities at Blakes Mead, a commuted sum is proposed to be invested at the King George V Recreation Ground - which is one of the hub sites mentioned above - to improve the existing facilities, pitch improvements and the changing facilities at this location within Felpham, which is considered to be acceptable.

It is considered that the proposed replacement of the approved sports facility comprising a changing facilities building, two hard surface five-a-side pitches and a senior football pitch, with an area of landscaped informal open space served by 30 car parking spaces would comply in principle with the recommendations in the Playing Pitch Strategy, 2016 and with Policy HWB SP1 (Health and Wellbeing) of the Local Plan.

However, the proposal is considered to be contrary to Policy OSR DM1 (1.b) of the Local Plan and paragraph 97 of the NPPF as the loss resulting from the proposed development would not be replaced by equivalent or better provision in terms of quality at King George V recreation ground.

PARKING PROVISION

Policy T SP1 of the Local Plan says "The Council will support transport and development which incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact upon on-street parking" (Policy T SP1(d)).

Policy ESD10 of the Felpham NP says: "cycle stores must be considered early in the design process and be integrated in the overall scheme."

The proposed development of the site as an informal open space includes the provision of 30 car parking spaces, which mirrors the number of spaces that were approved for the sports pitches development (Y/68/09). There are no specific recommendations for the number of car parking spaces serving areas of informal open space in Table 4.1 of the ADC Parking Standards SPD, which was issued in January 2020. However, it is considered appropriate to retain the quantum of car parking spaces that have already been approved on the site under reserved matters Y/68/09.

The quantum of car and bicycle parking spaces for the proposed development is considered to be acceptable and in accordance with Policy T SP1(d) of the Local Plan and Policy ESD10 of the Felpham NP.

TREES

Policy ENV DM4 of the Local Plan says: "where planning permission is granted, conditions shall be used to ensure that, for any trees which are removed as part of a development, at least an equivalent number of a similar species and age (where practical) are planted on the proposed development site. Sufficient space for replacement trees to mature without causing future nuisance or damage shall be provided. The planting of new trees shall form an integral part of the design of any development scheme."

Policy ESD9 of the Felpham NP says: "development that damages or results in the loss of ancient trees or trees of arboricultural and amenity value will not be permitted. Proposals should be accompanied by a trees survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

The ADC Arboricultural Officer has objected to the development due to the lack of tree protection information submitted with the planning application including a tree survey and an Arboricultural Impact Assessment which must be inclusive of a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan'. In the event that a RPA of any tree which is proposed for retention overlaps the development then an Arboricultural Method Statement is required together with a Tree Protection Plan. The AMS and Tree Protection Plan describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

However, it is considered that the submission of the tree survey, Arboricultural Impact Assessment and Arboricultural Method Statement are not fundamental to the determination of the application and could be conditioned. There are mature trees within the developable area of the application site and on the western boundary of the site. Most of those on the western boundary of the site appear to be growing to the west of the ordinary watercourse.

Consequently, it is considered that subject to a tree protection condition, the proposed development complies with Policy ENV DM4 of the Local Plan and Policy ESD9 of the Felpham NP.

SUMMARY

The proposed commuted sum of £320,000 is considered to be insufficient as the cost of a new changing facilities building on the King George V recreation ground are likely to exceed £500,000. Consequently the proposed development is contrary to Policy INF SP1 of the Local Plan as the financial contributions would not secure the necessary off-site sporting provision at the King George V recreation ground in Felpham. In addition, the proposal is contrary to Policy OSR DM1 (1.b) of the Local Plan and paragraph 97 of the NPPF as the loss of the existing outdoor sports facilities resulting from the proposed development at Blakes Mead would not be replaced by equivalent or better provision of outdoor sports

facilities in terms of quality at the King George V recreation ground.

In general terms, the overall layout of the site including the tree planting along the western boundary of the site, the provision of a large area of grassland in the middle of the site, the siting of a 30 space car park in the eastern part of the site, and a contoured bund in the western part of the site is considered to be acceptable in general terms. It is also considered that the proposed landscaped informal open space could provide a visually attractive development, which could be used as an informal recreation space by members of the wider community.

The proposed level of tree planting and soft landscaping is considered to be insufficient and does not reflect the appearance of the local area and it is contrary to Policy D DM1(2) of the Local Plan.

The proposed boundary treatment around the car park is unacceptable as the proposed timber knee rail is not robust and would not provide adequate security to the car park and would be contrary to Policy D DM1(6) of the Local Plan, providing security measures that make places feel safer.

Information regarding the height of the proposed bund in the northern part of the site and the pedestrian access into and out of the site from the footway which runs along the Bognor Relief Road need to be established prior to determination and cannot be conditioned, as the provision of these would affect the layout of the proposed development. Consequently, insufficient information has been submitted to prove that the proposed development is in compliance with Policy D DM1(1), Policy D SP1 and Policy T SP1 of the Local Plan and Policy ESD1, Policy ESD10 and Policy GA1 of the Felpham Neighbourhood Plan, and it is therefore recommended that planning permission be refused.

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.

SECTION 106 DETAILS

A Section 106 accompanied the outline planning permission (FP/92/04) for the development at Blakes Mead and it covers the requirements of WSCC highways; affordable housing; contributions towards education, including land for a new school; libraries; fire and rescue; public art; the provision of land and buildings for sports facilities, and a contribution towards sports equipment; together with maintenance and management of public open spaces and play areas.

The implication of granting planning permission (FP/103/19/PL), would have been to require a Deed of Variation to enable changes to be made to the Section 106 Agreement replacing the sports facility, retaining this site as landscaped informal open space, and requiring a commuted sum to be made in lieu of the sports facility to improve the existing facilities, pitch improvements and the changing facilities at the King George V Recreation Ground in Felpham, to the benefit of the local community.

The LPA sent out an application form for a Deed of Variation during the consultation period into this planning application (FP/103/19/PL), but no completed forms have been submitted.

RECOMMENDATION

REFUSE

- 1 The proposed development is contrary to Policy INF SP1 and Policy OSR DM1(1.b) of the Local Plan and paragraph 97 of the National Planning Policy Framework as the proposed financial contributions would not secure the necessary off-site sporting provision at the King George V recreation ground in Felpham; and the loss resulting from the proposed development would not be replaced by equivalent or better provision of outdoor sport facilities in terms of quality.
- 2 The proposed level of tree planting and soft landscaping is considered to be insufficient and does not reflect the appearance of the local area and it is contrary to Policy D DM1(2) of the Local Plan.
- 3 The proposed boundary treatment around the car park is unacceptable as the proposed timber knee rail is not robust and would not provide adequate security to the car park and would be contrary to Policy D DM1(6) of the Local Plan, providing security measures that make places feel safer.
- 4 Insufficient information has been submitted in terms of the height of the proposed bund in the northern part of the site and the provision of pedestrian access into and out of the site from the existing footway which runs along the Bognor Relief Road. Consequently, the proposed development is contrary to Policy D DM1(1), Policy D SP1 and Policy T SP1 of the Local Plan and Policy ESD1, Policy ESD10, Policy BT6 and Policy GA1 of the Felpham Neighbourhood Plan.
- 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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.