Recommendation Report for Planning Permission

REF NO: **FP/109/14/PL**

LOCATION: Former Lec Airfield
South of Felpham Way
Bersted

PROPOSAL: Construction of an unmetalled maintenance access track

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development is for a maintenance access track to link the former LEC Airfield to the A259 off Felpham Way. The proposed access track will be approximately 800m long.
SITE AREA	Approximately 3,729 square metres.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The submitted Arboricultural Assessment identifies the need to fell an immature field maple close to the site entrance near Felpham Way.
BOUNDARY TREATMENT	The boundaries of the site are open onto the surrounding fields.
SITE CHARACTERISTICS	The site is bisected by the Lidsey Rife, south of which the site is comprised largely of grassland used as pony paddocks. To the north of the Rife, the site comprises the former airfield with its disused tarmacadam runway. This area is mainly made up of grassland and patches of vegetation/scrub. There are a number of ditches which cross the site and only a small number of trees which are mainly located along the site boundaries.
CHARACTER OF LOCALITY	Open agricultural land separating Felpham from Bersted.

RELEVANT SITE HISTORY

No comments.

REPRESENTATIONS

Representations received:

Felpham Parish Council
- Objection

1) There is already an existing access available for maintenance of the land.
2) Creation of an additional access would increase traffic on the A259.
3) Concern that this additional access may be used for alternative usage other than maintenance.

Comments on Representations received:

Comments noted, however the application must be assessed on its own merits. The fact that an existing access is in place is not a material consideration. The trip generation is likely to be minimal given the use of the track and should alternative uses come forward then a planning application would have to be submitted in due course.

CONSULTATIONS

Environment Agency
Southern Water Planning
WSCC Strategic Planning

Consultations responses received:

Environment Agency - No objection.

Site is partly located in Flood Zone 3 and include a historic landfill site. Recommends 3 conditions.

Southern Water- New development or tree planting should not be located within 3.5 metres of any public sewers crossing the site. New soakways should not be located within 5 metres of a public sewer.

West Sussex Highways- Comments awaited.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
- Strategic Gap
- Outside the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA10	Strategic Gaps
	AREA11	Local Gaps
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		SD SP2 Built -Up Area Boundary SD SP3 Gaps Between Settlements
Felpham Neighbourhood Plan 2014 POLICY ESD1		Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD9		Tree protection

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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

Paragraph 215 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

The Neighbourhood Development Plan:

Where applicable, Neighbourhood Development Plans (more commonly known as a neighbourhood plan or NDP), once adopted 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. Adopted NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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 adoption. 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).

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

The proposed development is for a maintenance access track to link the former LEC Airfield to the A259 off Felpham Way. The proposed access track will be approximately 800m long. The track is accessed via an existing bell mouth junction located approximately 40 metres south of the Felpham Roundabout on the western side of the road.

A 5 metre timber gate will be erected at the existing fence boundary at the southern end of the site at the existing access from Felpham Way. The track itself will be approximately 4 metres wide other than at 4 passing areas which will be 6 metres wide.

The track will be set at the existing ground level. The proposal is to strip and set aside topsoil and then provide a hardcore/capping layer fill of 300mm to provide the track. A temporary bridge will also be constructed to cross the Lidsey Rife. There will be a freeboard of about 600mm from the top of the existing river banks. Therefore, some embankment work will be required to raise the level of the banks by up to about 1 metre.

The proposed access track is to allow for vehicles to occasionally access the site to undertake routine maintenance work. It forms a safer and better defined access route than the existing arrangement which is via a level crossing point at Cox's Crossing, on the branch railway line between Bognor Regis and Barnham.

Given the requirement for the road is for maintenance and access the impact to the local road network will be negligible. Technical issues such as flooding, ecology and arboriculture surveys have been appropriately considered including any relevant impacts and mitigation measures associated with the proposed work.

Policy AREA 10 and Policy GEN3

The application is located within the Felpham to Bersted strategic gap as identified by AREA 10. The policy aims to maintain and protect the gap between settlements. Policy GEN3 seeks to protect and safeguard the countryside for its own sake.

The proposed access track is considered to have a minimal impact on the character and appearance of the gap and given the low profile nature and use of suitable materials will not compromise the objectives and fundamental integrity of the strategic gap. Furthermore, it is not considered that the proposal would lead to a significant loss of countryside.

It is therefore considered that the proposed development would not harm the strategic gap and would not lead to an unacceptable loss of countryside.

TECHNICAL ISSUES

The applicant has supported the application with a suite of documents relating to flood risk, ecology, and arboriculture assessment. The application does not present any significant technical issues and will not lead to increased flood risk, or significant risk in ecological terms. The application requires the removal of a single tree adjacent to the bellmouth onto Felpham Way. It is not considered that this tree contributes significantly to the character and appearance of the area and its loss is considered acceptable.

FELPHAM NEIGHBOURHOOD PLAN POLICEIS

Two policies in the Felpham Neighbourhood Plan are considered to be of relevance.

ESD1 Policy ESD1: Design of new development
"New development which would have an effect on the appearance or 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."

It is considered that the proposed development would not have a deleterious effect on the appearance or character of the surrounding area. Therefore the proposal accords with this conditions.

Policy ESD9: Tree protection
"Development that damages or results in the loss of ancient trees or trees of arboricultural and amenity value will not be permitted. Development proposals must be designed to retain ancient trees or trees of good arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

As discussed above the application will result in the loss of a single, poorly structure tree. It is considered that the tree does not have any significant amenity value. Therefore the proposal is considered not to conflict with the policy ESD9.

CONCLUSION

It is concluded that the proposed development would not have a significant and demonstrable harm to the character of the area and is therefore recommended for approval subject to the

conditions outline 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 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

In assessing this proposal a neutral impact has 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.

As a neutral impact has been identified no mitigation is considered necessary.

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:

Maintenance Access Track SDLLBOGNOR.1/11 rev B
Temporary Bridge Over Lidsey Rife.1/12
Site Location Plan 4162/100 rev B

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 following mitigation measures detailed within the approved Flood

Risk Assessment (FRA):

1) Temporary bridge should be clean span so that the soffit is no lower than existing banks.
2) Access track should be put in at existing ground level.

Reason: To ensure there is no increased risk of flooding as a result of the development and in accordance with the National Planning Policy Framework.

4 The development hereby approved shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

· All previous uses
· Potential contaminants associated with those uses
· A conceptual model of the site indicating sources, pathways and receptors
· Potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

5 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that any remediation, if deemed necessary is satisfactorily completed.

6 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 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.