

Recommendation Report for Planning Permission

REF NO: F/7/17/PL

LOCATION: Arun Sports Arena
Rollaston Park
Ford Airfield Yapton

PROPOSAL: Retrospective application for the additional use of the existing building to include sporting & leisure activities & ancillary uses. Use of the adjoining land for sports pitches & sports facilities to be used between the hours of 07.30hrs to 22.00hrs Tuesday and Thursdays, 7.30 to 20.00 hours Monday, Wednesday and Friday, 8.00 to 20.00 hours Saturday and 9.30 to 1600 hours Sunday.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The earlier application F/5/11 which granted permission for the use of the grain store building as five-a-side football pitches was subject to conditions relevant to consideration of this application. Condition 3 of F/5/11 stated 'The use hereby permitted shall take place only within the confines of the building and not outside whatsoever.'

Reason: In order to protect the amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.'

Condition 4 of F/5/11 states
'The use hereby permitted shall not be operated otherwise than between the hours of 1000 - 2200.'

Reason: To safeguard the amenities of neighbouring residential properties in accordance with policy GEN7 of the Arun District Local Plan.'

Condition 9
'The premises shall be used only as 5 a-side-football pitches.'

Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties in order that the Local Planning Authority may regulate and control the use of the premises in accordance with policy GEN7 of the Arun District Local Plan.'

This application relates to the use of land outside the building and seeks permission to increase the hours of operation.

This proposal seeks to use the building for additional uses and to use the adjoining outside land for pitches. The agent has advised that the list of users of the Arun Sports Arena increases weekly and is providing a popular and useful facility for schools/colleges, clubs/societies, activity groups, county teams, private and individual clubs.

SITE AREA	4.51 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Metal palisade fencing 1.8m high to field boundary.
SITE CHARACTERISTICS	Existing grain store same height as Flying Fortress building. Building has green clad elevations and corrugated sheet roof. Silos are located to rear. Access to side and hard surfacing for parking existing. Currently barrier across access road. No opening in long elevation facing road. Grassed area to side marked out for use as football pitch.
CHARACTER OF LOCALITY	Predominantly rural. Residential to south west. Commercial use to north. Industrial to north west.

RELEVANT SITE HISTORY

F/5/11/	Change of use from Grain Store to five-a-side football pitches	ApproveConditionally 26-05-2011
F/10/16/PL	Application for removal of Condition No. 3 (use taking place within the confines of the building), Variation of Condition No. 4 (increase hours of operation) & No. 9 (allow unrestricted sporting activities) imposed under planning reference F/5/11	Withdrawn 19-07-2016

REPRESENTATIONS

Representations received:

Ford Parish Council

Overall no objection. Concern was raised that there is insufficient parking spaces outside the Arena. Recommend more additional parking spaces be allocated.

One Objection - The speed of traffic from Arun Sports Arena is going to result in a serious accident along Rollaston Park. Many of the young male drivers seem to think that Rollaston Park and Ford Airfield is a race track. There is no traffic calming in place (e.g. Speed humps on the access road to the airfield entrance, speed limit signs, signage reminding visitors to respect the neighbourhood).

Traffic pulling out of the Western end of Beagle Drive, the Southern end of Johnson Way and the footpath access to Ford Airfield by Sproule Close are going to be made even more dangerous by even more speeding vehicles accessing Arun Sports Arena.

The access on Ford Airfield is not clear enough. Traffic to and from Arun Sports Arena blatantly disregard the Give Way markings and I have already witnessed several near misses with traffic accessing the Industrial park.

It is not a matter of if but when there is going to be an accident accessing Arun Sports Arena and this needs to be addressed.

Comments on Representations received:

County highways have raised no objection in relation to the overall level of car parking. Any additional demand for parking would only occur when training or matches take place and would not be continuous. High speeds of traffic, disregard for traffic signs and dangerous driving are covered by other legislation and outside of planning control.

CONSULTATIONS

WSSC Strategic Planning

Environmental Health

Sport England South East

Southern Water Planning

Consultations responses received:

County Highways - The previously application F/18/16 raised concerns with the proposed parking at the site, the applicant has provided confirmation that there will be provision for up to 60 car parking

spaces. Consultation has taken place with the Local Highways Authority (LHA) on the parking concerns; the LHA has confirmed that this allocation should be sufficient to meet for all generated demands.

The existing hours of opening are duly noted. The extended hours will evidently give rise to the site generating vehicular traffic over an extended period. However, the number of movements would not be anticipated to be particularly significant and following the additional information would not be expected to exacerbate any existing issues, nor warrant an objection on the basis of safety or capacity. Whilst the Planning Authority will no doubt wish to consider matters of amenity for local residents, no highway objection would be raised.

Sport England - I can confirm that I have considered these details in consultation with the FA and have no objection to the removal of condition 3 and the variation of conditions 4 and 9.

Southern Water - Please find attached a plan of the sewer records showing the approximate position of foul rising main and treated effluent rising main within the site. The exact position of

the foul rising main

and treated effluent rising main must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 4 metres either side of the centreline of the 125 mm and 180 mm foul rising main.

- No development or new tree planting should be located within 4.5 metres either side of the centreline of the 500 mm and 600 mm foul rising main and the 700mm treated effluent rising main

- No development or new tree planting should be located within 4.5 metres either side of the centreline of the treated effluent rising main.

- No new soakaways should be located within 5m of a public sewer.

- No spoil, construction materials, construction plant and equipment is to be stockpiled or stored over Southern Water apparatus, including gravity sewers, rising mains and water mains

- All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

The proposed development is some distance from the nearest public foul sewer. The applicant should assure himself that he has adequate rights to utilise the intervening private drainage systems. Otherwise the connection to the public sewerage system could be requisitioned under the terms of the Water Industry Act.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under no circumstances will Southern Water accept surface water into the foul sewer in order to prevent flooding further down stream.

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme

Specify a timetable for implementation

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

The proposed development site is located approx 64 metres from Ford WWTW.

Southern Water endeavours to operate its sewage and sludge treatment works efficiently and in

accordance with best practice to prevent pollution. However the very nature of sewage treatment works means that they are not ideal neighbours to sensitive land uses. Development sensitive to odour pollution in close proximity to sewage treatment works can suffer from smells that are inherent in the treatment process.

We therefore ask that the precautionary principle is adopted by Local Planning Authorities to avoid potential land-use conflict, in accordance with National Planning Policy Framework. This can be achieved by designating an appropriate buffer zone around the treatment works within which development sensitive to odour is excluded or by a S106 agreement in which the developer funds measures at the works required to control odours. I will describe later how the size of the buffer zone can be determined but will first make reference to National Planning Policy Framework.

National Planning Policy Framework. paragraphs 17, 109 and 120 list matters that may be material in the consideration of individual planning applications. It includes: " the need to separate necessary but potentially polluting and other land uses so as to reduce conflicts, for example by identifying where necessary areas around existing sources of pollution in which proposed new development and uses should be carefully considered in terms of the potential as pollution receptors.

Returning to the question of the size of the buffer zone required, the water industry predicts the dispersion of odours from point sources using computer modelling. Meteorological Office data is used to predict the dispersion of odours throughout a "receptor grid" radiating outwards from the works. Modelling is based on the industry standard for odour of 0.6 parts per billion (ppb) of hydrogen sulphide with a 98-percentile probability. Sensitive development that is subject to levels above this standard is likely to lead to complaints about odour from residents.

Environmental Health - First Consultation response - I have concerns that the Strategic Housing Allocation will be placing housing directly abutting the north-western boundary of this site. To allow outside use of this site until 10pm every Monday - Friday is very likely to cause a noise impact on future residents.

I do not object to the outside use per se, so am happy for condition 3 to be removed, but I would caution against allowing outside use Monday to Friday until 10pm and therefore would not be happy to support the change of times suggested for Condition 4. I would also have concerns about the associated lighting causing a Statutory Nuisance to future residents.

Second Consultation response - Environmental Health would be happy with use of the outside area until 22.00 on Tuesdays and Thursdays. Please could this be put in a condition? I have looked at the applications (F/5/11 and F/7/17/PL) and I think this would be a hybrid of condition 3 and 4, so could the applicant suggest wording that they are happy with?

Re: lighting. Please could the following condition be placed on the application:

"External lighting in association with this development shall comply with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, Environmental Zone E2."

Third Consultation Response (following comments from County Waste) - No further comment

West Sussex County Minerals and Waste - The site is located in close proximity to a Waste Water Treatment Works, and an Integrated Waste Management facility, both of which are safeguarded by the adopted West Sussex Waste Local Plan (2014). Policy W2 of the Waste Local Plan safeguards existing waste management facilities and seeks to ensure that any

development near waste management facilities would not prevent or prejudice their continued operation. These sites play a vital role in managing waste arising in West Sussex and compromising their continued operation could lead to a shortfall in waste management capacity which would be difficult to meet elsewhere due to the difficulty of finding suitable sites for waste management facilities.

The Environment Agency state in guidance

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297009/LIT_7260_b

ba627.pdf), that pollution from existing permitted activities are material planning considerations for

planning applications for new developments nearby. The proposed development is within 250m of the

Waste Water Treatment Works and the Integrated Waste Management facility. The Integrated Waste

Management facility includes a gasification plant (permitted and implemented, but not completed in its

entirety) which will require an Environmental Permit from the Environment Agency. This operation is

likely considered to be either a "combustion of fuel" activity, under Schedule 1.1 Part A(1), or a "coincineration of waste" activity, under Schedule 5.1 Part A(1), of the Environmental Permitting Regulations 2010. New developments within 250m of an existing combustion facility or co-incineration

activity could result in people being exposed to odour, dust or noise emissions. The proximity of the

proposed development and the Waste Water Treatment Works could also result in the proposed

development being exposed to odour.

The County Council note that the application is not supported by any assessment to ascertain whether

or not the proposed development will be exposed to significant amenity impacts associated with the

operation of these existing waste management facilities or constitute a compatible use. Such assessments should consider the potential for, and extent of, noise, odour, emissions to air and discharges to water and also assess whether or not the proposed development would affect the operation of the waste management facilities. Without supporting evidence to show that the proposals

would not affect the continued operation of the waste management facilities, the County Council consider that the Local Planning Authority should refuse to grant planning permission.

Comments on Consultation responses:

- comments noted. The condition requested by Southern Water cannot be applied since the application is retrospective and relates to use of the outside pitches and hours of use within the building only.

Following receipt of comments from County Waste the environmental health officer was re-consulted. On the basis that the proposal is not for residential use, no complaints have been received and the external use is limited to two late nights a week it is not considered that odour or noise would cause an unacceptable level of harm to amenity. The agents have also advised that in the 18 months they have been on site the General Manager and director have noted no unctuous odours and have received no complaints. There were some issues with the other Grundon waste site but that occurred during some construction work and there has been

nothing since.

POLICY CONTEXT

Designation applicable to site:
Outside Built-up Area Boundary
Article 4 Direction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN33	Light Pollution
Publication Version of the Local Plan (October 2014):		C SP1 Countryside
		QE SP1 Quality of the Environment
		QE DM2 Light Pollution
		HWB SP1 Health & Wellbeing
		OSR DM1 Open Space, Sport and Recreation

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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. 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Ford does not yet have an adopted Neighbourhood 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 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 use of the building for other recreational purposes in addition to football pitches expands the leisure opportunities available to the public and more fully utilises the building. The activity levels would increase throughout the day, but the overall internal floor area is not increasing and this limits the capacity of the building and any additional activity at peak times. The arena is becoming a well used and valued addition to the leisure facilities in the area. Leisure use is supported in policy GEN7 of Arun District Local Plan and policies DDM1 and OSR DM1 of the Emerging Local Plan.

The outside area is already used as sports pitches and has been for 18 months. There have been no complaints received and the proposal represents an external expansion of an existing established use with no additional structures. The use of outside area for sports events does not therefore adversely impact on the appearance or character of the area.

With regard to residential amenity following discussions with the environmental health officer the description of the application has been amended from

'Retrospective application for the additional use of the existing building to include sporting & leisure activities & ancillary uses. Use of the adjoining land for sports pitches & sports facilities to be used between the hours of 07.30hrs to 22.00hrs (Weekdays), 09.00hrs to 18.00hrs (Saturday, Sundays & Bank holidays)The site lies outside the built up area boundary'

to ...

"Retrospective application for the additional use of the existing building to include sporting and leisure activities and ancillary uses. Use of the adjoining land for sports pitches and sport facilities to be used between the hours of 7.30 hours to 22.00 hours Tuesday and Thursdays, 7.30 to 20.00 hours Monday, Wednesday and Friday , 8.00 to 20.00 hours Saturday and 9.30 to 1600 hours Sunday. "

This has reduced the late evening use of the outside pitches to 2 nights a week and the Sunday use to ensure that the impact on adjoining residential properties from noise and activity is limited to an acceptable level which does not have a materially adverse impact on residential amenity.

The use of the building for other recreational purposes in addition to football pitches expands the leisure opportunities available to the public and more fully utilises the building. The activity levels would increase throughout the day, but the overall internal floor area is not increasing and this limits the capacity of the building and any additional activity at peak times. The arena is becoming a well used and valued addition to the leisure facilities in the area. Leisure use is supported in policy GEN7 of Arun District Local Plan and policies DDM1 and OSR DM1 of the Emerging Local Plan.

The outside area is already used as sports pitches and has been for 18 months. There have been no complaints received and the proposal represents an external expansion of an existing established use with no additional structures. The use of outside area for sports events does not therefore adversely impact on the appearance or character of the area.

The site is located adjacent to a Strategic Waste Site Allocation in the emerging Local Plan. The County Council have objected to the proposal on the basis that the waste use could materially impact on the use proposed. However the use of the building for football has already been approved and is operating and the outdoor pitches have been used without permission for 18 months. In addition the use is not akin to a continuous permanent residential use and the people using the site would vary in number and times and there would be an opportunity to postpone or cancel matches/training if a problem arose from odour or noise. The use is already operating and no complaints have been received. The environmental health officer had no additional comment in relation to the comments made by West Sussex County Minerals and Waste.

The application is therefore recommended for approval 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).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: Location, Block, Appendix E and Appendix G .

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.

- 2 The use hereby permitted shall not be operated otherwise than between the hours of 07.30hrs to 22.00hrs Tuesday and Thursdays, 7.30 to 20.00 hours Monday, Wednesday and Friday, 8.00 to 20.00 hours Saturday and 9.30 to 1600 hours Sunday and bank holidays.

Reason: To safeguard the amenities of neighbouring residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 3 External lighting in association with this development shall comply with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, Environmental Zone E2

Reason: To safeguard the amenities of nearby residents in accordance with policies GEN7 and GEN33 of the Arun District Local Plan.

- 4 At no time shall any public address or other sound amplification system be installed or operated on the site without the prior permission of the Local Planning Authority in an application on that behalf.

Reason: In the interests of the amenities of the locality in accordance with policies GEN7 and GEN32 of the Arun District Local 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 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.