

Recommendation Report for Planning Permission

REF NO: P/19/22/PL

LOCATION: Church Farm Holiday Village
Church Lane
Pagham
PO21 4NR

PROPOSAL: Erection of a Jump Tower with Climbing Wall and a Container Bar. This application may affect the setting of listed buildings and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Planning permission is sought for the erection of a Jump Tower with Climbing Wall and a Container Bar. The proposed development is made up of two elements comprising a new container bar and a jump tower with climbing wall.

The container bar will comprise a converted shipping container, extending to 6.26m in length, 4.56m in width and 3.25m in high to the front (roof planter included) and 3.1m to the rear. The exterior face of the container was originally proposed to be orange (RAL 2010 Signal Orange), however it was changed for a timber cladding and 3D Terracotta Tiles. The front elevation will comprise the bar serving area with roller shutters securing the bar when it is closed. The side elevation will have a personnel door for staff as well as 'barn' style doors for maintenance access.

The jump tower with climbing wall sits within a penned area with artificial turf which extends to 12.15m by 14.15m. The jump tower unit itself extends to 8.63m in height. The tower is primarily made of wood and will be secured by wooden fencing and a lockable access gate to ensure that it cannot be used out of hours. The landing zone is an airbag made from plastic (similar to a bouncy castle) with a lightweight woven fabric over the top. This sits atop artificial grass.

The signage is subject to a separate application.

SITE AREA

2194.00 sqm

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

SITE CHARACTERISTICS

Large holiday park with mobile homes and related buildings including a nearby entertainment complex. Two listed buildings on the holiday park; Church Farm and Becketts Barn. The application site is currently used as a bowling green which has become surplus to requirements and it is intended to

locate new leisure facilities within this area to enhance the park facilities. The bowling green is located centrally within the park, surrounded by other existing leisure uses including the bungee trampolines, tennis courts and multi-use games area.

CHARACTER OF LOCALITY

Generally residential with a variety of building types and design.

RELEVANT SITE HISTORY

P/71/21/PL	Installation of arrivals lodge with associated infrastructure and ancillary landscaping works. This site is in CIL Zone 4 (Zero Rated) as other development & may affect the setting of a listed building.	ApproveConditionally 06-07-21
P/108/18/PL	Erection of housekeeping building within existing maintenance yard. This application affects the setting of a listed building.	ApproveConditionally 08-03-19
P/54/17/PL	Extension of the occupancy period at Church Farm Holiday Village by one month to allow occupation between 1 March & 30 November in any year.	App Cond with S106 29-09-17
P/84/16/PL	Installation of 22 no. caravan bases for 22 no. static caravans with associated car parking, pedestrian footpaths, internal access road, landscaping & infrastructure above & below ground.	App Cond with S106 14-12-16

REPRESENTATIONS

Pagham Parish Council: The Council did not wish to formally object to the scheme but voiced concern over potential neighbour disturbance. The hours of operation were not given. Council would also like further detail shown on the material used for the landing zone.

COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant has confirmed the hours of operation and the material used for the landing zone.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

PARKS AND LANDSCAPES: No objection.

DRAINAGE ENGINEERS Comments Regarding Surface Water Drainage: Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

ENVIRONMENTAL HEALTH: Does not have any comments to make subject to informative but would recommend that an informative be placed on any permission given.

SPORT ENGLAND: Consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose; the relevant National Governing Body, design guidance notes: <http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

WSCC, The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area Boundary - in designated Countryside

Grade II Listed Buildings

Archaeological Priority Area

Flood Zones 2 & 3

Pagham Harbour Access Management Zone A

Within 2km of Pagham Harbour and Bognor Reef SSSIs

Special Control of Adverts.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development

TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD12	Open Space,Playing Pitches & Indoor& Built Sports Facilities
SPD3	Parking Standards

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

There is no made Neighbourhood Plan for Pagham.

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 support tourism and have an acceptable impact on visual amenity, heritage, residential amenity, highways, flooding and drainage and ecology.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

KEY ISSUES

The key issues are principle, tourism related development, design and visual amenity, residential amenity, heritage impact, highways/traffic, flooding and drainage, ecology and Pagham Harbour SPA/Ramsar and SSSIs.

PRINCIPLE:

The site lies in a Countryside location, outside the Built-up Area boundary, where the principle of development is generally considered to be unacceptable. Arun Local Plan policies SD SP2 and C SP1

seek to focus new development within the Built-Up Areas and exert a strict control over new development in the countryside to protect it for its own sake. As such, countryside development will only be permitted in exceptional circumstances or where there is a strong justification for a countryside location. One of these criteria under ALP policy C SP1 is that countryside development will be permitted where it is:

(d) for the diversification of the rural economy;

It is considered that this proposal would further diversify and contribute to the rural tourism economy and so would accord with ALP policy C SP1 and be acceptable in principle.

The Arun Local Plan policy TOU DM1 states that "When assessing proposals for visitor attractions, facilities or accommodation outside of the Built Up Area Boundary these will generally be expected to be small-scale and relate to quiet, informal recreation and enjoyment of Arun's countryside." The proposal for a Jump Tower with Climbing Wall and a Container Bar would be of relatively small-scale and be located on a long-established holiday park and relate to the enjoyment of Arun's countryside. As such, the proposals would accord with ALP policy TOU DM1.

Paragraph 11 of the NPPF sets out a 'presumption in favour of sustainable development'. The proposed new lodge would represent 'sustainable development' as per the three objectives in para 8 of the NPPF; meeting the economic objective by supporting an existing tourism business, meeting the social objective by improving tourism facilities and meeting the environmental objective in terms of its visual/ecology impact and being in a sustainable location in terms of close to the edge of the BUAB and local transport modes. Para 177 of the NPPF removes the presumption in favour in cases where a proposed development is likely to have a significant effect on a habitats site. This application is not been subject to an Appropriate Assessment and is not likely to have a significant effect on a protected habitat site (see more detail under 'Pagham Harbour SPA/Ramsar and SSSIs' section of report). Therefore the NPPF's presumption in favour would still apply in this case. Para 11 of the NPPF states that development should be granted unless -

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 6 ; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Neither (i) or (ii) would apply in this case (as detailed in later sections of this Report), and so the proposals benefit from a presumption in favour of sustainable development and are acceptable in principle.

In addition, it is relevant to consider para 83 of the NPPF which states that: "Planning policies and decisions should enable (c) sustainable rural tourism and leisure developments which respect the character of the countryside".

TOURISM DEVELOPMENT:

Policy TOU SP1 encourages sustainable tourism development where it protects as well as promotes the main tourism assets and sets out a number of criteria for tourism growth. Policy TOU DM1 supports proposals for development, including expansion, which are likely to attract visitors provided that it meets certain criteria.

The development would support tourism by providing a vital contribution to the future operation of the holiday park (a tourism business). As such, the development is supported by Arun Local Plan policies TOU SP1 and TOU DM1.

VISUAL IMPACT:

Arun Local Plan policy TOU DM1 states proposals for visitor attractions/facilities, which includes expansion, will be supported provided they, amongst other things, (d) achieve good design. ALP design policy D SP1 states that developments should seek to make efficient use of land but reflect the characteristics of the site and local area in various respects. ALP policy D DM1 sets out the aspects for form and design quality of new development, including character, layout and scale. The Council's Design Guide SPD (Jan 2021) provides guidance on good design for development in the District.

The a Jump Tower with Climbing Wall and a Container Bar can be considered to be retractable in nature and the scheme is located within a large holiday park, located in the area of existing bowling green which is surrounded by other existing leisure uses including the bungee trampolines, tennis courts and multi-use games area, would be suitable in design and materials for its use and location in a holiday park. Whilst the proposed wooden structure of Jump Tower would be 8.6m in height, due to slightly sloping down terrain, rich vegetation and the trees on the western sider and building of the similar height on the eastern side of the access road, the proposed development would mainly be visible from inside of the holiday park and only in limited views from Church Lane and nearby properties. The proposed would be read in the context of the other buildings and structures in the holiday village, would not appear visually prominent and would integrate sufficiently with its surroundings.

The proposal reflects the character of the site and would have an acceptable impact on the visual amenity of the area, in accordance with the NPPF and Arun Local Plan policies TOU DM1, D SP1 and D DM1.

HERITAGE:

Arun Local Plan policy HER SP1 requires that development proposals must conserve or enhance the historic environment, which includes the highest protection being given to designated heritage assets including listed buildings/structures and their settings. ALP policy HER DM1 seeks to protect the settings of listed buildings. ALP policy HER DM6 seeks to protect remains of archaeological significance.

Paragraph 190 of the NPPF requires the LPA to identify and assess the significance of any heritage assets affected by a proposed development. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset 'great weight' should be given to the heritage assets' conservation.

There are two Grade II listed buildings on the holiday park. Church Farm is an C18 farmhouse of two storeys and five windows (glazing bars intact on first floor only). It is of red brick construction with a diaper pattern of grey headers in the west wall, and tiled roof. There is a large modern building in front of its south elevation, as well as a significant number of caravans in the immediate area of the building. Church Farm is of architectural and historical significance. Becket's Barn is to the west of the new lodge. It is identified as a Medieval barn presumably once associated with the palace of the Archbishops of Canterbury that was once situated here. It has stone rubble wall, tiled roof with a gable at its west end. It is of architectural and historical significance.

The proposed Jump Tower with Climbing Wall and a Container Bar would be located by a variety of modern development, tourist accommodation and leisure facilities. The settings of the listed buildings have already been impacted by the presence of the caravan holiday park and its associated infrastructure and landscaping. The location and presence of existing modern development would mean that the proposal would not cause any further harm to the listed buildings. The application does not cause harm to the significance of the heritage assets or their settings and these would be conserved.

The site is in an Archaeological Notification Area. Given the scale and nature of the development and

with no significant foundations it should have no impact on and would protect any potential archaeological remains on this area of the site.

In conclusion, the proposals would conserve the historic environment, including listed buildings, their settings and areas of archaeological interest, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, and ALP policies HER SP1, HER DM1 and HER DM6.

RESIDENTIAL AMENITY:

Arun Local Plan Policy D DM1 requires new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy QE SP1 states the Council requires all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policies QE DM1, DM2 and DM3 seek to protect residents from noise, light and air pollution. Policy TOU DM1 supports proposals for tourism development, including expansion, which are likely to attract visitors provided that it meets certain criteria including (c) address visitor management issues. Paragraph 127 (f) of the NPPF states that development should have a high standard of amenity for existing and future users.

The development would be in the holiday park, close to related tourism buildings, mobile homes, surrounded by other existing leisure uses including the bungee trampolines, tennis courts and multi-use games area, some distance away from any neighbouring properties on Church Lane, Pagham Road and Sea Lane. The applicant confirmed the hours of operation for the jump tower will be 9am - 8pm, with a typical finish time of 6pm but the need to ensure flexibility depending on the number of bookings. With regards the bar, the typical hours of operation would be 11am - 11pm.

ADC Environmental Health has been consulted and raised no objection. The proposal would not give rise to any perceptible additional noise and disturbance, air pollution or light glare to local residents and that residential amenity would be protected, in accordance with the ALP policies D DM1, QE SP1, QE DM1, QE DM2 and QE DM3 and TOU DM1 and the NPPF.

HIGHWAYS:

Regard should be had to para 109 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Arun Local Plan policies T SP1 and T DM1 relate to matters of safe and suitable site access, parking provision and encouraging sustainable modes of transport.

WSCC Highways raised no objection. They comment: 'As the Tower and Bar are to be located within the Holiday Village and used by guests only, the LHA does not anticipate that the proposed development would give rise to a material intensification of movements to or from the site. Access and parking arrangements will be unaffected by the proposals.'

In conclusion, the proposals would have an acceptable impact on parking and highways, in accordance with the NPPF, and ALP policies T SP1 and T DM1.

FLOODING & DRAINAGE:

The site is in Flood Zone 2 & 3. In accordance with the NPPF, a Sequential Test (which seeks to direct new development to areas with lowest risk of flooding) would ordinarily be required for sites in Flood Zones 2 & 3 and where a Sequential Test has not already been done for development of the type proposed on the site (which it has not). Arun Local Plan policy W DM2 details that planning permission

will be granted when "the sequential test in accordance with the NPPG has been met".

However, paragraph 33 of the NPPG refers to a "pragmatic approach" being taken in the application of the Sequential Test, to the availability of alternative sites as follows:

"For individual planning applications where there has been no sequential testing of the applications in the development plan the area to apply the Sequential Test across will be defined by local circumstances. When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises, it might be impractical to suggest there are more suitable alternative locations for that development elsewhere".

The bar and jump tower by their nature need to be in the boundary of the caravan park so they can serve visitors of Church Farm Holiday Village. Given that the majority of the caravan park falls in Flood Zone 3, it is concluded that no alternative sites exist in a lower flood risk area which could practically and feasibly accommodate the proposals. However, the development falls within 'less vulnerable' use which is acceptable within a Flood Zone 3 location. The proposal would constitute an extension to an existing business premises, a 'pragmatic approach' is taken in accordance with para 33 of the NPPG, and it is concluded a Sequential Test is not required in this instance.

The NPPF requires a Flood Risk Assessment (FRA) for all developments in Flood Zones 2 & 3. Whilst a full FRA has not been submitted the covering letter states: 'The proposal will not increase the level of flood risk at the site or to neighbouring sites - in accordance with national policy guidance and Local Plan policy - as the proposed bar and jump tower will be located on the existing artificial grass of the bowling green, with any rainwater falling on the developments and then soaking into the ground as happens currently.'

The Council's Drainage Engineer commented that due to the location, scale and nature of the proposals they have no drainage/SUDs planning conditions to request, and that any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations (and informative will be added accordingly).

The proposals would not increase flood risk on the site or elsewhere and would be appropriately drained, in accordance with the NPPF, NPPG and Arun Local Plan policies W DM2 and W DM3.

ECOLOGY:

The Environment Bill requires new development to demonstrate a net gain in biodiversity and Policy ENV DM5 of the Arun Local Plan requires new development to protect legally protected species/wildlife and enhance biodiversity.

The proposals would not result in the loss of trees/shrubs and hedgerow, it would replace the bowling green with artificial grass

No Biodiversity Enhancement Site Plan has been provided by the applicants during the course of the determination period of the application. A condition will be added to secure Biodiversity Net Gain.

Summary

Given the above analysis the proposal is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg No 4636-100 Rev B, Site Location Plan;
Dwg No 4636-110 Rev B, Block Plan;
Dwg No 21JMJTA10 - Proposed Elevations, Footings and Fencing;
Dwg No 3197.5.07, Equipment Details Container Bar.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and maintained thereafter in accordance with the approved scheme.

Reason: To protect the amenity of neighbours and local wildlife, including bats, in accordance with policies QE DM2 and ENV DM5 of the Arun Local Plan.

- 4 The development hereby permitted shall not be operated at any time otherwise than between the hours of 9am - 8pm for the jump tower and 11am - 11pm for the bar.
- Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policies D DM1 and Q EDM1.
- 5 Within 3 months of the date commencement of this permission details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed on site within 6 months of the date of approval of the details and retained thereafter.
- Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.
- 6 INFORMATIVE: The business is required to submit a 'Food Registration Form' to the Environmental Health department 28 days before opening. Further advice can be given to the business, for example, on the internal layout of the food premises. If the applicant would like further advice please contact the Environmental Health Service on (01903) 737755
<https://www.arun.gov.uk/food-premises-registration>
- 7 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.