

Recommendation Report for Planning Permission

REF NO: P/83/15/PL

LOCATION: Pagham Football Club
Nyetimber Lane
Pagham

PROPOSAL: Removal of 3 No. antennas & addition of 9 No. antennas with new headframe & x1 0.6m dish with ancillary equipment.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposal would increase the number of small antennae atop the existing mast from 3 to 9 (with new headframe) and include a small dish below.
SITE AREA	1.18ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	Various mature trees but they would not be affected by the proposed development, which will only be additions to an existing mast. No ground works are proposed.
BOUNDARY TREATMENT	Various trees and 2m boundary fence to north and east boundaries.
SITE CHARACTERISTICS	Site is predominantly covered by the football pitch with various trees to south west corner of site and some single storey structures including stands and clubhouse.
CHARACTER OF LOCALITY	The area is predominantly suburban residential. To the south of the site is the grade 2 listed building of Barton Manor Apartments and surrounding Area of Special Character (ASC). The site does not actually fall within the ASC.

RELEVANT SITE HISTORY

P/111/98/	Replacement of existing 17.5m high floodlighting tower with a 20m high telecommunications tower, necessary	ApproveConditionally 10-02-1999
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antennae and ground level cabin

The existing telecommunications mast and associated equipment and control boxes were approved by P/111/98/PL.

REPRESENTATIONS

Representations received:

Pagham Parish Council

No objection.

Two letters of public representation were received objecting on design grounds that any increase in the size of the existing antennae will be harmful visually to the area.

Comments on Representations received:

It is considered that the increase in amount of antennae and additional dish is not significant. And would not add significantly to the visual impact of the existing mast and equipment to an extent that would be harmful to the area or setting of the listed building.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan
Tree Preservation Order
Class C Road
Public sewer on site.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [DEV41](#)
 [AREA1](#)
 [GEN2](#)
 [GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Telecommunications
Areas of Special Character
Built-up Area Boundary
The Form of New Development
HER DM4 Areas of Special Character
D DM1 Aspects of Form and Design Quality
SD SP2 Built-Up Area Boundary
TEL DM1 Telecommunications
HER DM1 Listed Buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD4	Telecommunications
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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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Pagham Parish does not yet have an adopted Neighbourhood Development Plan but the Pagham Parish Design Statement will be taken into account in the assessment of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies 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

DESIGN AND IMPACT ON SETTING OF LISTED BUILDING AND AREA OF SPECIAL CHARACTER

The proposed alterations to the existing mast are not considered to significantly increase its mass and visual impact. As such it is not considered that there will be a detrimental impact on the adjoining area of special character and nearby listed building which is set 67m away from the mast.

The original approval for the mast P/111/98/PL included a condition that the mast and associated equipment must be painted the colour specified in the approval which in this case is grey for the antenna and white for the dish. It is considered reasonable to include this condition again to ensure conformity of the mast and associated equipment.

NEIGHBOURING RESIDENTIAL AMENITY

As the additions would only add a modest increase in mass to the highest part of the existing mast, this is not considered to increase the visual mass that the adjoining neighbouring gardens and properties will have a detrimental impact on neighbour amenity.

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 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 is considered to have a neutral impact.

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 100 A, 200 A, 300 A and 301A.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 the telecommunications tower additions hereby permitted shall not be painted other than in such colours as approved by this application, unless first agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity.

- 4 The telecommunications equipment shall be removed from the site and the area returned to its original condition once the equipment becomes obsolete.

Reason: In the interests of the amenities of the area.

- 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.