

PLANNING APPLICATION REPORT

REF NO:	Y/68/24/S73
LOCATION:	Land south of A259 & West of Stanhorn Grove
PROPOSAL:	Variation of condition 1 (plans) following the grant of reserved matters Y/68/09 relating to the removal of on-site sports changing facilities, sports pitches and fencing, and replacement with public open space. This is a dual parish application with Felpham Parish Council.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Amend the approved plans of reserved matters Approval Y/68/09, following outline permission FP/92/04. Reserved matters (Y/68/09) approved the provision of a sports facility comprising a senior football pitch, two hard surface five-a-side pitches, a changing facilities building, and a 30 space car park. The changes would result in the removal of the formal sports pitches, sports facility and changing facility. The proposal would result in a retained vehicular access, parking, and the provision of open space.
SITE AREA	2.3 hectares.
TOPOGRAPHY	The site is relatively flat with levels ranging from 2.0 metres AOD to 4.0 metres AOD and a general fall from north east to south west, towards the ditch.
TREES	There are several larger tree specimens along the western boundary of the site. The eastern boundary is bounded by an existing hedgerow which is approximately 2m in height.
BOUNDARY TREATMENT	There are two drainage ditches which run alongside the northern and western boundaries. The A259 and pedestrian footpath adjoin the sites eastern boundary.
SITE CHARACTERISTICS	The site is an open field which is located on the northern edge of Blake's Mead. The northern part of the site falls within the administrative boundary of Yapton Parish, and the southern part falls within the boundary of Felpham Parish. The site is located west of the Charles Purley Way (the A259) and is screened from view by a landscaped bund topped by timber acoustic fencing.
CHARACTER OF LOCALITY	The area to the north of the application site and the land to the east of the the A259 is agricultural land. To the west of the site, there is an existing golf course which contains well established trees which are appreciable in views from the site. To the south, the settlement of Felpham is located.

RELEVANT SITE HISTORY

FP/248/20/PL	Revised details relevant to the sport pitch & changing facilities building (previously approved under Y/68/09/). This site also lies within the parish of Yapton & is in CIL Zone 4 (Zero Rated) as other development.	App Cond with S106 18-02-22
FP/103/19/PL	Amendment to Planning Reference Y/68/09 to replace sports pitch with a public amenity area.	Refused 30-04-20
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	ApproveConditionally 14-01-10
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

Blake's Mead comprises five phases of residential development, all of which are completed and occupied. The land for the sports pitches and the changing facilities building were planned to be complimentary infrastructure, supporting and enhancing the residential development at Blake's Mead.

REPRESENTATIONS

Felpham Parish Council: No objection, however, has concerns regarding the access and security arrangement that will be required to deter illegal encampments. Further attention will also be needed to ensure that vandalism and unauthorised use of the care park areas does not occur.

Yapton Parish Council: Objection. Yapton Parish Council do not support the principle of the removal of the sports provision given the lack of affordable and accessible youth facilities. This is exacerbated by the increase in participation in U18 women's football. A football pitch would bring significant social benefit, and this loss would be detrimental.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments from the Parish Council's are noted. The matters relating to principle, security and access are dealt with below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Greenspace Officer: No objection to the amended plans. Support is given for the scheme in terms of its landscaping treatment, and associated street furniture. There is adequate fencing and height barriers to the parking area to ensure use of the space is not accessible by unauthorised vehicles. Conditions to secure hard and soft landscaping planting specifications are required.

Ecology Officer: No objection, however would encourage the provision of more log piles, and incorporate bird and bat boxes on existing trees. In addition, some concern has been raised regarding wildflower meadow treatments in close proximity to the tree planting as this won't be successful long term.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within the Built Up Area Boundary (BUAB) in the existing Local Plan. Also formed part of the strategic site allocation within the previous Local Plan.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
TDM1	T DM1 Sustainable Travel and Public Rights of Way

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

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.

The application site falls within two Parish Councils; Yapton and Felpham. The Yapton Neighbourhood Plan 2 was made on 8 November 2023. Felpham Neighbourhood Development Plan 2019 - 2031 was made on 17 March 2021. Both Neighbourhood Plans form part of the Development 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 accords with policies SD SP2 as it is located within the Built Up Area Boundary and OSR DM1 which relates to protection of open space.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan and these are set out in the Conclusions section below.

BIODIVERSITY NET GAIN

This application is not liable for mandatory 10% Biodiversity Net Gain (BNG) as the outline permission was consented prior to the legislation coming into force. However, the Arun Local Plan policies relating to biodiversity still apply (e.g. ENV DM5).

CONCLUSIONS

PRINCIPLE

The outline planning permission (planning reference FP/92/04) of the development of Site 6 was granted at appeal on 22 November 2006 to provide the residential development known as Site 6 on the edge of Felpham. As part of the planning permission and the associated Section 106 legal agreement, the site was required to deliver a range of facilities comprising public open space, sports provision, community arts, changing facilities and a community building. These facilities were secured in accordance with the council's planning policy at the time of the application. This application relates to part of the site which sought to deliver the changing facility, 1 x senior football pitch, 2 x hard surfaced five-a-side pitches and a 30 space car park.

Since the development gained planning permission the council have developed guidance for sports provision through a Playing Pitch Strategy (Updated March 2019) to support the Arun Local Plan which is in line with sporting bodies policies including that of Sport England. Whilst now out of date, it assessed existing need across the district and identified central existing assets which could be improved to create central hubs and benefit the wider community.

On 27 February 2023, Arun District Council considered a report at the Environment Committee which

related to the need for the approved sports provision in this location. The recommendation was to remove the sports provision on this part of the site and provide landscaped open recreation space in its place which would be offered to Arun District Council. The open space included additional planting, but provided a primarily informal open space for recreation. This would also be supplemented with an off-site financial contribution to deliver improvements at the King George V play area and a commuted sum towards the Public Open Space maintenance.

The Environment Committee RESOLVED that:

- 1) The provision of an off-site sum in lieu of provision of sports facilities on site at Blakes Mead, Felpham to support local outdoor sports facilities whilst retaining the site as public open space, which aligns with the council's outdoor sports strategy, be approved
- 2) The drawdown of the off-site sum, the project management sum and Public Open Space commuted maintenance sum be approved. The off-site sum expenditure will follow further review of the local facilities for the development of the sports facilities projects in the Felpham area.

The change from sports pitch to open space would still accord with Policy OSR DM1 of the Arun Local Plan which seeks to retain and protect existing sport, community and open space provision in the district. Therefore, the principle of the development, which has been approved by members and forms a material planning consideration, is acceptable.

During the lifetime of the application, an amended plan was received by the applicant in order to address comments by Yapton Parish Council and align the open space to better reflect what was considered and approved at the Environment Committee. Originally, the proposal was provided as a heavily planted orchard space, however concerns were raised that this did not provide a landscaped open area which could also be used for recreation. Amended plans were submitted which now seek to provide a substantially increased informal open space to allow for informal recreation and kickabout areas.

LANDSCAPING AND ECOLOGY

The planning permission was granted in 2006, which predates the mandatory requirement for 10% Biodiversity Net Gain. However, Policy ENV DM5 of the Arun Local Plan, which seeks to achieve a Biodiversity Net Gain, is still relevant to this application.

Additional trees over and above that approved under the reserved matters permission (Y/68/09) have been proposed within this application to support biodiversity in accordance with ENV DM5 of the Arun local Plan. 71no. trees are proposed within this application compared to 27no. approved under Y/68/09. In addition, a mixed native hedgerow would also be provided on the boundaries of the site. Details of the species and the size of trees and hedgerows at the time of planting is included within the application which are acceptable. Concern has been raised about the long term establishment of wildflower meadows close to trees, however this would be managed to maintain flower diversity and is supported nonetheless. Regardless of the success of the wildflowers, the proposal would still deliver a Biodiversity Net Gain and would be in accordance with policy ENV DM5 of the Arun Local Plan.

Two deadwood log piles would be provided within the site, which would provide additional habitats for wildlife. The Ecology Officer supports this provision however suggests an additional two log piles and some bird/bat boxes on existing trees to further enhance the habitats available on this site. These additional measures could be secured through a suitably worded condition (Condition 2).

Two timber picnic benches are proposed so that visitors can further enjoy the open space, however additional timber benches have been recommended and could be secured through condition. Bins are

located close to the parking area, which is acceptable to the Greenspace Officer. Details of the specification of the bins and seats will need to be secured by condition.

An interpretation board has been proposed at the entrance of the car park area to inform the public on the open space and this is considered appropriate.

The development is acceptable in relation to landscaping, biodiversity and ecology subject to conditions. Therefore, the proposal accords with policies D SP1, D DM1, and ENV DM5 of the Arun Local Plan.

PARKING

The Arun parking Standard SPD states that for non-residential uses, the amount of parking provided should be determined on a case by case basis. The site would support the retention of existing hardstanding (38m x 15m), which would facilitate informal vehicular parking in order to allow access for all users, and in particular those with reduced mobility. The proposal would provide for approximately 30 parking spaces. Comments were received from the Landscape Officer querying the level of parking and whether or not this could be reduced in order to better reflect the demand of the public open space. However, the proposed parking provision makes use of an existing sub-base which was delivered as part of works approved under the reserved matters application. The proposed parking would remain unmarked, and therefore the likely capacity of the car park would be less, and as such the overall parking provision is deemed to be acceptable.

No details of hard landscaping have been provided, specifically the treatment of the parking area, however this detail could be adequately secured through condition (Condition 5).

The parking area would have a height restriction barrier with swing gate and a fold down bollard would also be provided to enhance security of the site. The parking area would be surrounded by a knee rail fence to further protect the open space from unauthorised vehicular access.

No cycle parking has been proposed, however this detail can be adequately secured through condition (Condition 5) and provided to maximise walking and cycling to the open space.

The proposed development would accord with the Arun Parking Standard SPD and policies T DM1 of the Arun Local Plan.

SECTION 106

As part of the application, a deed of variation (DOV) is required to the original Section 106 agreement to remove the requirement to deliver the pitches and sports buildings, and instead provide a financial contribution and commuted sum for maintenance.

The Greenspace Officer has also advised that a minimum 12 months defects liability period should also be secured through the DOV.

RECOMMENDATION

It is recommended that Planning Committee delegate authority to the Group Head of Planning in consultation with the Chair or Vice Chair authority to approve the application subject to completion of a signed Deed of Variation to the Section 106.

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.

CIL DETAILS

This application is not liable to CIL as no new buildings are created.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be implemented in accordance with the approved plans as below:

Site location plan 1000 A
Detailed Landscape Plan GLS_020_119_1300 Rev D
Tree pit detail - single staked 1700

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 Notwithstanding the approved details, prior to the commencement of any further development hereby permitted, full details of all ecological measures shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason: In the interests of amenity and of the environment of the development in accordance with Arun Local Plan policies D DM1 and ENV DM4.

- 3 Prior to the implementation of any planting, planting specification details shall be submitted to and approved in writing by the Local Planning Authority. Details such as staking, rabbit/trimmer guard and basal treatment shall be submitted, and implemented in full accordance with the approved details.

Reason: In the interests of amenity and of the environment of the development in accordance with Arun Local Plan policies D DM1 and ENV DM4.

- 4 Notwithstanding the approved details, prior to the open space coming into use all details of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. This includes but is not limited to details of hard surfacing, bins, cycle stands, seating, knee rail and interpretation boards.

The development shall thereafter be implemented in full accordance with the approved details and within 6 months of the approval of the details.

Reason: In the interests of amenity in accordance with Arun Local Plan Policy D DM1.

- 5 INFORMATIVE: Please note that this application has a Section 106 legal agreement relating to outline planning permission ref: FP/92/04/, under Section 106 of the Town and Country Planning Act 1990.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or by clicking on this link and clicking on View Documents.](https://www.arun.gov.uk/weekly-lists)

Y/68/24/S73 - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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