



Working in Partnership



Agenda Item 12  
Report PC  
Report to Planning Committee  
Date of Committee 17<sup>th</sup> June 2016  
By Head of Planning Services  
Local Authority Chichester District Council

Application No: SDNP/15/06142/FUL  
Validation Date 8 January 2016  
Target Date: 20 June 2016  
Applicant: Mr Neil Vigar (WSSC)  
Proposal: Construction of decking platform to enable disabled angling and wildlife watching  
Site Address Burton Mill Pond, Burton Park Road, Barlavington GU28 0JR  
Purpose of Report The application is reported to Committee for a decision

**Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10.1 of this report.**

**Reason for Committee Referral:** Parish Objection – Officer recommends permit

### **Executive Summary**

This application seeks planning permission for the construction of an area of decking to provide disabled access for anglers using Burton Mill Pond. The area of decking is to be sited in the north-west corner of the pond with pedestrian access from the car park north of the pond. Within the existing car park one disabled parking bay is to be created.

The main issues with the proposal are considered to be the impact of the decking, including an intensification of use, on the Burton Mill Pond SSSI, the impact on the character and appearance of the wider SDNP, and highways safety due to the access to the decking being adjacent to Burton Park Road.

It is considered that the provision of decking in this location will provide greater access for all and will be DDA compliant.

In relation to its impact on the SSSI it is considered that whilst the area of decking will increase this will not lead to any detrimental impact and could provide opportunities for its enhancement. The area of decking has been kept to a minimum and is to be constructed from materials sympathetic to its rural location and it will therefore have limited impact on the character and appearance of the National Park.

In relation to highways safety some concern has been raised due to the potential for increased activity by pedestrians and wheelchair users adjacent to the highway particularly in relation to the crossing point from the car park being close to a sharp bend in the road. WSCC road safety information has been interrogated and traffic surveys undertaken which together with the limited use of the crossing point by wheelchair users (2 crossings per week), has led to WSCC highways raising no objection to the proposal on highway safety grounds.

The proposal is therefore considered to meet with the joint purposes of designation of the SDNP and will conserve and enhance the natural beauty, wildlife and cultural heritage of the area and promote opportunities for the public understanding and enjoyment of its special qualities.

## **1. Site Description**

The application site consists of a large pond flanked to the north by Burton Park Road, a car park and Burton Mill, a Grade II Listed Building. To the east, south and west the pond is surrounded by mature vegetation and woodland. The mill pond and wider setting is noted to be a Site of Special Scientific Interest. A Public Right of Way feeds into the site from the north and continues to the west.

## **2. Relevant Planning History**

No relevant planning history

## **3. Proposal**

- 3.1 The application seeks to erect decking to the north-west corner of Burton Mill Pond and an attached boat mooring for use in association with an electric boat. The decked area will include ramps and a hand rail to provide access for disabled persons, using the site for both angling and viewing wildlife. An existing parking space within the car park to the north is to be marked out as a disabled parking bay.
- 3.2 Rock filled gabions or concrete sand bags are to be installed beneath the decked area to protect the bank from erosion.
- 3.3 To the north, 45m from the crossing point/bend in the road a new warning sign (pedestrians crossing) is to be erected.

## **4. Consultations**

- 4.1 Sutton and Barlavington Parish Council – Objection

### Initial comments

After due consideration, the Parish Council does not support this application on the grounds of the dangerous approach to the site.

Comments received following the submission of further information

Having reviewed all the information you recently sent with regards the above the Parish Council maintain their objection to the proposals.

4.2 WSCC County – Highways – No objection

Comments submitted 20<sup>th</sup> April 2016

The proposals to construct new decking to create a platform to enable disabled angling and wildlife watching at Burton Mill Pond in Barlavington, West Sussex have been considered by WSCC as the Local Highway Authority. No objection is raised in principle however concern has been raised by the parish council over the location of the pedestrian crossing from the car park. As such more information is requested.

I have considered the parish councils objection. The pedestrian route across the road is already an existing desire line and as such the issue appears to be less about the crossing of this section of road, as this already takes place, and more about the introduction of a different user and the speed of the cars, the forward visibility drivers have on the approach to the bend, and the number of vehicles using this stretch of road.

I have spoken with the applicant, Mr Vigar, and he is going to provide a survey showing the speeds and numbers of vehicles using this road at the peak time the angling platform would be in use. In addition the forward visibility from the drivers seat to the crossing location will be shown. Consideration over the cutting back of vegetation to improve this could be explored.

At present there is a proposal to provide signage on the approach of the bend to warn drivers to slow down as pedestrians will be crossing. This would go some way to mitigate any potential conflicts. In my previous comments I sought advice from the local highways office and they explained the correct sign to use here would be – an explanation mark - diagram 562 and plate 563 'Pedestrians crossing'. Contact should be made with the office to determine the correct license and sign that is needed.

An interrogation of the WSCC Road Safety, Casualty and Collision Database has been undertaken and nothing has been recorded at his location in the last three to five years.

To summarise WSCC raise no objection in principle but would like the applicant to provide evidence to show they have considered the existing road speeds, forward visibility, and volumes of traffic and if necessary provided mitigation measures to ensure the best possible use of this existing pedestrian desire line.

Comments submitted 17<sup>th</sup> May 2016 following the submission of further information

The proposals to increase the use of the existing platform to encourage disabled users to make use of the pond has been considered by WSCC.

Mr Vigars response has been submitted in response to concerns made by the parish council over the intensification of use of the crossing point at this location. Information provided by the Wheelyboat Trust anticipate the crossing will be used twice in a week and two crossings would be made in each visit.

Visibility for pedestrians crossing over from the car park is limited at approx. 20m, signage will be erected to alert cars travelling eastbound of the crossing point. The speed limit of the road is 60mph however it is unlikely a car would be travelling at such speed due to the rural nature of the road, and the bend. The road is approx. 4.4m in width at the bend. This is just wide enough for two cars to pass and therefore it is highly unlikely cars would be travelling more than 30mph.

Speed survey data from WSCC traffic database has been provided, but this is quite old, and it is unclear where this data was taken in relation to the site. The information says it was on a 30mph road, but this must be incorrect.

A survey was undertaken recently to understand the volume of traffic experience at this location. The road is frequently used and at peak times around 1 car every minute was recorded.

Although the site will see an intensification of use the number of crossings made will still be relatively low. WSCC acknowledge this crossing point is not ideal however it is already an existing desire line and mitigation measures, including signage and the presence of able bodied helpers with the users will assist to keep the users safe when crossing. The resident in the house next to the pond has also offered for the Wheelyboat Trust to use his driveway for parking, negating the need to cross the road here.

If it is feasible to do so the design of the scheme could incorporate a set back gate which is wider to provide a refuge area away from the road. It was noticed the gate is set very close to the road edge and this could help to reduce waiting pedestrians on the highway outside the gate.

WSCC raise no objection.

#### 4.3 CDC – Environmental Officer - No objection

We find the objectives of this project to be agreeable and have no objections as long there is no net loss of habitat for the plant species cowbane and the other stipulations are adhered to, as highlighted in the ecological survey.

#### 4.4 Chichester Access Group

No comment received

### 5. **Representations**

#### 5.1 One third party letter of objection has been received making the following comments:

The access is too dangerous for the disabled to the proposed platform.

## 6. Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Chichester District Local Plan First Review (1999). The relevant policies to this application are set out in section 7, below.

### National Planning Policy Framework (NPPF) and Circular 2010

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### 6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

### 6.3 Relationship of the Development Plan to the NPPF and Circular 2010

In addition to the above, the following paragraphs and sections of the NPPF are considered to be relevant to the determination of this planning application:

#### Paragraphs

- 14 (Sustainable Development)
- 17 (Core Planning Principles).

#### Sections

- 7 (Requiring good design)
- 8 (Promoting healthy Communities)
- 11 (Conserving and enhancing the natural environment)
- 12 (Conserving and enhancing the historic environment).

The draft South Downs Local Plan Preferred Options 2015 was approved by the South Downs National Park Authority on 16 July 2015. The public consultation on the document took place in September and October 2015. The document and the policies contained therein are now a material consideration when determining planning applications within the National Park; however at this stage the policies will carry limited weight.

The following policies are considered relevant to this application:

SD1 (Sustainable Development within the South Downs National Park)  
SD5 (Landscape Character)  
SD6 (Design)  
SD11 (Historic Environment)  
SD12 (Biodiversity and Geodiversity)  
SD16 (Rivers and Watercourses)  
SD20 (Sustainable Tourism and the Visitor Economy)  
SD21 (Recreation)  
SD44 (Car and Cycle Parking Provision)

#### 6.4 The South Downs Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

##### General Policy 1

Conserve and Enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.

##### General Policy 29

Enhance the health and wellbeing of residents and visitors by encouraging, supporting and developing the use of the National Park as a place for healthy outdoor activity and relaxation.

##### General Policy 30

Develop 'access for all' opportunities, particularly supporting those groups currently under represented in the National Park visitor profile.

### 7. Planning Policy

7.1 The following policies of the Chichester District Local Plan First Review (1999) are relevant to this application:

- BE4 (Buildings Of Architectural Or Historic Merit)
- BE11 (New Development)
- BE14 (Wildlife Habitat, Trees, Hedges and other Landscape Features)
- R2 (Provision of facilities in the Rural Area)
- RE1 (Development in the Rural Area Generally)
- RE12 (Rural Diversification)
- TR6 (Highways Safety)

## 8. **Planning Assessment**

8.1 The main issues with this proposal are considered to be:

- 1) The impact on highway's safety as a result of an increase in pedestrians and wheelchair users crossing Burton Park Road to access the decking.
- 2) The impact of the proposed decking and intensification of use on the wildlife habitat and SSSI
- 3) Access for all and the promotion of recreation and outdoor activity within the South Downs National Park

**Issue 1** - The impact on highway's safety as a result of an increase in pedestrians and wheelchair users crossing Burton Park Road to access the decking

8.2 The proposed decking is to be sited at the north end of Burton Mill Pond which will enable the existing facilities such as the car park and gateway to be utilised avoiding the need to build elsewhere within the SSSI or wooded areas. Whilst the siting is therefore positive in this respect, it does mean that the existing access from the car park across Burton Park Road will need to be used and this is close to a sharp bend in the road where visibility is limited. This has led to concern being raised at the potential increase in the number of people crossing the road in this location where traffic speeds are thought to be high. However, with the existing pedestrian route already being used the concern is considered to relate to the introduction of new users, partly through an increase in levels of use but also because the decking is being installed for use by disabled persons who may be using wheelchairs. Of particular concern is the forward visibility of drivers approaching the crossing from the east, combined with the speed and frequency of traffic.

8.3 WSCC Highways officers have consulted the Road Safety, Casualty and Collision Database and it is noted that there have been no recorded accidents within the last three to five years within the vicinity of the application site. The width of the road where it bends to the left (as you approach from the east) is 4.4 metres which is considered just enough space for two cars to pass and the rural nature of the road along with a meandering character is likely to reduce speeds to no more than 30mph with the frequency of use at peak times around 1 car every minute being recorded.

8.4 The consultation response from WSCC Highways on the proposal acknowledges that the pedestrian route 'was not ideal', however based on the above information it was considered that potential harm could be mitigated. With the route already in use and proposed mitigation measures indicated, such as signage and help from able bodied helpers from the Wheelyboat Trust, WSCC Highways has not raised an objection to the proposal. With suitable conditions in place to ensure that mitigation methods are implemented prior to the use of the decking, it is considered that the proposal is acceptable from a highways safety point of view and meets the objectives of Policy TR6 of the Chichester District Local Plan First Review 1999.

**Issue 2** - The impact of the proposed decking and intensification of use on the wildlife habitat and SSSI

- 8.5 The area of proposed decking is to replace a smaller area of decking which means that any harm to the SSSI habitat will be contained to its existing location. The number of gabions/concrete bags to protect the bank is likely to increase however the Council's Environmental Officer has not highlighted a cause for concern as long there is no net loss of habitat for the plant species 'cowbane' and other stipulations as highlighted in the ecological survey are adhered to. The survey also highlights that to facilitate the proposal some marginal swamp vegetation will need to be removed. This is however likely to lead to a positive impact on the SSSI where such vegetation has led to a detrimental impact on the open nature of the SSSI.
- 8.6 Planning conditions can be utilised to ensure that the proposal to safeguard wildlife habitats and the wider SSSI are incorporated. The area of decking has been kept to a minimum and is to be constructed from materials sympathetic to its rural location and it will therefore have limited impact on the character and appearance of the National Park. The application is therefore considered to comply with policy RE1 and BE11 of the Chichester District Local Plan First Review 1999.

**Issue 3** - Access for all and the promotion of recreation and outdoor activity within the South Downs National Park

- 8.7 The application seeks to encourage and provide opportunity for outdoor activity and recreation within the National Park for all. The limited scale of the development is unlikely to lead to a significant increase in visitor numbers which could detract from the experience for others as well as causing undue harm to wildlife habitats and the character of the site. The proposal is likely to have a wider benefit enabling outdoor activity and recreational activity within a unique setting. The proposal is therefore considered to comply with both the first and second purpose for the designation of the South Downs National Park.

## **9. Conclusion**

- 9.1 In conclusion, the proposed decking is likely to facilitate use of the site for recreational purposes for a wider range of users. The siting of the decking to the north west of the pond and access to the decking from the main car park makes use of an existing pedestrian desire line across Burton Park Road. Through the use of mitigation measures, WSCC Highways consider the proposal will not result in an unacceptable form of development from a highways safety point of view and raise no objection. Further mitigation measures contained within the ecological survey indicate limited harm to the SSSI and South Downs National Park.
- 9.2 The proposed decking and disabled parking bay is considered to be an acceptable form of development consistent with the Chichester District Local Plan - First Review, 1999 policies BE4, BE11, R2, RE1, RE12 and TR6, general policies 1, 29 and 30 of the South Downs National Park Partnership Management Plan, relevant national planning policies (NPPF) and the requirement to conserve and enhance the cultural heritage of the SDNP. The application is recommended for approval.



## 10. Recommendation

It is recommended that the application be approved subject to the conditions set out below:

01. The development hereby permitted shall be carried out in accordance with the following plans:

Plan Type	Reference	Version	Date Received	Status
Plans - Block plan	002		08.01.2016	Approved
Plans - Location plan	001		08.01.2016	Approved
Plans – Site Plan	1488-1001	Rev 01	04.12.2015	Approved
Plans - Deck Plan and Elevations	1488-4101		04.12.2015	Approved
Plans – Location Sketch	1488-SK-20140613-01		1488-SK-20140613-01	Approved

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

02. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

03. No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building(s) and where appropriate surfacing materials have been submitted to and approved by the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to control the development in detail in the interests of amenity and to ensure a building of visual quality.

04. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure (highway refuge area); hard surfacing materials; minor artefacts and structures (eg highway signs, lighting etc); Once provided, there shall be no additional fencing, walling or other means of enclosure erected in the approved landscaping/amenity areas, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order).

**Reason:** In the interests of amenity and highway safety of the development.

05. The development hereby permitted shall not be brought into use unless and until the car parking provision shown on the submitted plans has been provided on site. Once provided the parking provision shall be kept available for that use.

**Reason:** To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways.

06. The development hereby permitted shall not be brought into use unless and until the highway safety signs as detailed by the Local Highways Authority and shown on the submitted plans has been provided on site.

**Reason:** In the interests of amenity and highway safety of the development.

07. The details and mitigation methods contained within the Ecological Survey and Assessment dated August 2015 completed by Graham Roberts for the development hereby permitted are approved and shall be implemented in full.

**Reason:** To protect plant species and the integrity of the SSSI.

08. Crime and Disorder Implications

It is considered that this planning application does not raise any crime and disorder implications.

09. Human Rights Implications

This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

10. Equalities Act 2010

Due regard, where relevant, has been taken of the National Park Authority's equality duty as contained within the Equalities Act 2010.

11. Wildlife and Countryside legislation

Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000 and Wildlife and Countryside Act 1981 (as amended) and in particular to Sections 1 and 9. These make it an offence to:

- kill or injure any wild bird;
- damage or destroy the nest of any wild bird (when the nest is being built or is in use);
- damage or destroy any place which certain wild animals use for shelter (including all bats and certain moths);
- disturb certain wild animals occupying a place for shelter (again, all bats and certain moths).

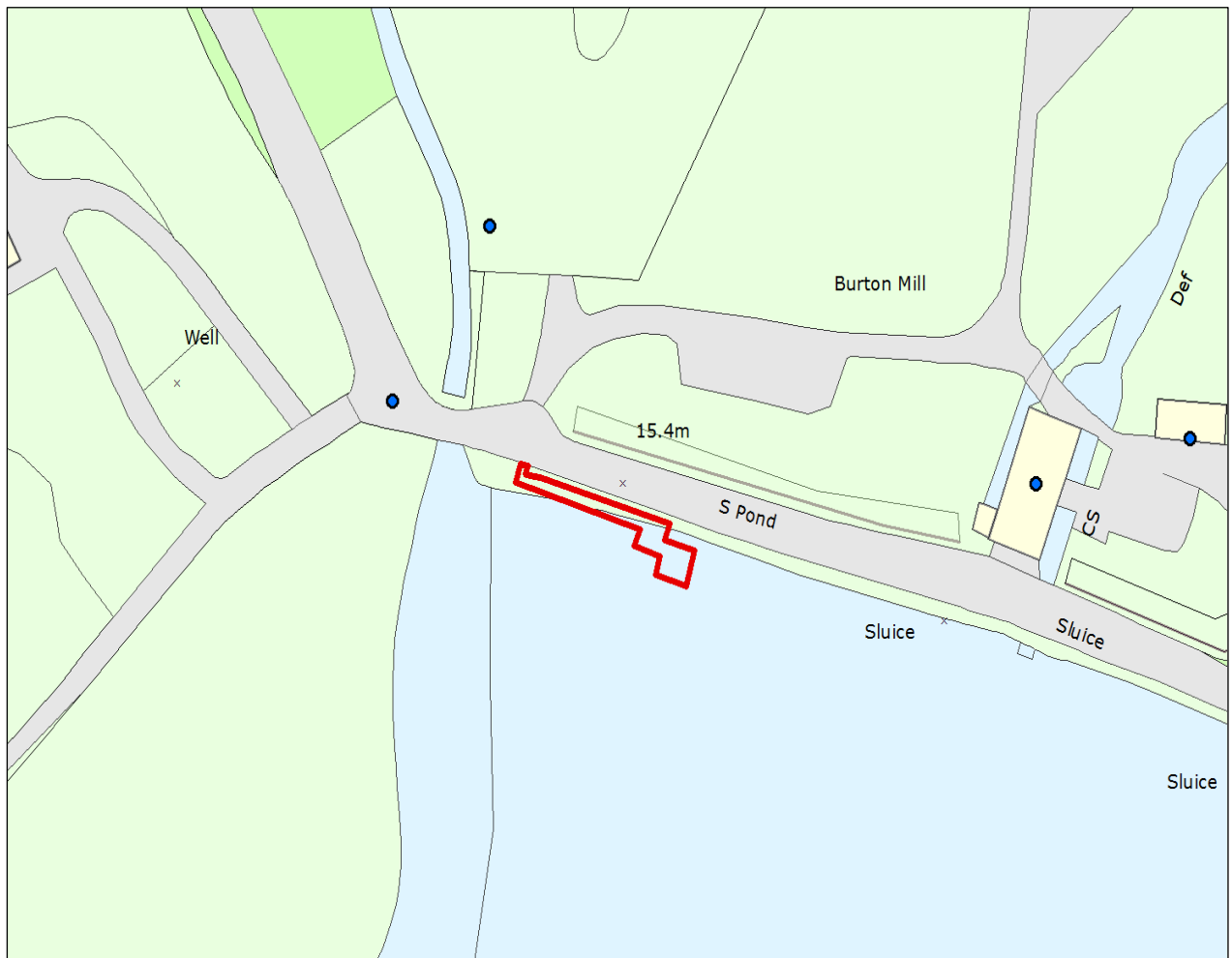
The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact Natural England for further information (tel: 0845 601 4523).

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Case Officer Details  
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## Appendix 1

### Site Location Map



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