

PLANNING APPLICATION REPORT

REF NO: LU/263/22/RES

LOCATION: Land west of Holly Drive
Littlehampton

PROPOSAL: Approval of reserved matters following LU/47/11 for the Southern allotments and access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to provide allotments (36 in no.) as part of the overall masterplan agreed for the North Littlehampton development of 1250 homes, plus a range of community facilities, retail and employment space.
	The location is adjacent to the eastern side of the southern section of the 'Lyminster Bypass'. A substantial area of allotments already exists on the western site and is operated by the Town Council. The intention is that they would operate these new allotments.
TOPOGRAPHY	Predominantly flat.
TREES	The submitted plans and reports show that none of any significance affected by the proposed development. See conclusions section.
BOUNDARY TREATMENT	The submitted plans show metal weldmesh fencing 1.8m high around the perimeter.
SITE CHARACTERISTICS	The site is currently an area of vacant ground located between the southern section of the Lyminster Bypass (to the west) and residential properties to east and south. The railway line lies to the north.

RELEVANT SITE HISTORY

LU/47/11/	Outline application with some matters reserved for mixed use development comprising: demolition of existing buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan), up to 13,000 sqm of B1 employment floorspace (including 3,000 sqm Enterprise Centre), up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a new 2 Form Entry primary school, community centre, youth and leisure facilities, combined heat & power plant, extension to existing household recycling centre, landscaping, replacement and additional allotments, multi-functional green infrastructure including sports	App Cond with S106 23-01-13
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pitches (& associated changing facilities), informal open space, children's play areas, primary vehicular access from a new access from the A259 bridging over the railway line with additional access from Mill Lane & Toddington Lane. This application is the subject of an Environmental Impact Assessment & a departure from the development plan. This application affects a public right of way.

The section 106 for the original permission (as amended) requires that a programme for the layout and serving of the allotments to ensure the completion of the works by the anticipated occupation of the 1000th dwelling. The site currently has been 400 and 450 occupations. An access easement is allowed for WSCC to maintain the adjoining road.

REPRESENTATIONS

Littlehampton Town Council - Supports proposals.

Nearly 20 letters of Representations from separate individuals - Key points raised:

- Proposals will bring additional and ongoing disturbance.
- Parking will take place on verges in Holly Drive because level of onsite parking is inadequate.
- Access should come off of new road.
- More development will make it more difficult for vehicles to pass on Holy Drive.
- Application doesn't state who will manage the allotments.
- Lack of Road Safety Audit.
- Lack of details of gate designs.
- Lack of drainage details.
- Loss of trees and habitat.

COMMENTS ON REPRESENTATIONS RECEIVED:

The key considerations are addressed in the conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecology - No objection subject to securing biodiversity mitigation and enhancement measures.

Parks & Greenspace - Further details required relating to the landscaping.

WSCC Highways - Further information requested.

COMMENTS ON CONSULTATION RESPONSES:

Further details have been requested from the applicant to address the highways and landscaping points.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
OSRSP1	OSR SP1 Allotments
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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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 (in this case the Littlehampton Neighbourhood Plan). The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

There are no relevant policies in the Littlehampton 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."

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.

The proposals accord with the development plan in that the details are acceptable without significant harm to the character or amenities of the area.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan as set out in the report.

CONCLUSIONS

This is an application for reserved matters details. The original outline planning application (LU/47/11/) granted outline permission for allotments in this location and the agreed indicative masterplan showed vehicular access from Holly Drive. This application relates only to landscaping, access and layout.

The key considerations are as follows:

Impact upon residents

Impact on trees

Impact of proposed access

Impact upon Ecology

Other Matters

The main policy consideration is policy OSR SP1 of the Local Plan. This policy is generally supportive of the creation of new allotments subject to a number of criteria be satisfied. It is considered that these criteria are satisfied in that the site is located within the urban area; is reasonably flat and not subject to flooding, a water supply is available; parking and cycling facilities have been provided; the site has natural surveillance from both the new road but also surrounding residential properties and finally is provided with secure boundaries. There are also areas of wheelchair accessible ground level raised beds.

Further, the site was identified for additional allotments through LU/47/11 over 10 years ago and the use of the site for this purpose is in accordance with the policies in the Local Plan.

Impact upon residents

The introduction of the new access between the properties fronting Holly Drive will introduce a degree of added noise and disturbance from persons or vehicles entering and leaving the site but this is not considered to be so excessive as to warrant the rejection of this proposal. The indicative masterplan approved under permission LU/47/11 showed access to the allotments being from Holly Drive and this application is entirely consistent with this plan. As a consequence no policy objection is considered to arise.

In terms of the proposed use the location of allotments adjacent to residential properties is not considered to be unacceptable in principle. However, it is important that the site has clear security fencing. The submitted plans show metal weldmesh fencing 1.8m high around the perimeter of the site and this is considered acceptable.

Impact upon trees

There are number of small low-quality trees which will be removed or pruned as part of the proposals. Given their limited value this action is considered acceptable. As a consequence no policy objection is considered to arise.

The submitted landscape is acceptable to officers. Some further clarification has been sought in respect of specimens and numbers and these details will be submitted prior to the Committee. These details will add to what has been submitted.

Impact of proposed access

The intention is that the site would be accessed via an area of land left between the properties 'Holly end'

and 'The Laurels' which front Holly Drive to the east of the site. Holly Drive serves about 40 dwellings and has a carriageway width of 4.9m and a 30 mph speed limit. Ten parking spaces (including 2 wheelchair spaces) and 5 cycle stands are proposed. Additional parking spaces have been sought in lieu of a slightly smaller adjacent allotment plot in order to mitigate the concerns of residents further. The access itself would be a shared arrangement to include pedestrians accessing the allotments. Visibility splays at the junction with Holly Drive is within the required dimensions. An access easement is allowed for WSCC to maintain the adjoining road.

An updated response from WSCC is anticipated. However, in the absence of information to the contrary this proposal is not considered to give rise to any significant highway issues and therefore no policy objection is raised.

Ecology

An ecological survey was provided with the application which identified the presence of a fox den This will need to be closed in accordance with appropriate best practice. The Councils Ecology Adviser has raised no objection to the proposed ecology mitigation strategy and biodiversity enhancement.

Other Matters

Since it has been decided that it is not practical or desirable to have a pedestrian bridge at the Toddington Crossing when it is closed the question has arisen whether there should be another pedestrian route between the areas south and north of the railway line. One suggestion has been to bring a pedestrian link off of the new road through the parking area of the allotments to join Holly Drive. This would be shorter than the current alternative of accessing the residential area south of the railway via a pedestrian walkway off of the A259.

Whilst it is currently not part of this application the issue arises as to whether the applicants should be asked to modify the application to facilitate such a link because if it doesn't form part of this proposal it is unlikely to be delivered as a separate proposal.

It would certainly improve the connectivity of the existing residential area (to the south of the railway) with the new school, community facilities, retail and employment areas to be delivered in the North Littlehampton development. However, it is also likely to result in further objections from local residents in Holly Drive and the Town Council has expressed its opposition in other forums to such a proposal. The alternative option is a longer walk but not substantially so and so on balance it considered that the additional link to the new road should not be sought.

For residents living to the north of the railway line a pedestrian/cycle route through the allotments is not so important as there are less amenities and facilities to the South and East of the railway and New Road that residents would need to access.

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 makes provision for those with disabilities.

The proposal would have a positive impact on the relevant protected characteristics.

CIL DETAILS

This application is not CIL Liable

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans CSA/5111/100/REV D, 21207-2 and 21207-1B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the policies of the Arun Local Plan.

- 2 No allotment be first brought into use until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing no. CSA/5111/100/REV D.

Reason: In the interests of road safety and in accordance with policies OSR SP1, T DM1 & T SP1 of the Arun Local Plan.

- 3 No allotment be first brought into use until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policies OSR SP1, T DM1 & T SP1 of the Arun Local Plan.

- 4 **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.

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 directly by clicking on this link.

LU/263/22/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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