

REPORT UPDATE

Application No: LU/136/19/PL

Reason for the Update / Changes

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Additional drainage details have been submitted.

Environment Agency have provided a consultation response:

They have no objections. The proposed development does sit within an area at high risk of flooding, however the proposal is classified as water-compatible development, as outdoor sports and recreation facilities. The applicant has also provided a new drainage design to offset the increased hard surfaced area which has been agreed by the drainage engineer.

The Drainage Engineer is satisfied with the additional information and condition 4 has now been amended to refer to implementation in accordance with the approved details.

Substitute and additional lighting details have been submitted which relocate the 2 lighting columns from the east side of the skate park to the west side. Conditions 2 and 3 have been altered to refer to the later plan drawings.

The changes to recommendation, conditions are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: LU/136/19/PL

LOCATION: Littlehampton Skate Park
Sea Road
Littlehampton
BN16 2NA

PROPOSAL: Application under Regulation 3 of the Town & Country Planning (General Regulations) 1992 for new concrete skate park with 4 No. floodlighting & new parkour training facility. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is an application submitted by Arun District Council for the provision of additional equipment within the area of the skatepark.

This would include a new skate park 1.8m in height, 41m in length and 8m wide and a training facility structure (framed exercise apparatus) 10m x 8m in area with a maximum height of 2.8m.

A set of 4 flood lights would be located on 3 sides of the skate park and would be 8m high. One at each end and two on the southern side.

SITE AREA

2700 sq. metres.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Low walling approximately 0.5m high to road frontage. Hedging to west approximately 1m in height and to rear approximately 2m high. To the east some bush planting approximately 1m high.

SITE CHARACTERISTICS

The site is located in front of the pumping station and already includes a skate board ramp which has a tarmac base with a range of metal ramps and steel handrails. The area surrounding the existing equipment is grassed with pathways linking the equipment to the pavement on Sea Road.

CHARACTER OF LOCALITY

A seafront location adjacent to the entrance to the new swimming centre. A golf course is located to the north and west.

RELEVANT SITE HISTORY

LU/264/96

Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for skateboard mid spine ramp

Approve Conditionally
08-01-97

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council.
Awaited.

2 Support:

- Would love to see the skate park developed into a modern facility.
- This facility would benefit young people by providing a place to practice improving physical health as well as social and mental wellbeing.
- Skate parks can create a positive and supportive community user group.
- These facilities develop spatial awareness.

3 Objections:

- The proposed extension and floodlights are not in keeping with the location close to a quiet residential

area.

- Anti social activities by skateboard users.
- There will be conflict with the railway just the other side of the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

The railway and crossing area is outside of the application site and cannot be controlled as part of this proposal.

With the imposition of suitable conditions lighting could be controlled adequately to prevent adverse nuisance to neighbouring dwellings which are in excess of 100m from the site. Given these distances noise levels are not considered to result in material harm.

CONSULTATIONS

Parks and Landscapes

Environmental Health

Estates Manager

Sport England South East

Southern Water Planning

Economic Regeneration

Engineering Services Manager

Engineers (Coastal Protection)

Engineers (Drainage)

Environment Agency

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection. Informative requested.

Sport England - No Objection. Advice provided.

Environment Agency - Awaited.

Environmental Health - No Objection subject to imposition of conditions relating to noise, external lighting, a construction management plan and hours of construction.

County Highways - Awaited.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

It would not be appropriate to control details of the construction given the distance of the site from adjacent residential properties. Also given that there is a long established skate park and the considerable distance away from the nearest residential properties it is not necessary or reasonable to impose the conditions concerning the control of noise suggested by Environmental Health.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Flood Zone 3

DEVELOPMENT PLAN POLICESArun Local Plan 2011 - 2031:

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
CSP1	C SP1 Countryside
WDM2	W DM2 Flood Risk
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment

Littlehampton Neighbourhood Plan 2014 Policy 1 The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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. Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The Littlehampton Neighbourhood Plan has been made and policies 1 Presumption in Favour of Sustainable Development and 2 A Spatial Plan for the Town are considered to be relevant to the determination 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 the expansion of an existing skate part is in compliance with local plan policy to protect community facilities in the District without having an unacceptable impact on the visual amenities of the locality or the residential amenities of nearby properties.

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

PRINCIPLE

The proposed development is situated outside the built up area boundary as defined in policy SD SP2 of the Arun Local Plan. It therefore falls to be considered as countryside and against policy C SP1 of the Local Plan. Part (f) of this policy allows for development that accords with policies in the Plan which refer to a specific use or type of development. The proposal would enhance an existing outdoor community sports facility in accordance with policy OSR DM1 of the Local Plan and is therefore also compliant with policy C SP1.

In this case the other key policy considerations are deemed to be D DM1, QE DM1, QE DM2, QE SP1 and D SP1 of Arun Local Plan which cover such issues as visual amenity/character and residential amenity.

Policy OSR DM1 of the Arun Local Plan relates to open space, sport and recreation. The policy states that existing open space, outdoor and indoor sport, community, arts and cultural facilities should not be built on or redeveloped unless the development is for an alternative open space, sports, community and the needs outweigh the loss.

Policy HWB SP1 of the Arun Local Plan relates to The promotion of healthy communities and reducing health inequalities.

Policy 1 of the Littlehampton Neighbourhood Plan (LNP) supports development that is in accordance with policies of the LNP and other development plan policies. Policy 2 promotes community facilities that are provided within the built up area of Littlehampton. Whilst the proposal is located outside the built up area boundary as defined in the Neighbourhood Plan and contrary to Policy 2 the proposal is acceptable in this regard given that it is an expansion of an existing facility and is in accordance with the policies of the Arun Local Plan.

Further, the National Planning Policy Framework (NPPF) generally seeks to promote the effective use of all land (para 117) and seeks to promote healthy and safe communities and improve opportunities for sport and physical activity (paras 91 and 96). Whilst outside of the defined BUAB, the site is in a sustainable location.

CHARACTER AND VISUAL AMENITY

The application seeks permission for additional equipment to an existing skate park.

The site is enclosed by hedging to the west and the existing pumping station to the north. It is not considered that the structures would be visually prominent given their position, dimensions and boundary screening. Therefore, given the size and design of the proposal it is considered to be in accordance with policy D DM1 of the Arun Local Plan.

The aims of Policy C SP1 is to preserve the character and beauty of the countryside and to manage the urban/rural fringe. The proposal would not result in demonstrable harm to the character of the area.

The application site is adjoined to the south by the road adjacent to the seafront, north by the pumping station, east by the entrance to the swimming centre and west by the golf course. Therefore none of the sites boundaries are in open countryside use and the application site is bounded by built form and recreational uses. The additional structures would not significantly alter the appearance of the area.

The new swimming centre bounds the site to the east, and as a recreational use the proposed structures would not only complement and improve the existing facilities on the site but they would also be in accordance with the use of the adjacent site.

RESIDENTIAL AMENITY

The proposal will be located approximately 110m from properties in Reef Close to the north west, and 120m to 130m from those in Humber Close and Fairway to the north.

The proposal would not be likely to cause an unacceptable adverse impact given the area is already used as a skate ramp area and is more than 100m from the nearest residential properties. Notwithstanding, the Environmental Health officer has suggested the imposition of a condition to monitor and control noise levels and this is included in the recommendation. The development is therefore considered to accord with policies D DM1 and Q SP1 of Arun Local Plan.

The proposal includes floodlighting around the new skate park facility. These floodlights would be 8m high and would be positioned to illuminate the ramped area. Light spill can be controlled from the units and it is suggested that the hours of operation are restricted by condition to ensure there is no adverse impact on the character of the area or residential amenity. 9pm is considered a reasonable switching off time. This would reduce activity levels beyond this time in the winter. With these measures in place the proposal would accord with policy QE DM2 of the Arun Local Plan.

OPEN SPACE AND WELLBEING

Policy OSR DM1 of the Arun Local Plan relates to open space, sport and recreation. The policy states that existing open space, outdoor and indoor sport, community, arts and cultural facilities will be protected.

The proposal for additional outdoor facilities not only protects an existing facility but enhances it in accordance with the aims of policy OSR DM1 of the Arun local Plan.

Policy HWB SP1 of Arun Local Plan requires all development to be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. Where new health, recreation and leisure facilities are planned, where possible, these shall be located along public transport corridors that are easily accessible to members of the wider community. The proposal would be close to bus stops and meet these requirements by improving the range of equipment offered at the site and increasing the opportunities for recreation to a wider community.

Littlehampton Neighbourhood Plan Policy 16 Open Spaces states that existing facilities should not be lost to alternative uses except in very special circumstances. In this case the proposal would not be in

conflict with this policy.

The NPPF para. 91 (c) states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles through the provision of sports facilities and layouts that encourage walking and cycling. Paragraph 96 refers to access to high quality open spaces and opportunities for sport and physical activity being important for the health and well being of communities. This proposal would meet these objectives.

FLOODING CONSIDERATIONS

The application site is within an area of high flood risk, Flood Zone 3a and includes a Flood Risk Assessment (FRA). The proposed infrastructure is defined as 'water compatible development', falling under the 'outdoor sports and recreation' vulnerability classification. The development is therefore exempt from the Exception Test.

As the proposed skate park is located in Flood Zone 3 it is necessary to apply a sequential test to determine whether the development is located on the most appropriate site. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. In this particular case other locations were excluded from development because it was considered this was the most appropriate location within an existing skate ramp. By maintaining the existing site as Littlehampton's 'destination' skate park the facility meets Arun Local Plan Policy HWB SP1.

The impermeable area of the site is increased with the installation of the skate park. However, according to the details submitted, the new drainage design will ensure that the risk of flooding is acceptable. Details of surface water drainage are to be conditioned to ensure that the risk of flooding is satisfactorily addressed prior to works commencing on the site.

Policy W DM2 of Arun Local Plan requires development in areas at risk from flooding to only be permitted where certain criteria are met. These include meeting the sequential test, submission of a satisfactory FRA, identification of the sustainability to the wider community and mitigation and adaptation, appropriate flood warning and evacuation plans, and new site drainage systems designed to take account of events which exceed the normal design standard. The development must take account of relevant surface water management plans. The proposal accords with this policy.

Comments from the Environment Agency have been sought and are being further requested so that Members can be advised on any flooding issues raised by the EA when they meet to consider this application.

HIGHWAY AND TRANSPORT

The site is sustainably located along a public transport corridor that is easily accessible to members of the wider community. The proposal would be close to bus stops and there is layby parking on both sides of Sea Road where children could be dropped off and collected by car. It is also easily accessible by the network of public footpaths in the area. The proposal would therefore accord with policies TSP1 and DDM1(10) of the Local Plan.

SUMMARY

Overall, taking into account that the equipment is sited on an existing facility and will cause no significant detrimental impact on the character of the area or residential amenity, it is deemed to be in accordance with policies CSP1, WDM2, D DM1, TSP1, HWB SP1, OSRDM1 and QEDM1 of the Arun Local Plan. It is recommended that planning permission is approved 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.WDM

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:

Location Plan
Site/Block Plan dated 10-07-2019
Concept 5 Dimensions
Concept 5 Sections
Parkour Training Facility NSP119
Elevations of Tubular Post Top Column Lighting 28350-1
General Arrangement Plan - Rev 2

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 The Flood Lighting hereby approved shall be installed and maintained in accordance with the substitute Lighting Details Littlehampton Skate Park Option 5 document received on 09-07-2019 . The approved lighting shall be switched off between 2100 and 0700 hours.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

- 4 The development shall proceed in accordance with the approved details indicated on the Surface Water Drainage Plan - Rev Drainage Plan 3. The details approved shall be permanently retained.

Reason: To prevent flooding by ensuring the satisfactory storage of disposal of surface water from the site in accordance with policies W DM2 and WDM3 of the Arun Local Plan.

- 5 INFORMATIVE: Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

- 6 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.

- 7 INFORMATIVE: The applicant is advised that the Council considers that the erection of a 2m high fence on the western boundary to be highly desirable for the purpose of containing activity within the application site and preventing access to the railway line. Further, the Council's Wellbeing team should be contacted to discuss how potential anti-social behaviour might be managed.