

Recommendation Report for Planning Permission

REF NO: LU/162/14/PL

LOCATION: Watch Tower
Ferry Road
Littlehampton

PROPOSAL: Replacement access for the watch tower

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to the provision of a replacement steel staircase and walkway to the existing watchtower. The staircase would be spiral with open grid pattern treads, handrails, balusters and intermediate handrail coloured light grey which would be supported by steelwork matching in colour. The base of the staircase would be within a security cage measuring 2.1m squared with a height of 2.4m. The maximum height of the structure would be 6.6m. The hand rail has a height of 1.1m.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Existing railings at entrance to bridge are approximately 1m high.

SITE CHARACTERISTICS

The existing watch tower has a blue support and a grey cylindrical shaped (cat ladder) access staircase to the west.

CHARACTER OF LOCALITY

The site lies adjacent to the river in an area that is rural in character to the west, with commercial units to the south, residential properties to the east on the opposite side of the river and the marina to the north.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection

Comments on Representations received:

Noted

CONSULTATIONS

Estates Manager

Environment Agency

Economic Regeneration

Engineering Services Manager

Engineers (Fluvial Flooding)

Engineers (Coastal Protection)

Southern Water Planning

Consultations responses received:

Engineers - No Comment

Environment Agency - No Objections

Southern Water - No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Abutts River Arun

Southern Water Authority Interest

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN3](#)
[GEN7](#)
[AREA8](#)
[SITE9](#)
[SITE10](#)

Built-up Area Boundary
Protection of the Countryside
The Form of New Development
Littlehampton Harbour Strategy
West Bank, river Arun: Marina
West Bank, river Arun, boat Building and
Repair Area

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

D SP1 Design
SD SP2 Built -Up Area Boundary
D DM1 Aspects of Form and Quality

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 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

PRINCIPLE

The site lies outside the built up area boundary where development is strictly controlled. However, the structure would replace an existing access staircase so the principle of development is already established and the proposal is therefore acceptable subject to appropriate design. It is an essential requirement in this location so as to provide safe access to the existing watch tower which facilitates and assists observation and navigation along the river.

DESIGN AND VISUAL AMENITY CONSIDERATIONS

Whilst the staircase and walkway would be larger and more visually prominent than the existing structure they would allow views through them given their open grid appearance. The proposed light grey colour would also assist assimilation of the structure into the sky line. The safety issues arising from the more limited proportions of the existing access will be addressed in this proposal which provides easier and safer access.

COMPLIANCE WITH OTHER POLICY DESIGNATIONS

The site lies in policy AREA8 and adjacent to SITE9 and SITE10 of Arun District Local Plan. These policies seek to ensure that development in this area accords with development of the harbour and marina and boat building activities. The proposal would accord with these policies.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

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(the right to respect for 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 neutral 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).

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 26230 2 revP1, 3 and 4.

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 No development shall be carried out unless and until precise details of the colour of the staircase and walkway have been submitted to and approved by the Local Planning Authority and the colour so approved shall be used in the construction of the structure.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.