

**Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions
Under a Previously Approved Permission**

REF NO: LU/199/25/S73

LOCATION: Skate Park Sea Road
Littlehampton
BN16 2NA

PROPOSAL: Variation of condition following the approval of LU/136/19/PL relating to condition 3
- approved lighting schedule.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks a variation of condition following approval of LU/136/19/PL relating to condition 3. The condition states that lighting must be turned off between 21:00 and 07:00, and this application seeks to amend these hours to between 22:00 and 07:00.
SITE CHARACTERISTICS	The site is a skate park with 4 No. floodlights.
CHARACTER OF LOCALITY	The site is adjacent to an area of public open space to the west and is located close to the seafront. Littlehampton Wave leisure centre and associated parking are located to the north and west.

RELEVANT SITE HISTORY

LU/254/19/NMA	Non-material amendment following the grant of reference LU/136/19/PL to revise the design of the parkour training facility.	ApproveConditionally 30-09-19
LU/136/19/PL	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.	ApproveConditionally 10-07-19

Planning history noted.

REPRESENTATIONS

Littlehampton Town Council - No objection.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QEDM2	QE DM2 Light pollution

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.

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 complies with relevant Development Plan policies in that the change in the hours of illumination of the floodlights would not result in unacceptable light pollution, and would not harmfully impact visual amenity or the amenity of neighbouring occupiers.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

LU/136/19/PL was approved on 10 July 2019 and granted permission for a skate park and parkour training facility. The application also granted permission for 4 No. floodlights. A condition was attached requiring the floodlights to be installed in accordance with an approved plan, and requiring the floodlights be turned off between the hours of 21:00 and 07:00. This application seeks to extend the hours that the floodlights can be used by an additional hour, meaning that the floodlights would need to be turned off between 22:00 and 07:00.

SUMMARY

The floodlights are on each of the four sides of the skate park, and face in towards the skate park. The alteration to the hours of illumination has been requested so that they align with the opening hours of the nearby leisure centre. Whilst the floodlights would be visible from nearby properties, there are no residential properties within close proximity of the site (the nearest dwelling is 150m away in Reef Close) which are adversely impacted by light spill from the flood lights, and the extension of the hours of illumination by an additional hour would not harm residential amenity. As the nearby leisure centre is open until 22:00, and street lights would be on at this time there would be other lighting in use within the vicinity until this time.

The extension of the hours of use of the floodlights would not demonstrably harm the character of the area or residential amenity, and is acceptable in accordance with Arun Local Plan policies QE DM2 and D DM1.

OTHER MATTERS

As this is a Section 73 application, any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity, conditions imposed on earlier permissions that continue to have effect should be reimposed.

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

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 CIL liable.

RECOMMENDATION**APPROVE CONDITIONALLY**

- 1 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.

- 2 The Flood Lighting hereby approved shall be 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 2200 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.

- 3 Provision for surface water drainage shall be permanently retained in accordance with the approved details indicated on the Surface Water Drainage Plan - Rev Drainage Plan 3.

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.

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.