

## REPORT UPDATE

Application No: LU/203/15/PL

### Reason for the Update / Changes

Reason for Update/Changes:-

Objections allege that there will be late night noise from walking on gravel lanes and that there is lack of illumination.

Officers Comment:-

Application reference LU/398/14/DOC agreed that concrete paving be used for all access points and pedestrian lanes. There will therefore be no noise from their use and will be fit for wheelchair/pushchair use.

Approval LU/517/04 comprises plans proposing the location of lamppost throughout the development for illumination purposes.

**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.**

**LU/203/15/PL**

### Recommendation Report for Planning Permission

**REF NO:** LU/203/15/PL

**LOCATION:** Littlehampton Market  
26 Surrey Street  
Littlehampton

**PROPOSAL:** Application for removal of condition 7 imposed under Appeal APP/C3810/A/09/2112099 (LU/517/04) relating to provision of security gates

### **SITE AND SURROUNDINGS**

#### DESCRIPTION OF APPLICATION

The proposal relates to the omission of the vehicle gates on the Terminus Terrace/High Street to allow easier access for refuse and emergency vehicles and removal of access gates from River Road and Surrey Street which restricted evening access to residents only.

Condition 7 of planning permission LU/203/15/PL stated ' No development shall take place until precise details of the design, future management and maintenance of the lockable security gates which shall be provided at the site's 3 ingress points has been submitted to and approved by the Local Planning Authority. The gates shall then be

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erected in accordance with agreed details prior to the occupation of the first unit ... and shall thereafter be retained and managed and maintained as approved. The approved management scheme shall ensure that the gates are only closed during the hours of darkness.'

|                                       |                                                                                                               |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------|
| SITE AREA                             | N/A                                                                                                           |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A                                                                                                           |
| TOPOGRAPHY                            | Predominantly flat.                                                                                           |
| TREES                                 | None of any significance affected by the proposed development.                                                |
| BOUNDARY TREATMENT                    | N/A                                                                                                           |
| SITE CHARACTERISTICS                  | The residential and retail development of the site comprising 48 flats and 4 dwellings is nearing completion. |
| CHARACTER OF LOCALITY                 | Town Centre location. Retail and commercial to east. Residential to west                                      |

#### RELEVANT SITE HISTORY

|               |                                                                                                                                                                                                                                                                                                |                                                                                                  |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| LU/517/04/    | Mixed use development with part retail use to ground floor and 24 No. one bedroom flats, 18 No. two bedroom flats, 6 No. three bedroom flats to part of the ground/upper floors and 3 No. two bed houses and 1 No. three bedroom house with public and private hard and soft landscaped areas. | Refused<br>20-05-2009<br><i>Appealed</i><br><b>Appeal:<br/>Allowed+Conditions<br/>11 03 2010</b> |
| LU/14/14/DOC  | Application for approval of details reserved by condition 14 imposed under LU/517/04/ - drainage details.                                                                                                                                                                                      | DOC Approved<br>21-03-2014                                                                       |
| LU/278/14/NMA | Application for a non-material amendment following a grant of planning permission LU/517/04/ for the revisions to plans & elevations to meet current building regulations & addition of pump set housing.                                                                                      | Approve<br>16-09-2014                                                                            |
| LU/368/14/NMA | Application for a Non-Material Amendment following a grant of planning permission LU/517/04 for revisions to block A elevations to show change of materials to elevation.                                                                                                                      | Approve<br>22-12-2014                                                                            |
| LU/398/14/DOC | Application for approval of matters reserved by condition imposed under LU/517/04                                                                                                                                                                                                              | DOC Part Approved                                                                                |

|               |                                                                                                                                                                                                                                      |                                 |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
|               | relating to condition No. 4B : Hard Landscaping.                                                                                                                                                                                     | 12-02-2015                      |
| LU/384/14/PL  | Application for the variation of condition 7 of previously approved planning consent LU/517/04 relating to omitting the gates from Terminus Terrace/High Street & restrict access from River Road & Surrey Street to residents only. | Refused<br>13-03-2015           |
| LU/202/15/DOC | Application for approval of matters reserved by conditions imposed under Appeal decision APP/C3810/A/09/2112099 (LU/517/04) relating to condition 13 - Remediation scheme                                                            | DOC Part Approved<br>10-07-2015 |

## REPRESENTATIONS

### Representations received:

Littlehampton Town Council

Objection - No objection to the proposed change to the vehicular access at Terminus Terrace/ High Street, serious concerns were expressed about the proposal to remove the pedestrian gates at Surrey Street and River Road. Noting that the gates had been imposed as a condition by the Inspector to control access and as a security measure, the removal of the gates at these points would allow unfettered access that would compromise the safety and security of those living in the area.

3 letters of objection - Concern that if the gates are removed the development will be used by people as a short cut to the station and shops and not just an access to the new dwellings. Concern regarding noise from people walking on gravel using the access late at night. Peaceful enjoyment of property will be adversely affected. It is essential that access is restricted in the interests of amenity and safety.

Prior to purchasing property studied information regarding adjacent development and spoke to sit manager to discuss public access. The detailed plans included a timed security coded gate opening at 8am and closing at 8pm for access strictly to residents only which provided peace of mind and purchase of the property took place. Landscaping in the development has yet to be implemented and a shed on the site was not on the detailed plans. If this application is approved unrestricted traffic would be made to the site through the night posing real security issues to neighbours. The lane is gravel surfaced and noisy and is not suitable for wheelchairs or pushchairs and has no illumination. Would adversely affect recently restored listed building.

### Comments on Representations received:

This is a town centre location where access through the site by the public would have been available during the day even if the gates were provided. They would have only been locked at night, so the public could have already accessed the site during the day to walk to the shops and the station. The number of people cutting through the site at night is unlikely to be significant.

With surveillance by new residents there is no reason to assume that crime levels would be any higher as a result of the public passing through the area than on any other residential estate. This town centre location would be adversely affected from the ghettoization of the site after darkness hours.

An integral aspect of design, as stipulated in the emerging local plan, is the permeability of a site where there are well connected routes and spaces that link with the wider area. The gating of these routes would not achieve this aim.

If the gravelled access is unsuitable for use by wheelchairs and pushchairs this would reduce the level of useage. The unrestricted access through the site does not adversely impact on the appearance or character of the listed building or its setting.

## CONSULTATIONS

WSCC Strategic Planning

### Consultations responses received:

County Highways - No Objection

### Comments on Consultation responses:

- comments noted

## POLICY CONTEXT

Designation applicable to site:

Abutts Conservation Area

Class A road

## DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN7  
AREA2

The Form of New Development  
Conservation Areas

Publication Version of the Local  
Plan (October 2014):

D SP1 Design  
D DM1 Aspects of Form and Design  
Quality  
HER DM3 Conservation Areas  
HER SP1 The Historic Environment

## PLANNING POLICY GUIDANCE

NPPF  
NPPG

National Planning Policy Framework  
National Planning Practice Guidance

## POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

### **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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. There are no specific policies in Littlehampton Neighbourhood Plan relating to this type of development or this area of the town.

### **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 residential amenities of the adjoining properties, nor would it have an adverse impact upon 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**

#### **BACKGROUND**

The proposed application is 2 fold it seeks consent to remove the approved vehicular entrance gates from Terminus Terrace/High Street to improve vehicular access and to allow this to be the main entrance to the site for residents after dark. The other part of the application relates to the removal of pedestrian access gates access from River Road and Surrey Street and the restriction to residents only at night. Access would be gained by key pad.

#### **SITE HISTORY**

An earlier application LU/384/14/PL 'Application for the variation of condition 7 of previously

approved planning consent LU/517/04 relating to omitting the gates from Terminus Terrace/High Street & restrict access from River Road & Surrey Street to residents only' was refused for 2 reasons:

1)The proposed closure of public access to the site from River Road and Surrey Street would result in a development that is not fully integrated with its surroundings and is out of keeping with the character of the area and the original concept of the development. The exclusion of the public would result in development which reduces the opportunity for public enjoyment of landscaped areas within the development and would be detrimental to the character of the locality in conflict with policy GEN7 of the Arun District Local Plan and policies DMM1 and DSP1 of the Emerging Local Plan.

2)The site adjoins an area designated as a Conservation Area under Section 69, 70 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposed permanent closure of the pedestrian entrance gates would represent a physical and visual barrier, in conflict with the Local Planning Authority's intention to preserve and enhance the visual amenities and environment of such areas and improve public access to the area, contrary to policies GEN7 and AREA2 of the Arun District Local Plan, the NPPF and policies HER DM3 and HER SP1 of the Emerging Local Plan.

This application has been submitted to allow compliance with the condition to be progressed.

#### **VISUAL AMENITY AND IMPACT ON THE CONSERVATION AREA**

The deletion of gates from High Street entrance to the site would improve the visual amenities of the locality, by opening up the entrance to the site. In addition, access into the site would be easier and improved for larger vehicles.

It is considered that providing a physical barrier to the public and preventing easy access through the site by the public from River Road and High Street would restrict the legibility of the development and unacceptably restrict access through the site. The Council is encouraging access to the riverside area and this proposal to restrict public access through the development from High Street would be contrary to this aim and would not allow the development to be fully integrated into the surrounding development. One of the opportunities for enhancement in the River Road Conservation Area description refers to 'improve pedestrian access to the river and make pedestrian access from Terminus Road/Pier Road to the river more inviting'.

The installation of physical barriers would be contrary to this desire and the character of the area. The provision of gates, even if open during daylight hours would result in a formal and clearly defined visual barrier to this new development which would detract from the visual amenities of the locality and preclude the public access into and out of the estate and its environs, visually separating the development from the footpath network. This would be to the detriment of the character and setting of the adjacent Conservation Area.

There are no examples of development in close proximity to the site where pedestrian access is similarly restricted. The approved development includes public as well as private hard and soft landscaped areas and the opportunity for the public to utilise these public areas would be severely compromised by the restricted public access previously proposed. The approved landscaped area to the south of the site, close to the entrance from River Road, would not be easily accessible and would not be used or enjoyed by the public which would be contrary to the original concept of the approved development. The removal of the gated restrictions to access through the site are therefore supported.

**HIGHWAY SAFETY**

County Highways have no objection to the proposal and the application would result in easier access for emergency vehicles.

**CONCLUSION**

The application is recommended for approval.

**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 approved shall be carried out in accordance with the following approved plans TSP 458 A5-01 revision H and the approved elevation, floor, layout and roof plans the subject of LU/517/04.

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.

- 2 **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

**LU/203/15/PL**

planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.