

Recommendation Report for Planning Permission

REF NO: LU/177/17/DOC and LU/233/17/DOC

LOCATION: Littlehampton Swimming and Sports Centre, Sea Road, Littlehampton.

PROPOSAL: Application LU/177/17/DOC for approval of matters reserved by condition imposed under LU/314/16/PL relating to condition 3 – Landscaping, 4 – Habitat Mitigation Strategy, 6 - Foul and Surface Water sewerage disposal, 10 - Details of plant and equipment, 14 – Details of kitchen extract system and type of cooking to be undertaken and 15 External Lighting Scheme.
Application LU/233/17/DOC for approval of condition 5 relating to materials

DESCRIPTION OF APPLICATIONS

LU/177/17/DOC

The application seeks to discharge six conditions which were imposed upon LU/314/16/PL which sought permission for the redevelopment of Littlehampton Swimming Centre. The conditions are as follows:

(3)

No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

(4)

Habitat mitigation must be provided in accordance with section 4 of the Ecology Appraisal and section 5.3 and 5.4 of the Roost Assessment. More specifically this must include:

- compensation for loss of the mixed woodland and hedgerow through the planting of native trees, scrub and hedgerow and also enhancement to the existing woodland and creation of grassland. Although a landscaping strategy has been submitted, further details are required detailing how the loss of hedgerows and scrub has been mitigated and compensated for and to ensure no net loss in these habitats. The planting scheme should be in accordance with the recommendations in section 4.30 of the Ecology Appraisal.
- Should the existing buildings and/or trees remain on site for more than 18 months prior to the development commencing, then follow up surveys must be submitted to and approved by the Local Planning Authority prior to development commencing.

Reason: To safeguard the interests of wildlife and the ecology of the area, provide some connectivity for protected species and ensure that a habitat remains during and after development in accordance with policy GEN7 of the Arun District Local Plan.

(6)

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The details shall include a drainage strategy including the

proposed means of surface water disposal and a implementation timetable, which shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

(10)

Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the local planning authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed 30 dBA between 07.00 - 23.00 hours and 28 dBA between 23.00 - 07.00 hours, when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise sensitive premises.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

(14)

Full details of the kitchen extract system, including the type of cooking to be undertaken and any odour control systems to be installed, shall be submitted to and approved by the local planning authority before installation and commencement of use. The agreed extract system must be installed and maintained as agreed with the local planning authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN34.

(15)

Prior to the first use of the building a detailed scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in strict accordance with the approved details. The scheme shall be maintained and shall not be altered without the prior written approval of the Local Planning Authority. The floodlighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.

LU/233/17/DOC

The application seeks to discharge one condition which was imposed upon LU/314/16/PL which sought permission for the redevelopment of Littlehampton Swimming Centre. The condition is as follows:

(5)

No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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.

TOPOGRAPHY

Predominantly flat. The Swimming Centre itself is located at a lower level than Sea Road and the site of the existing sports dome is lower still.

TREES

Several mature trees within the northern part of the site are proposed to be felled.

BOUNDARY TREATMENT

Some boundaries are defined by post and rail fencing, others by hedging/trees of varying height.

SITE CHARACTERISTICS

The existing swimming centre currently occupies a prominent corner site, has a pitched roof and is single and 2 storey. Parking for cars and coaches is situated to the front of the Sports Dome and to the side of the existing Leisure Centre. The swimming centre is located at a higher land level than the Dome to the North. Ruby Gardens to the North comprises mature trees.

CHARACTER OF LOCALITY

The application site is used for leisure purposes and lies on the sea front on the edge of the built up area boundary. There are residential properties to the east, Mewsbrook Park to the North, leisure uses comprising a golf course and skatepark to the west.

RELEVANT SITE HISTORY

LU/522/04/ - ApproveConditionally – 16/02/2005 - Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for removal of existing ventilation plant and installation of new.

LU/323/09/ - ApproveConditionally – 03/03/2010 - Change of use of field from overflow car park to pedal go kart leisure facility. Facilities will include grass track surrounded by recycled tyres and 6m x 3m shipping container for storage of karts. Two flagpoles to display the Union flag.

LU/7/72/ - ApproveConditionally – 02/10/1972 – Erection of swimming pool with sports area restaurant and parking for 100 cars.

LU/366/81/ - ApproveConditionally – 15/07/1981 – Proposed swimming pool and sports complex

LU/604/83/ - Approve Conditionally – 01/02/1981 – Car park and picnic area

LU/232/86/ - ApproveConditionally – 09/07/1986 – Sports Hall

LU/147/17/DOC – Approved – 21/06/2017- Application for approval of matters reserved by condition imposed under LU/314/16/PL relating to condition 7-surface water drainage, 8-protection of public sewers & 20-level survey.

SUMMARY OF REPS RECEIVED

None. Discharge of Condition applications are not subject to public consultation.

OFFICERS COMMENTS ON REPS

None

SUMMARY OF CONSULTATIONS RESPONSES

Environmental Health – First Consultation
Condition 10

I refer to the acoustic report provided by Pace Consult, dated 31 May 2017. This report provides mitigation measures required to ensure that the plant and equipment installed will provide a suitable acoustic environment and prevent disturbance to residents living close by. However, the mitigation measures referred to give detail of specific acoustic attenuation required across a range of frequencies but lacks evidence of how this will actually be practically achieved on site i.e. there is lack of evidence provided on specific materials or acoustic systems that will be installed to achieve the required attenuation for different pieces of plant and equipment. The report also fails to confirm that the noise levels from all plant and machinery shall not exceed 30dBA between 07.00 -23.00 hours and 28dBA between 23.00 – 07.00 hours when measured according to BS 4142 at any adjoining or nearby noise sensitive premises.

As a result discharge of this condition 10 cannot be recommended based on the current information provided.

Condition 14

The information provided in the statement from Wilmott Dixon, dated 30 May 2017 indicates that only a very basic level of catering will be provided and as such the odour generation is likely to be minimal. As such I am satisfied with the proposals and this condition can be discharged.

Condition 15

With regard to the provision of external lighting I note that there is a schematic plan showing the layout of the external lighting (plan 186 Rev 1) and a reference to 'M & E' specifications which are not defined or provided. The external lighting must not cause nuisance to neighbouring residents but the plan does not provide sufficient information on the type or height of external lights and I am unable to establish if the scheme is suitable from the information provided. I would ask the applicants to provide further details in line with the Institute of Lighting professional guidance notes for the reduction of obtrusive light GN01:2011, Environmental Zone E2.

Second response awaited

Southern Water - Further to the applicant's request to provide comments regarding discharge of condition 6 relating to foul and surface water drainage for the above development site, Southern Water would recommend discharge of condition 6. An approval for connections to public sewers shall be obtained under Section 106 of the Water Industry Act.

As previously stated, the commencement of construction works is subject to diversion of public 300mm foul sewerage rising main to be carried out under Section 185 of the Water Industry Act, currently dealt under our ref. SWS.S185S.000034.

The Council's Building Control officers/technical staff and the Environment Agency should be consulted regarding the discharge condition relating to surface water disposal. Any changes to the terms of agreed Trade Effluent Discharge License should be agreed with Southern Water's Trade Effluent Inspectors.

Greenspace – First Response

Further to submission of DWG No 5312-LC-100 Landscape Masterplan, DWG No 5312-LC-401/405. It is recommended that some minor amendment is made and further detail is provided as follows:

- The tree species choice of Betula Pendula in close proximity to Sea Road and Hendon Avenue would be questionable in this full exposure location. Whilst Pinus radiata should be capable of establishing in such a marine exposed site, Betula may struggle in this location and would therefore have to recommend that this species choice is reconsidered.
- Amenity grassland proposed to include 'daisy lawns'. This specification may be unachievable and impractical in this high amenity area where close mown grass areas would be the norm. These areas are also those shown for 'natural screen planting' of native shrubs which would benefit from planting into cultivated and mulched planting beds rather than the amenity grassland proposed. The removal however of this species rich lawn would give a greater deficit and therefore also not off-set the loss of semi-improved grassland types both in terms of area and plant diversity.

- The Ecological review of Landscape Strategy states 'loss of mixed woodland is temporary and will be compensated through additional woodland planting along the east boundary of the site' It is unclear where this planting is; as planting to eastern boundary is not detailed?
 - There is an area identified on the layout plan as species rich grassland mix however this is not further detailed on the detail plans. Clarification would be sought regarding the specification of this.
 - The area to the rear of new proposals which could potentially be enhanced and improved upon are shown as 'lawn areas to be reinstated' these areas require further detail regarding pathway formation, reinstatement specification and detail of how this area will marry with the retained existing woodland scrub, shrub and hedgerow planting.
- We would require that the above points are considered and therefore would not recommend the discharge of condition 3 imposed under LU/314/16/PL until these are submitted and approved.

Second Consultation response awaited

Drainage Engineer – First Response

There is insufficient information in respect to the surface water drainage scheme, and the information provided has been superseded by later proposals. On that basis, the condition cannot be discharged at this time.

Second response awaited

Ecology Officer – First Response

We have not been provided with adequate information to be able to discharge condition 4. The condition states that information should be submitted detailing how the loss of hedgerow and scrub has been mitigation and compensated for. No information detailing a mitigation plan for the site has been submitted. The Ecological Review of Landscape Strategy only provides a list of losses and gains per ha for the site rather than going into detail regarding the actual mitigation.

We require that more information is being submitted detailing the mitigation.

Second response awaited

OFFICERS COMMENTS ON CONSULTATIONS

Comments noted, additional information sought by consultees is awaited.

POLICY CONTEXT

Designations applicable to site:

Class B road
Asset of Community Value
Existing Open Space

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 are material considerations in the determination of this planning application. The emerging Plan was

submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

Policy 11 of Littlehampton Neighbourhood Plan is considered relevant.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

GEN11	Inland Flooding
GEN12	Parking in New Development
GEN15	Cycling and Walking
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN25	Water Resources
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN32	Noise Pollution
GEN33	Light Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN10	Tidal Flooding and Coastal Defence
AREA5	Protection of Open Space

Publication Version of the
Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D SP1 Design
OSR DM1 Open Space, Sport and Recreation
QE DM1 Noise Pollution
QE DM2 Light Pollution
QE DM4 Contaminated Land
SD SP1 Sustainable Development
ECC SP1 Adapting to Climate Change

T SP1 Transport and Development
W DM1 Water Supply and Quality
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems
HWB SP1 Health & Wellbeing
ENV DM4 Protection of Trees
ENV DM5 Development and Biodiversity

Littlehampton Neighbourhood Plan
2014 Policy 11

Littlehampton Leisure Centre

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance

DEVELOPMENT PLAN 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 details submitted in respect of the conditions are considered acceptable in respect of conditions 14 and 6 but the other conditions are not considered to be dischargeable at this stage - further information/consultation responses have been sought prior to Committee and will be reported if available.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are significant material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

If further information/consultation responses are provided in time for Committee (a report update will be provided) and found to be acceptable it is recommended that they be approved. If this position has not yet been reached with regard to conditions 3, 4, 5, 10 and 15 it is recommended that the final decision be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Committee.

HUMAN RIGHTS

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.

EQUALITIES

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

That 2 of the conditions be discharged with the following decision notice wording:

Condition 06

This condition is discharged in so far as submission of details relates and refers to the Proposed Drainage Layout L1953/D10 rev E, Existing Drainage Layout showing drainage to be retained/removed L1953/D11 revA, Proposed Drainage Details L1963/D12 revA and Proposed Internal Foul Drainage Layout L1953/D13 rev A.

An approval for connections to public sewers shall be obtained under Section 106 of the Water Industry Act.

As previously stated, the commencement of construction works is subject to diversion of public 300mm foul sewerage rising main to be carried out under Section 185 of the Water Industry Act, currently dealt under our ref. SWS.S185S.000034.

Any changes to the terms of agreed Trade Effluent Discharge License should be agreed with Southern Water's Trade Effluent Inspectors.

Condition 14

This condition is discharged in so far as submission of details relates and refers to the Catering Proposals statement from Wilmott Dixon dated 30th May 2017 and the indicative kitchen layout plan drawing XXX-GA-003 - Proposed Kitchen Area General Arrangement Proposals and the indicative café layout plan drawing XXX-GA-00-002 – Proposed Served Area General Arrangement Proposals.

With regard to the conditions 3, 4, 5,10 and 15, either

- i) The decision be made in accordance with the report update to be provided to Committee or
- ii) In the absence of sufficient details being submitted in time for Committee that the decision on the discharge of the four conditions be delegated to the Group Head of Planning in association with the Chair and Vice Chair of Committee.

Update Report

REF NO: LU/177/17/DOC

Page No: 119

PROPOSAL: Application for Application LU/177/17/DOC for approval of matters reserved by condition imposed under LU/314/16/PL relating to condition 3 – Landscaping, 4 – Habitat Mitigation Strategy, 6 - Foul and Surface Water sewerage disposal, 10 - Details of plant and equipment, 14 – Details of kitchen extract system and type of cooking to be undertaken and 15 External Lighting Scheme.

Reason for Update

Additional consultation responses:

Environmental Health have commented on condition 10 stating:

1. The first part of condition 10 states "Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the local planning authority before installation."

Whilst I appreciate that the acoustic report from PACE Consult Ltd details what type of equipment should be put on site to achieve the required noise levels, it does not state what will be on site. The applicant has responded on 24th July stating that the manufacturer/supplier should provide the relevant attenuators. Therefore I would be grateful if the applicant could submit details of all the relevant plant which will be installed, and confirm whether this is consistent with the acoustic report, in order that we might make the assessment in line with condition 10.

2. I note that the assessment was done at night time using a worst case scenario of all plant items working at one time.

3. Please could the applicant advise what they intend to do to address the point made at the end of page 12 relating to removable panels which states "The required TL dB are extremely high and it will be extremely difficult to achieve the required attenuation by an acoustic louvre. Alternative louvre locations or acoustic treatment of the boiler and CHP casing should be sought."

4. In point 3.2.2 the last paragraph states "the required noise attenuation is very high to be provided by an acoustic louvre, therefore the required attenuation should be provided by acoustic silencers". Please could the applicant address this point.

Until the requested information has been received, I would recommend that this condition is not discharged due to insufficient information.

This information has been forwarded to the agents.

Comments in relation to condition 15 will follow in due course.

Second Drainage Engineer comment: In respect of condition 6 Southern Water should be consulted. Southern Water have subsequently advised that the condition can be discharged.

Third Drainage Engineer comment: There is no objection to discharge of condition 6 in accordance with the discharge of condition 7 as per approval granted under LU/147/17/DOC. The Officer recommendation is that the condition is discharged.

With regard to conditions 3 and 4 revised Landscaping plans dated 24-07-2017 and External Softworks NBS Specification have been received. These include Betula Pendula to be substituted with Populus Alba and decorative bark mulch added to natural screening planting. The council's greenspace and ecology officer have been re-consulted.

Summary: Additional information is awaited from the agent with regard to condition 10 (Details of plant and equipment).