

Recommendation Report for Planning Permission

REF NO: LU/297/15/PL

LOCATION: Littlehampton Market
26 Surrey Street
Littlehampton

PROPOSAL: Variation of condition 7 imposed under LU/517/04/ to omit gates from High Street.

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 restriction of pedestrian access from River Road and Surrey Street 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 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

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 20-05-2009	<i>Appealed</i> Appeal: Allowed+Conditions 11 03 2010
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 13-03-2015	
LU/203/15/PL	Application for removal of condition 7 imposed under Appeal APP/C3810/A/09/2112099 (LU/517/04) relating to provision of security gates	Refused 27-08-2015	

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection - The gates had been imposed as a condition of approval by the Inspector to control access and as a security measure. The removal of the gates at this point would allow unfettered access that would compromise the safety and security of those living in the area.

Comments on Representations received:

The Town Council previously stated on application LU/203/15/PL

'Members had no objection to the proposed change to the vehicular access at Terminus Terrace/High Street, serious concerns were expressed about the proposals to remove the pedestrian gates at Surrey Street and River Road. Noting that the gates had been imposed as a condition of approval by the Inspector to control access and as a security measure, it was the view of the Committee that the removal of the gates would allow unfettered access that would compromise the safety and security of those living in the area.'

They have therefore altered their opinion in the last month since the determination of the previous application.

The deletion of the vehicular access gates from the site frontage only would be unlikely to result in unfettered access across the site. Gates at the other approved pedestrian entry points would be retained so access, to non residents, in the evenings would be restricted to this part of the site as the sole point of entry/exit. Access through the site would not be possible, other than at the agreed times of opening for the pedestrian gates onto River Road and Surrey Street.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

County Highways - Support - The gates could cause an obstruction in the highway should

vehicles not be able to turn. Swept path diagrams submitted show that without the gates in place a refuse vehicle can make the turn and enter the development, turn around and exit in forward gear.

Conservation Area Advisory Committee - No comment

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
GEN12
AREA2

The Form of New Development
Parking in 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

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
report

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 policies in Littlehampton Neighbourhood Plan specifically relating to this type of development.

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 seeks consent to remove the approved vehicular entrance gates from Terminus Terrace/High Street to provide satisfactory access for emergency and refuse vehicles.

SITE HISTORY

An earlier application LU/384/14/PL to vary condition 7 of planning consent LU/517/04 which related to the omission of the gates from Terminus Terrace/High Street & the restriction on access from the pedestrian River Road & Surrey Street accesses to residents only was refused for the following 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.

Members will recall the most recent application LU/203/15/PL which was refused by Committee on 27-08-2015 for the following reason:

The deletion of condition 7 and the resulting open nature of the development would result in greater footfall in the evenings and hours of darkness detrimental to the safety, security and privacy of residents within the site contrary to policies GEN7 of the Arun District Local Plan and DDM1 of the Arun Local Plan 2011 - 2013 Publication Version October 2014.

This proposal represents a scaled down version of this proposal. The removal of pedestrian access gates which restrict access to residents only at night from the other 2 access points at River Road and Surrey Street is not included in this application.

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 provided for larger emergency and refuse vehicles. The installation of physical barriers would be contrary to the open 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.

HIGHWAY SAFETY

County Highways have no objection to the proposal as the application would enable access for emergency and refuse 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 rev1.

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