

Recommendation Report for Planning Permission

REF NO: LU/334/18/PL

LOCATION: Worthing Road Allotments
Worthing Road
Littlehampton
BN17 6JQ

PROPOSAL: Extension to existing allotment site

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The proposed extension to the existing allotments at Allotment Gardens includes the provision of 12 new rod plots (i.e. traditional allotment plots) with a 1.0 metre wide grass footway between the plots; the provision of 27 wheelchair accessible ground level and raised beds; and water troughs. The site would be accessed from the existing site access to Allotment Gardens, directly off Worthing Road (the A259). The applicant is also proposing to provide 6 hard surfaced car parking spaces within the site.
SITE AREA	0.3 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is located within the curtilage of the existing Allotment Gardens. The allotments are bounded along the northern, southern, eastern and western boundaries by high hedges which are interspersed with hedgerow trees.
SITE CHARACTERISTICS	The site comprises a field which is located within the south west corner of the curtilage of the existing allotments, which are accessed directly off Worthing Road, within the residential area of Toddington. The land to the north and east of the application site is occupied by individual allotment plots, and there is a freight container located immediately north of the application site, within the existing Allotment Gardens (the Church Land allotments).
CHARACTER OF LOCALITY	The site at Allotment Gardens is located on the western fringe of Toddington in North Littlehampton, and is bounded to the north by the existing allotments and beyond by Crabtree Park (Football Ground); to the south by Worthing Road (the A259) and beyond by residential estates; to the east by the existing allotments and beyond by houses on Toddington Park and Holly Drive; and to the west by a recreation ground and beyond by residential properties on Northway Road and Griffin Crescent.

The route of the southern section of the Lyminster Bypass (approved under LU/278/17/RES) runs through the eastern section of the existing Church Land Allotment Gardens.

RELEVANT SITE HISTORY

LU/278/17/RES	Approval of Reserved Matters following Outline Permission LU/47/11 for Construction of the southern section of the Lyminster Bypass, including northern and southern roundabouts, surface water drainage and landscaping. Departure from the Development Plan & affects a Public Right of Way.	ApproveConditionally 04-10-18
LU/47/11/	Outline application with some matters reserved for mixed use development comprising: demolition of existing buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan), up to 13,000 sqm of B1 employment floorspace (including 3,000 sqm Enterprise Centre), up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a new 2 Form Entry primary school, community centre, youth and leisure facilities, combined heat & power plant, extension to existing household recycling centre, landscaping, replacement and additional allotments, multi-functional green infrastructure including sports pitches (& associated changing facilities), informal open space, children's play areas, primary vehicular access from a new access from the A259 bridging over the railway line with additional access from Mill Lane & Toddington Lane. This application is the subject of an Environmental Impact Assessment & a departure from the development plan. This application affects a public right of way.	App Cond with S106 23-01-13

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

The Town Council's Planning and Transportation Committee considered this application at its meeting held on Monday 4th March 2019 and support the application.

One letter of representation has been received from a local resident in support of the proposed development.

COMMENTS ON REPRESENTATIONS RECEIVED:

Support for the proposed development is noted from the Town Council and from a local resident.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Economic Regeneration

Arboriculturist

CONSULTATION RESPONSES RECEIVED:**LOCAL HIGHWAY AUTHORITY:**

No objection, but recommends a condition is imposed regarding the provision of car parking.

ADC ENVIRONMENTAL HEALTH:

No objection, but requested a land contamination condition due to the residual made ground on the application site.

ADC ECONOMIC REGENERATION:

No comment to make on this application.

ADC ARBORICULTURAL OFFICER:

No objection, subject to a condition.

The submitted arboricultural survey information and associated documents/plans demonstrate adequate regard and respect for the trees at and immediately around the site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary (the BUAB).

Policy T SP3(b): Safeguarding the Main Road Network - A284 Lyminster Bypass (Southern Section)

DEVELOPMENT PLAN POLICES

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

OSRSP1	OSR SP1 Allotments
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM4	QE DM4 Contaminated Land
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

TSP3 T SP3 Safeguarding to Main Road Network
TDM1 T DM1 Sustainable Travel and Public Rights of Way

[Littlehampton Neighbourhood Plan 2014 Policy 2](#) A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 16 Open Spaces

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals Plans 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.

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.

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; Walberton; Yapton; Ford.

The Littlehampton Neighbourhood Plan (LNP) was made on 5th November 2014. Relevant policies from the Littlehampton NP have been taken into consideration in the determination of this application.

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

PRINCIPLE

An integral part of the outline planning permission (LU/47/11) for Hampton Park (i.e. the former Toddington Nurseries site) was to provide a network of green spaces and community facilities including sports pitches, primary school, community centre, youth and leisure facilities and replacement and additional allotments. Within the Section 106 Agreement for Hampton Park, the northern allotments are being provided north of the railway line on the eastern fringe of the new development, while the southern allotments will be located east of the southern section of the Lyminster Bypass; both within the boundary of the Hampton Park development.

The current application is for the proposed extension to the Church Land allotments, which are located off Worthing Road. The Church Land allotments are located outside the Hampton Park development, and the proposed extension to these allotments would be in addition to the northern and southern allotments referred to in the Section 106 Agreement which accompanied the outline planning permission LU/47/11 for Hampton Park.

There is an agreement in place between Persimmon Homes (the developer of the Hampton Park development) and Littlehampton Town Council to submit this planning application for an extension to their Church Land allotments (Allotment Gardens). The Church Land allotments are located outside the boundary of Hampton Park. The application extends the allotments in the south west corner of the Church Land allotments site.

SOUTHERN SECTION OF LYMINSTER BYPASS

Policy T SP3(b) safeguards the route of the southern section of the A284 Lyminster Bypass. The route of the southern section of the Lyminster Bypass (LU/278/17/RES) runs through the eastern edge of the Church Land Allotments (Allotment Gardens). Consequently, when construction work commences on the Bypass in October 2019, the eastern part of the Church Land Allotments would be lost to highway development. The current planning application for a proposed extension to the Church Land Allotments, in the south west corner of the site, would compensate for the loss of the allotment land along the eastern edge of the allotment site.

ALLOTMENTS

Policy OSR SP1 of the Local Plan says: "The Council will encourage the development of sites as allotments subject to all of the following criteria:

- a. The land shall be situated within or immediately adjacent to the built-up area boundary or adjacent to community facilities or on appropriate sites close to residential areas;
- b. The land shall be suitable (i.e. having regard to flooding and gradient) and be easily accessible;
- c. Adequate water supply and parking facilities shall be provided on site;
- d. Located so that natural surveillance can be maximised; and
- e. Secure boundaries should surround the area of the allotment.

The loss of allotment sites to development shall only be permitted where a site of a similar scale can be provided that is as, if not more, conveniently located to the local community as the existing allotment site, subject to the above criteria."

Paragraph 14.1.13 of the Local Plan goes on to say: "Allotments provide an important recreational asset with a multitude of benefits including a greater sense of community, a healthier lifestyle, promotion of well-being, biodiversity, and a valued, local and sustainable source of food."

The proposed extension to the existing Church Land Allotments is situated on land within the built-up area boundary, adjacent to a recreation ground and beyond by residential properties on Northway Road

and Griffin Crescent to the west and with houses to the south of Worthing Road, consequently the proposed development complies with Policy OSR SP1(a) of the Local Plan. The land is flat and easily accessible from Worthing Road and it therefore complies with Policy OSR SP1(b) of the Local Plan. The proposed extension to the allotments would utilise the existing water supply, which is considered to be adequate, and the applicant is proposing to provide 6 additional parking spaces, which is considered to be acceptable to the LPA and the Local Highway Authority; and subject to a car parking condition, the proposal complies with Policy OSR SP1(c) of the Local Plan.

The Church Land Allotments and the site of the proposed extension to the allotments are visible from the existing residential properties along the southern side of Worthing Road and on Northway Road and Griffin Crescent to the west, and by houses on Toddington Park and Holly Drive to the east, and the proposal therefore complies with Policy OSR SP1(d) of the Local Plan; as natural surveillance can be maximised. The existing allotments and the proposed extension are securely enclosed by fencing and hedges and hedgerow trees on three boundaries (the northern, eastern and western boundaries), and with a high hedgerow and a metal gate along the southern boundary with Worthing Road, which is considered to be acceptable; and the proposal therefore complies with Policy OSR SP1(e) of the Local Plan.

CHARACTER AND DESIGN

Policy D SP1 of the Local Plan requires "all development proposals should be of good quality and demonstrate a high standard of design".

The Town Council provided an indicative design which has formed the basis of this planning application. The design and layout of the proposed extension to the allotments including the provision of 12 new rod plots (i.e. traditional allotment plots) with a 1.0 metre wide grass footway between the plots; together with the provision of 27 wheelchair accessible ground level and raised beds, is well laid out and constitutes a good use of space. The layout of the proposed allotment extension is similar to the layout of the allotments that have been developed at Kingley Gate; which the developer has transferred to the Town Council.

It is considered that the design of the proposed extension to the Church Land allotments is acceptable and complies with Policy D SP1 of the Local Plan.

TREES

Policy ENV DM4 of the Local Plan requires developers to provide land and tree surveys (d), a tree constraints plan (e) and an Arboricultural Impact Assessment (AIA) to include a tree protection plan and Arboricultural Method Statement (f), which will ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

An Arboricultural Assessment and Method Statement has been submitted with the planning application which concludes that the existing boundary tree and hedge cover would remain intact and appear unchanged from the surrounding area. The Assessment concludes that the proposed development would not cause an unacceptable or adverse impact on the vitality of the retained trees.

The ADC Arboricultural Officer considers that the Tree Survey data is comprehensive and accords with the requirements of BS5837:2012. The trees within the site are confined to the perimeter and while of important screening value and some habitat importance, they are individually mostly of limited value. The trees have been afforded adequate group protection and would undoubtedly add value to the development. The ADC Arboricultural Officer has requested a condition ensuring all activity at the site is carried out in accordance with the Arboricultural Assessment and Method Statement (Ref. 18258-AA-PB).

It is considered that, subject to the imposition of a condition, the proposed development complies with Policy ENV DM4 of the Local Plan, in terms of tree protection.

CONTAMINATED LAND

Policy QE DM4 of the Local Plan says that "prior to any development, the Council will require evidence to show that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development".

The applicant has submitted a Site Investigation Report with the planning application due to the made ground on the application site. Eight machine dug trial pits were excavated within the application site in July 2018 and several samples exceeded the screening levels for allotment use. The report concludes that the soils are not considered to be chemically suitable for the intended allotment use. The report recommends that the existing made ground is removed to 600mm below finished levels and replaced with clean imported soils.

Environmental Health has requested the imposition of a contaminated land condition, which is considered to be necessary in the interests of protection of the environment and prevention of harm to human health.

Subject to the imposition of the contaminated land condition, the proposed development complies with Policy QE DM4 of the Local Plan.

RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan says "have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance".

As the application site at Allotment Gardens is flat and is not raised up; is well screened by high hedges and hedgerow trees to Worthing Road to the south and the recreation ground to the west; there would be no overlooking issues from the allotments into the existing houses along the southern side of Worthing Road (the A259) or into the residential properties on Northway Road and Griffin Crescent to the west of the recreation ground; or into houses on Toddington Park and Holly Drive situated to the east of the Church Land allotments site. It is therefore considered that residential amenity within the area would not be adversely affected by either the loss of privacy or by overlooking due to the extension to the existing allotments.

Consequently, it is considered that the proposed extension to the Church Land allotments complies with Policy D DM1(3) of the Local Plan in terms of impact upon neighbouring residential amenity.

SUMMARY

The proposed extension would enhance the existing Church Land allotments site (Allotment Gardens) by increasing the area of land available for allotment use; and it is considered to be acceptable and in compliance with Policy OSR SP1 of the Local Plan. It is therefore recommended that this application be granted planning permission and the following conditions be imposed.

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

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 positive impact on the protected characteristics (disability) through the provision of the raised beds.

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 drawings and submitted materials:

Drawing No. CLA.01 Rev. B - Site Location
Drawing No. CLA.02 Rev. C - Allotment Layout
Drawing No. CLA.03 Rev. B - Allotment Layout: Setting out
Drawing No. CLA.04 Rev. B - Accessible Plots Layout

Drawing No. 18258-BT1 - Tree Protection Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.
- 3 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide sufficient car parking spaces for the allotments and in the interests of road safety and in accordance with Policy D DM1 of the Arun Local Plan.
- 4 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall

each be submitted to and approved in writing by the Local Planning Authority:

(1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy D DM1 and Policy QE DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

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- All activity at the site is to be carried out in strict accordance with the Arboricultural Assessment & Method Statement Ref: 18258-AA-PB - Jul. 18, Barrell Tree Consultancy.
 - Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan Ref: 18258-BT1 Barrell Tree Consultancy.
 - If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas / Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area, in accordance with Policy ENV DM4 of the Local Plan.

- 6 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.