

REPORT UPDATE

Application No: LU/63/11/

Reason for the Update / Changes

Additional consultation responses have been received following the submission of further ecological surveys.

WSCC Ecologist - No objection to principle of proposed development subject to conditions to ensure all recommended surveys are completed to support the reserved matters.

No development shall commence until an updated ecological survey has been carried out and submitted to the local planning authority with any recommended additional surveys completed and the results submitted together with any mitigation strategy to support the detailed application(s), the development shall be carried out in accordance with the approved mitigation scheme.

No development shall commence until a suitable reptile receptor site has been located and enhanced in accordance with a scheme to be submitted and approved by the local planning authority. This shall include a detailed mitigation plan to support the detailed application(s).

Natural England

- Proposal does not affect any statutory protected sites or landscapes
- Evening emergence / dawn re-entry surveys should be undertaken between April & September
- If these surveys are not provided, the application should be refused

Recommendation:

Following consideration of the above, the recommendation to Committee is amended as follows;

To approve the application subject to;

The Assistant Director of Planning and Housing Strategy be given delegated power in consultation with the Chair and Vice-Chair of the Committee and the Cabinet Member for Planning to approve the terms for;

- Final comments from WSCC as highway authority
- Planning Conditions.

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/63/11/

Recommendation Report for Planning Permission

REF NO: LU/63/11/

LOCATION: Fitzalan Link Road
Littlehampton

PROPOSAL: Outline Application for the construction of the "Fitzalan Link Road" between the A259 Worthing Road & the East Street/Fitzalan Road roundabout - This application affects a Public Right of Way

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposals involve the construction of approximately 800m of new highway between a new roundabout to be created at the A259 Worthing Road, connecting into the southern section of the link road created as part of the Littlehampton Academy development.

It will comprise a single lane in each direction, each varying in width from 2.75m - 3.65m and a footpath/cycleway each side.

The proposed new vehicle, cycle and pedestrian corridor comprises part of the A284 Lyminster bypass. The southern section of the Lyminster bypass is proposed to be provided as part of the concurrent planning application (LU/47/11) for the development at Toddington Nursery. The southern section of the bypass is proposed to bridge the main railway line and Toddington Lane and extend southwards to a new roundabout on the A259 Worthing Road. The Fitzalan Link road forms part of the proposed strategic transport corridor which will provide a strategic link to the the A27. It will also provide a new principal means of access to the Littlehampton Academy.

It is proposed that funding for the construction of the Fitzalan Link road is provided through S106 agreement relating to the Toddington Nurseries development (LU/47/11).

The southern section of this road is currently under construction, running between Fitzalan Road and the Academy School access. This is covered by a separate planning application submitted by West Sussex County Council (WSCC).

SITE AREA

2.43 hectares

RESIDENTIAL DEVELOPMENT DEN N/A

TOPOGRAPHY Predominantly flat.

TREES There is a large strip of parkland trees to the north of the site. A hedgerow is located to the south east of the site with occasional other trees on site boundaries. There are numerous trees around the East Street junction.

There are no Tree Preservation Orders on the site.

A Tree Protection Plan will be required once a final road design has been submitted and agreed.

BOUNDARY TREATMENT The site boundary is defined to the north by Worthing Road (A259) and to the south by a roundabout at the junction of East Street (B2187) and Fitzalan Road. The western boundary of the site is defined by rear garden fences at residential properties along Highdown Drive and Paterson Wilson Road. In the southern part of the site the western boundary is defined by the Police building on Paterson Wilson Road and a disused area of land to the south, immediately adjacent to East Street.

There are a variety of land uses along the eastern boundary of the site, including education, open space and residential. Starting at the northern end of the site there is Cornfield School, which has mature trees along its boundary with the site. To the south is the continuation of the undeveloped land through which the proposed Fitzalan Link passes. Further south is the large site of The Littlehampton Academy. The northern part of the site boundary with Academy is defined by mature trees and an overgrown hedgerow. However, the site extends into Academy playing fields, crossing boundary features, where it proceeds southwards towards Elm Grove Infant School. It crosses the western edge of land within the primary school, and follows the alignment of the rear garden fences of properties along the southern part of Highdown Drive. The route crosses the cycleway/footpath linking Cornwall Road to the west of the site with Elm Grove Road to the east. Rosemead public open space, residential properties and Summerlea House nursing home define the eastern boundary of the site between Elm Grove Infant School and East Street. Avenues of mature conifers define the site boundary in this location.

SITE CHARACTERISTICS The site principally comprises vacant land with no specific land use.

A cycleway to Elm Grove School crosses the site and the is a public footpath that runs along the whole of the length of the site.

CHARACTER OF LOCALITY

See 'Boundary Treatments' above.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Littlehampton Town Council

- No objection
- Request lay by for bus stops
- Is width sufficient for this to be a major route into the town?

7 letters of objection

- No benefit in another roundabout on the A259 with respect of traffic movement and pollution levels
- Proposal will materially affect right to enjoy my property in peace and with security
- Will be noise and pollution and rear gardens will be opened up
- Extreme annoyance due to high levels of noise generated from construction and permanently thereafter
- New access to Academy will encourage people to use Highdown Drive as a drop off
- Detrimental affect on health and wellbeing of residents
- Plans available do not give sufficient information
- Rear garden will back onto pedestrian pavement
- Will there be any compensation for loss of value
- Will pose a hazard to school children
- Will be an expensive waste of taxpayers money and an act of environmental vandalism
- No proven need for additional access from Academy to A259
- Proposed road unacceptably close to existing residential properties
- Proposed road would have a detrimental impact on health

1 letter of comment

- Concerned about effect on health and environment
- Property will be adversely affected by noise and dust
- Proposed mitigation will not be sufficient to mitigate noise impacts

1 letter of support

- Link will improve traffic flow and road safety and provide a direct link to the town centre and sea front
- Help avoid dangerous congestion around Hill Road entrance to Academy

Comments on Representations received:

Comments of Littlehampton Town Council:

Details of bus stops can be conditioned and will be included within the detailed design of the road when that is submitted. The specification of the road will also need to be agreed at that stage.

Existing rear gardens to properties in Highdown Drive will 'back' onto the proposed road. However, landscaping, earth works and enhanced boundary treatments can ensure that the privacy of these areas is maintained. Public money is not being spent on providing this Link as it will be provided by the developers of the site at Toddington Nurseries.

The issues raised in the representations are dealt with in the 'Conclusions' section of this report.

CONSULTATIONS

Environment Agency

Natural England

Engineers (Fluvial Flooding)

Economic Regeneration

Environmental Health

Highways Agency

Council's Arboriculturalist

Parks and Landscapes

Southern Water Planning

WSCC Local Development Divis.

West Sussex -Landscape/Ecology

Environment Agency

Consultations responses received:

Southern Water

- Exact position of water main needs to be determined before layout is finalised
- No excavation should be carried out within 3m of the public water main without consent from Southern Water

Southern Water

Environment Agency - no objection

- Planning conditions required in respect of surface water drainage and a scheme to remove suspended soil from surface water during construction
- Advice - pollution prevention measures to the principal aquifer should be required
- Would prefer a design in accordance with SUD's for surface water disposal
- Recommend that infiltration rates for soakaways be based on permeability tests carried out over the winter period - local geology will dictate whether soakaways will be applicable

Highways Agency - No objection

Drainage Engineers

- Will have to be designed to current highway specification.

Natural England - No objection

- Further ecological surveys will be required before determination
- Encourage the scheme to incorporate measures to help encourage people to access the countryside
- Should consider securing measures to enhance biodiversity

Environmental Health

- Provided suitable mitigation measures are employed to control noise and dust, the construction phase of the development should not have significant impact upon the amenity of neighbours
- Mitigation measures to be specified in a Construction Management Plan
- Operational phase will have moderate beneficial to slightly adverse effects on air quality but no exceedance of air quality standards is predicted
- Concerned that noise from operation is predicted to have substantial adverse impact on a significant number of existing residents and proposed mitigation appears inadequate
- No impact has been made in respect of noise impact at night
- No assessment has been made in respect of potential impact of noise upon Littlehampton Academy

WSSC Strategic Landscape

- Will require Arboricultural Impact Assessment and Method Statement for final detailed design
- Plans do not specify levels, kerbs, edge treatments or service runs, which will all affect trees
- Recommendations for further landscaping include a continuous hedgerow planted on both sides of the central section and screening of areas of close boarding fencing and shrub planting on any proposed mounding

WSSC Archaeology - No objection subject to condition relating to archaeological investigation

WSSC Rights of Way

- Line of existing footpath runs through/across part of the proposed link road
- Not clear how footpaths will be accommodated so an objection is made at this stage
- Granting planning permission does not authorise any diversion or stopping up of the right of way

Economic Development Unit

- Support the application and are hopeful that the eased congestion and increased speed into and out of north of the town will help economic regeneration aspirations

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within Built Up Area

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPCC7 SEPCC8 SEPNUM4 SEPNUM5	Infrastructure and Implementation Green Infrastructure Sustainable Flood Risk Management Conservation and Improvement of Biodiversity
Arun District Local Plan:	GEN27 GEN33 DEV15	Landscape Diversity Light Pollution Safeguarding the Main Road Network

PLANNING POLICY GUIDANCE

PPS9	Biodiversity & Geological Conservation
PPS1	Delivering Sustainable Development

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 significant adverse effect on the visual amenities of the locality. It will provide an essential element of infrastructure which, on balance, outweighs impacts residential amenities of some of the adjoining properties.

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

The application is brought to Committee with a recommendation for approval. However, there are a number of outstanding matters that need to be considered and agreed before any planning permission can be issued. It is therefore considered that the application can be considered on all except the following matters, which would be delegated to the Assistant Director of Planning & Housing Strategy in consultation with the Chair and Vice-Chair of the Committee and the Cabinet Member for Planning;

- Consultation responses on the additional submitted ecological surveys
- Final comments from WSCC as highway authority
- Final agreed list of detailed planning conditions.

Committee is therefore requested to consider the following report and the matters raised and reach a formal view on the merits of the proposals.

Principle:

The authorities have a long-term ambition to create a bypass route to the town from the north in order to remove the congestion caused by the Lyminster Road level crossing. A corridor of land has been reserved in order to facilitate this route. This is part of the wider protected route under policy DEV15 (ix) Safeguarding the Main Road Network of the Arun District Local Plan 2003, which seeks to protect the route of the Lyminster bypass north of the A259. The Fitzalan Link would extend this route all the way from the A27 to Littlehampton Town Centre. The bypass would become the main route into Littlehampton from the north, essentially superseding the stretch of the A284 through Lyminster.

The protected route runs northwards from the A259 (just to the northeast of the A259/Harting Road junction), through the allotments, over the railway line and Toddington Lane and across the site. It then continues northwards across the Black Ditch floodplain and the rejoins the A284 Lyminster Road close to Lyminster village.

The application seeks permission for the principle of a road within the red line site area. A full detailed design of the road is required through submission of a reserved matters application.

The first third of this road has already been constructed by WSCC under their planning permission for a new Academy School and a new access for this has been created from East Street. This application seeks permission for the remainder of the Link.

The landscape design proposals aim to create an attractive parkland setting for the highway, which has been aligned centrally to allow space on both sides of the route for tree planting. Along the rear of residential properties at Highdown Drive additional planting and low level earthworks have been accommodated to provide mitigation of visual impact and adverse effects on landscape amenity. Proposed tree and shrub planting helps to mitigate the loss of mature trees and hedgerows, and the resulting more open landscape pattern.

Ecology:

There are small populations of scarce insect species of local importance on the site. A buffer zone on western boundary will re-establish grassland and bramble within this area to ensure these species have retained habitat.

There are recorded presence of slow worm on the application site. Much of the habitat for reptiles will be lost during construction. It is recommended that reptiles are removed from site prior to works commencing by means of translocation. Any reptile receptor site needs to be identified and a survey of this site is required. A detailed method statement will be required prior to translocation and any mitigation strategy will include reptile proof fencing around suitable habitat.

No badger setts have been found on the site and badger use of the site considered to be low. The proposals will result in no significant loss of badger territory as a result of the development. It is recommended to update the badger survey annually in winter/spring and if evidence of activity is found, measures should be designed into the scheme.

Bat Roost Emergence Surveys are recommended (May - September). Trees to be removed will be removed outside of the bat season.

Rights of Way:

Within the site there are two public rights of way. In the northern part of the site, where the proposed Fitzalan Link joins the A259, public footpaths 3654 and 3103 extend southwards from Highdown Drive and the A259. The footpaths join and a single route extends southwards to join Highdown Drive near to its junction with Blakehurst Way.

This route continues southwards along Highdown Drive and Paterson Wilson Way before joining East Street. A branch off this footpath crosses the site to link Cornwall Road and Elm Grove Road.

The proposed road will have to incorporate retention of existing footpath links and, depending on final designs, a Footpath Diversion Order may be required.

Lighting:

Existing lighting observed within and adjacent to the site from the surrounding landscape included:

- Flood lighting of playing fields at The Littlehampton Academy;
- external security lighting at The Littlehampton Academy;
- low level lighting from properties at Highdown Drive and Oakcroft Gardens;
- street lighting at Worthing Road (A259), East Street (B2187) and, to a lesser extent, Highdown Drive and Oakcroft Gardens.

A conventional approach to lighting along the proposed road would result in a significant change to night time views from the rear of properties along Highdown Drive, and to a lesser extent on views from Oakcroft Gardens.

It is proposed that the Fitzalan link will have street lighting for its whole length from the A259 roundabout to the B2187 roundabout at East Street. The proposed highway incorporates measures to mitigate adverse impacts associated with increased levels of lighting. These are:

- the use of non-standard lighting columns to contribute to the townscape and reinforce the importance of the route;
- the frequency of lighting columns and level of lighting provided would be reduced from current standards where possible;
- retained trees and proposed planting would help to minimise the potential for glare and light trespass as a result of highway lighting;
- lighting with 8m high columns and high pressure sodium lamps with horizontal cutoff luminaires would be used to minimise upward spill of light into the night sky;

Residential Amenity:

In order to create an attractive parkland character for the route, the highway has been aligned centrally to allow space on both sides of the route for tree planting. Along the rear of residential properties at Highdown Drive additional planting and low level earthworks have been accommodated to provide mitigation of visual impact and adverse effects on landscape amenity.

There are two main boundary treatments proposed for the Fitzalan Link: brick and flint walling is proposed at the two roundabouts and at key entrances; and timber fences are proposed to provide noise mitigation along other sections of highway boundary. Along the western boundary of the site low level landform is proposed to provide noise mitigation, potentially instead of replacement timber fencing for the rear boundary of properties along Highdown Drive.

Where walling is proposed, it would be located at the back of verge to define the highway corridor visually. Walls would include brick coping and wall end with infill panels of random flint, consistent with existing walling at East Street. At Worthing Road (A259) brick and flint walling is proposed to define the highway boundary. This walling would be up to 2 metres in height to provide mitigation of traffic noise for adjacent properties.

Visual Impact:

Visual impacts are generally adverse due to the scale of the changes proposed and the sensitivity of receptors. The landscape strategy which is part of the development proposals provides partial mitigation of potential impacts in a number of locations. Proposed planting incorporated into the highway scheme helps to integrate the highway into views by responding to vegetation patterns within and outside the site boundary.

Air Quality:

The main emissions during construction are likely to be dust and particulate matter generated during earth moving (particularly during dry months), or from construction materials. A Construction Management Plan will be conditioned to ensure that appropriate construction techniques are employed to reduce the impact on nearby properties. This will include no bonfires, bound surface material, construction compound location, boundary treatments, wheel cleaning, traffic routes, use of water and hours of construction.

The Council's Environmental Health Officer has confirmed that the operational phase of the development will have moderate beneficial to slightly adverse effects on air quality but no exceedance of air quality standards is predicted

Noise:

Some residential properties adjoining the application site will see an increase in noise levels as a result of the road. The predicted noise levels have been used to include noise mitigation in the final design where possible. The existing boundary fences along the rear gardens of Rosemead, Paterson Wilson Road, Highdown Drive and Amberley Close, some of which are low, open or in a poor state of repair, and will not be very effective noise barriers, will be upgraded to 2m close boarded, double lapped timber fences as part of the scheme. A low (1m) graded landscape noise bund has been incorporated into the landscape design where possible. Further mitigation to protect against excessive noise during the construction is also to be incorporated into the Construction Environmental Management Plan.

The Council's Environmental Health Officer confirms that noise will have a substantial effect upon a number of residents located close to the proposed road. He considers that further mitigation should be investigated. It is considered that there are significant benefits to the wider area as a result of the proposals and these, on balance, outweigh negative impact to a small number of properties. Further investigation of mitigation measures is proposed to be conditioned to ensure that as many properties as possible are mitigated against noise.

Planning Conditions:

It is requested that a full list of detailed planning conditions be delegated to complete and agree appropriate conditions to the Assistant Director of Planning & Housing Strategy, in conjunction with the Chairman, Vice-Chairman and Cabinet Member prior to any planning permission being granted. The agreed planning conditions will cover the following matters;

- Scheme for maintenance of existing pedestrian/cycle routes during construction
- Hours of working

- Phasing
- Lighting requirements for construction compound
- Earthworks and Landscaping
- Boundary treatments
- Details of street lighting
- Surface materials, street furniture and signage
- Construction Phase Management Plan
- Arboricultural Impact Assessment
- Tree Protection Plan
- Noise mitigation measures
- Surface water drainage scheme
- Archaeological investigation
- Reptile mitigation
- Updated Badger Survey
- Bat Roost Emergence Surveys
- Details of bus stops

The comments from WSCC have yet to be received and there will be detailed planning conditions required in respect of design and specification of the proposed road. The comments of WSCC on these requirements are awaited.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The recommendation is therefore as follows;

To seek deferment with delegation to the Assistant Director of Planning & Housing Strategy in consultation with the Chair and Vice-Chair of the Committee and the Cabinet Member for Planning; to seek the satisfactory resolution of the following matters;

- Consultation responses on the additional submitted ecological surveys
- Final comments from WSCC as highway authority
- Final agreed list of detailed planning conditions.