

Recommendation Report for Planning Permission

REF NO: LU/68/26/PL

LOCATION: Littlehampton Sportsfield, Store
St Floras Road
Littlehampton
BN17 6BD

PROPOSAL: Detached pre-fabricated garage building to replace existing store for the storage of theatrical props and scenery. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application proposes a storage building measuring approximately 7.31m by 4.09m with a shallow dual pitched roof. Its overall height would be approximately 2.8m
	The building is to be used in connection with the Littlehampton Musical Comedy Society who require an area of storage for props, scenes and costumes.
SITE AREA	30 sqm.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	Close boarded fences and mature hedging.
SITE CHARACTERISTICS	The site is at the edge of Littlehampton Football Club and adjacent to a football pitch.
CHARACTER OF LOCALITY	The site sits amongst football pitches and croquet lawns. To the immediate east is an area of residential dwellings.

REPRESENTATIONS

Littlehampton Town Council - Support
- No other comments made.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Sport England - No objection
- The proposal meets exception 3 of our Playing Fields Policy and to accord with Paragraph 104 of the

NPPF.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Exception 3 land incapable of being used as playing field.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

2km buffer SSSI

Archaeological Notification Areas

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
ENVDM5	ENV DM5 Development and biodiversity
OSRDM1	Protection open space, outdoor sport, comm, rec facilities

Littlehampton Neighbourhood Plan 2014 Policy 1 The Presumption in Favour of Sustainable Development

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, The South Inshore & South Offshore Marine Plan 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.

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 will not harm the visual or residential amenities of the area and will provide for recreational needs of a social club on a surplus parcel of land adjacent to the sports pitches.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) as the development area is larger than 25sqm. Condition applied.

CONCLUSIONS

PRINCIPLE

The site lies within the Built-up Area Boundary (BUAB), as defined by Policy SD SP2 of the Arun Local Plan (ALP), which seeks to focus development within this area, subject to compliance with other relevant policies. Policies 1 and 2 of the Littlehampton Neighbourhood Plan (LNP) apply, supporting sustainable development within the BUAB.

The site is sustainably located in Littlehampton, with good access by foot, bicycle, car, bus, and train. Subject to compliance with relevant policies, the principle of development is acceptable.

OPEN SPACES

The site is Open Space as identified by the Arun Local Plan (ALP). Policy OSR DM1 (ALP) supports the retention and upgrading of development that promotes open space, sport and community, arts and cultural facilities of the District. It requires any loss of these facilities to be replaced by the equivalent or better provision, or for an alternative open space, sports, community, arts or cultural provision .

The replacement building offers an alternative and better provision for a community and arts society in the local area and fulfils these requirements and accords with this part of the policy. It is also acknowledged that the society currently operates out of another shed within the same grounds, this shed is in very poor condition and requires significant works/demolition to bring it up to useful standards. By moving to a new location within the open space; the existing space would be freed up for use by the football club if required.

OSR DM1 also requires all development to be consistent with all other Local Plan policies, this will be concluded below.

Policy 16 of the LNDP states there will be a presumption against development which involves the loss of open spaces unless it is; clearly shown the site is surplus to requirements, it would be replaced by equivalent or better provision, the development is for alternative sports and recreational provision or the development is ancillary to the open space.

The structure is for an alternative recreational need on a surplus parcel of land adjacent to the sports pitch, as such in principle the development accords with Policy 16 of the LNDP as long as it accords with

other policies in the plan.

DESIGN

Policy D DM1 sets out 13 design aspects against which applications should be assessed. These include: character, appearance, impact, innovation, adaptability, crime prevention, public realm, layout, density, and scale.

It is proposed to construct a storage shed for the musical comedy society to allow them to store props and sets associated with the group. The building has a simple rectangular configuration, with a scale and appearance akin to a residential garage.

It will be constructed using prefabricated concrete panels with a stone render finish and PVC cladding to the gables.

Overall, the building is simple and subservient to the site as a whole. Although it is of no architectural merit, its appearance sits comfortably within the setting of the sports fields and alongside the other utilitarian buildings and structures found there.

The proposal accords with ALP policy D DM1.

RESIDENTIAL AMENITY

Policy QE SP1 (ALP) requires development to contribute positively to the quality of the environment and to ensure that development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) of the ALP requires development to have a minimal impact on users and occupiers of nearby property and land; for example, by avoiding unacceptable noise and disturbance.

The structure will be approximately 3.7m from its nearest neighbour, Martlesham, and is partially adjacent to a garden building (presumably a garage) within that property. As a result of the modest scale of the building, it will not have any overbearing or overshadowing effects on neighbouring properties.

As the structure is to be used for storage only, noise pollution is not considered to be a concern.

In terms of residential amenity, the proposed structure would not negatively impact neighbouring occupiers and therefore accords with Policies QE SP1 and D DM1(3) of the ALP.

BIODIVERSITY

Policy ENV DM5 of the ALP seeks to achieve a biodiversity 'net gain' and to protect existing habitats on site. This can be achieved through the incorporation of biodiversity features such as green walls, bird or bat boxes, or other mitigation measures within the landscape.

The proposed structure will be sited on an area of grassland and will not result in the loss of any notable biodiversity features. There is also no evidence of any priority species present on site.

No details of proposed biodiversity enhancements have been provided, although it is acknowledged that the applicant is willing to install appropriate enhancement features. Given the scale of the development, a biodiversity enhancement plan will be secured by condition.

Subject to condition, the proposal accords with Policy ENV DM5 of the ALP.

SUMMARY

This application has been assessed against the policies in the development plan and regard has been had for other material consideration. Subject to conditions applied to this approval, this application is

recommended 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 (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 neutral impact on the protected characteristics.

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 plans:

1. Location Plan
2. Block Plan
3. Proposed Plans and Elevation LMCS Garage Store The Sportsfield - Proposals 01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, QE SP1, T SP1 but can include others)

- 3 The building hereby permitted shall be used only for the storage of equipment and materials ancillary to the use of the site as a sportsfield or in connection with the activities of the Littlehampton Musical Comedy Society, and for no other purpose (including any other purpose within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun Local Plan policy D DM1.

- 4 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Biodiversity Enhancement Statement, shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

- 5 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.