

PLANNING APPLICATION REPORT

REF NO: LU/214/20/PL

LOCATION: Empty Supermarket Premises
Avon Road
Littlehampton
BN17 6AT

PROPOSAL: Demolition of existing buildings & redevelopment comprising 37 No. residential units (Class C3) & flexible commercial floorspace (Class A1, A2, A3 and/or D1) together with the provision of car & cycle parking, landscaping & associated works (resubmission following LU/3/19/PL). This application affects the setting of listed buildings & may affect the character & appearance of the East Street, Littlehampton Conservation Area. This application is in CIL Zone 4 (Zero Rated) as 'flats & other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed development involves the demolition of the former Waitrose building on the southern part of the site and the erection of 144 sqm Gross Internal Floor Area (GIA) of modern, flexible commercial floorspace (Use Classes A1 and/or A2 and/or A3 and/or D1) at ground level, with two storeys of residential use (Use Class C3), (referred to as Buildings 2 and 3).

Together the buildings provide 17 residential units. On the northern part of the site, comprising the former Waitrose car park, a third residential building (Use Class C3) is proposed, comprising 20 apartments (referred to as Building 1). The development comprises 13 no. 1 bed apartments, 16 no 2 bed apartments and 8 no 3 bed apartments.

A total of 19 car parking spaces are proposed (including 2 disabled spaces and 6 EV charging spaces) to serve the 3 buildings. In addition, there is also secure storage for up to 38 bicycles with 8 additional cycle spaces proposed externally (outside Building 2). Waste storage facilities are proposed in all buildings.

The proposed flexible commercial floorspace is located in Building 3, which fronts onto East Street providing an active frontage.

The application has been amended since its original submission to seek to address the concerns of the Council's Conservation Officer, local heritage groups and local residents, through a further reduction in the scale and height

of the proposed buildings and changes to the elevations.

The main changes from what was originally approved can be summarised as follows:

- Reduction in height across the scheme to provide a larger 2-storey element with 3-storeys to Building 1 only;
- Reduction in number of units from 50 to 37;
- Parking opposite Avon House reduced and replaced with additional landscaping. The overall parking ratio has increased slightly due to the reduction in units. 19 spaces are now proposed instead of 25;
- Elevation change to Building 1 so that it now mimics the proportions and fenestration of adjacent buildings with reduced balconies and change in material to knapped flint and red brick.

SITE AREA	0.6 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	62 dwellings per hectare.
TOPOGRAPHY	The site gently slopes upwards from south to north.
TREES	Some trees are located outside of the site close to the Franciscan Way boundary which may be affected by the proposed development.
BOUNDARY TREATMENT	The site frontages are mainly open with the existing building located on the southern and eastern boundaries. The boundary of car park area is enclosed by walling.
SITE CHARACTERISTICS	<p>The application site is currently occupied by the former Waitrose building (falling within use Class A1). The retail unit has been vacant for approximately 4 years following the relocation of Waitrose to Rustington.</p> <p>The retail unit occupies the southern portion of the site and is two storey in construction with brick elevations and a mansard roof. The building is bulky in design and is of no architectural or historic interest.</p> <p>The Site is bounded by Franciscan Way to the north; East Street to the east; Anchor Springs to the south; and by a motor works and charity unit to the west. Private car parking occupies the northern portion of the site.</p> <p>The main bus stop for Littlehampton Town Centre is situated to the south of the application site.</p>
CHARACTER OF LOCALITY	The application site is situated within Littlehampton Town Centre with the main High Street situated approximately 65m to the south of the application site. A number of commercial uses are situated in close proximity to the application site as well as residential development. The application site abuts the western boundary of the East Street Conservation Area.

RELEVANT SITE HISTORY

LU/3/19/PL	Demolition of existing buildings & redevelopment of site comprising 83 No. residential units (C3 Dwelling Houses) & 158.5 sqm flexible retail floorspace GIA (A1 (Shops) and/or A2 (Financial & Professional Services) and/or A3 (Food & Drink) and/or D1 (Non-residential Institutions)) together with the provision of car & cycle parking, landscaping & associated works. This application affects the setting of listed buildings & affects the character & appearance of the East Street, Littlehampton Conservation Area.	Refused 14-08-19
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Appeal: Dismissed

Planning application LU/3/19/PL was refused for the following reasons:

- 1) Unacceptable design, excessive site coverage, height, bulk.
- 2) Failure to adequately respect the setting of adjacent heritage assets.
- 3) Failure to make an adequate contribution towards affordable housing provision and other infrastructure.
- 4) Would not result in the provision of additional or enhanced commercial use.
- 5) Unsatisfactory environment for future occupiers.

The Appeal Inspector dismissed the subsequent appeal and commented that:

- The size and scale of both blocks would be a significant increase in the scale and mass on the site. The part three, part four design of block two would tower over the adjacent East Street and Anchor Springs. Block two would have similar, overwhelming effect on Franciscan Way. Furthermore, the proposal would become an onerous and unsightly element of the townscape when considered in wider views due to the openness of the surrounding areas, including St Martins Car Park.
- The development when considered in its entirety would tower over the adjacent buildings, particularly the adjacent Conservation Area and Listed Buildings. This would fail to reflect the general townscape. The building would overwhelm the skyline.
- The building would extend almost the full length of the site along Anchor Springs in several places this would provide a blank elevation facing the highway which would appear as an oppressive and uninhabitable space. The west elevation of the south building, and the east elevation of the north building would have blank and uninspiring facades would create an inhospitable and somewhat aggressive development and would simply be unsuitable for this town centre site.
- The mix and match approach in this proposal creates a cluttered and jarring development, that would fail to sit comfortably within itself, let alone the wider street scene.
- The proposal would result in harm to the setting of adjacent Heritage Assets. Whilst that harm would be less than substantial the harm would not be outweighed by the public benefits of the scheme.

The Inspector had no issue with the amount of commercial floor space provided or the impact on occupiers resulting from the proximity to the public right of way and a draft agreement was submitted as part of the appeal to address the infrastructure and affordable housing contributions.

REPRESENTATIONS

Littlehampton Town Council - Objection:

- The revised plans reduce the scale of the scheme but have also resulted in a loss of parking provision.

The impact of parking on the surrounding roads, has been ignored and that proposed would be insufficient for potential occupants.

- The revised design is still out of keeping with the Town Centre and wouldn't invigorate the High Street.

Littlehampton Society - Objection making the following material points on the scheme:

- Pleased to see that the size of the blocks in this proposed development has been reduced.
- General appearance of the development shows little appreciation of the sensitivity of the surrounding area.
- Would like to see elevations compliment and reflect the local vernacular of the area. At present, the proposal detracts from the local heritage assets.

Littlehampton Heritage Group - Objection:

- Welcome flint and red brick materials, consider the height and bulk of the blocks and use of balconies to be alien and certainly not fulfilling the requirement to 'enhance the setting of the Listed Building'.
- The creation of the new blocks of flats, at points higher than the existing supermarket building is at odds with the characteristics of the area. Both in scale and design. It is likely to overwhelm it.
- The position and glass fronted slab design of the shops is incongruous with any building they overlook.
- There is no immediate parking nearby for deliveries and loading.

13 Objections:

- Revised application has shown some improvements but it does not sufficiently blend in with or reference the surrounding buildings on the edge of a Conservation Area.
- Hastily ill considered design.
- Do not need more flats in the town centre, particularly ones that overshadow and stand out from the existing surrounding properties.
- Would cause parking chaos for residents of the town.
- The proposed buildings are too high, they will dominate the skyline and they will infringe on the privacy of surrounding properties.
- Any development should equal and exceed the achievements of developments like the Gratwicke Arms, the Old Dairy, the excellent new flint and brick cottages in Duke Street.
- Concerns regarding construction works causing noise and disturbance.
- Would destroy wildlife.
- Disappointed no provision is made for a community hub.
- This latest application does represent an improvement in terms of its relationship to the conservation area and represents an opportunity to bring the site back into use.
- The opportunity should be taken to work in partnership with the County Council to improve the pedestrian and bus stand facilities in Anchor Springs.
- The 'token' retail unit on the far end is not needed.

Additional information from the agent has been submitted in relation to the sequential flood test.

COMMENTS ON REPRESENTATIONS RECEIVED:

- Many of the comments relate to the development originally proposed and not the later revised scheme.
- The retail provision is considered to be acceptable in terms of floor area and location.
- Adequate mitigation will be provided to compensate for any loss of wildlife.
- The proposed elevations now incorporate flint work.
- The parking does not meet the adopted parking standards, but is mitigated by the site being sustainably located and County Highways have no objection to the level of parking provision or the layout.
- Whilst the existing car parking area, which is privately owned, is used for dropping off and collecting children attending the school opposite this displaced parking could utilise the St Martin's and Anchor Springs car parks which have 2 hours free parking.

Comments on the sequential test information provided by the agent are covered further in the drainage section of the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecologist - No Objection. Revised details address previous concerns regarding biodiversity net gain issues. Condition requested regarding incorporation of enhancements.

Sussex Police - No Objection. Guidance in relation to secure by design provided.

Environment Agency - No Objection. The proposed development will only meet the National Planning Policy Framework's requirements if a condition is imposed ensuring compliance with the submitted Flood Risk Assessment.

Southern Water - No Objection. The proposed development will lie close/over an existing public water main, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the water main. Informatives/conditions requested relating to protection of the public water mains and sewers.

Conservation Officer.

The demolition of the existing building would remove what is considered to be a large obtrusive building which harms the settings of some of the assets. Paragraph 200 of the NPPF states that the Local Planning Authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.

The modern design of the buildings is generally acceptable as long as the quality of the materials used, detailing and references to the local vernacular can be clearly identified within the scheme. The concept of splitting the existing large building into two smaller buildings is more appropriate and the concept of the central area of open space is a positive introduction as usable community space.

The revised scheme is an improvement in the previous version. It appears that the content of some of my previous comments have been noted/taken in to account when the new plans were prepared. The reduction in the height of the scheme is a definite improvement which will reduce its impact upon the local area.

Still some concerns regarding the appearance of the development. Whilst the height of the block fronting on to East Street has been reduced in height, it is still not clear how this fully relates to the existing buildings in the local area in terms of its design.

Likewise, a reduction in the number of parking spaces required has meant that the parking immediately opposite Avon House has been amended, but the revised design still keeps parking in close proximity to the listed building.

Whilst I am generally supportive of the revised designs to building one, there would be a large area of flat roof, which is out of character with the local area.

The impact causes less than substantial harm in accordance with paragraph 196 of the NPPF (2019). As such the public benefits of the development should be considered with any final decision.

Greenspace Officer - No objection. As this is a proposal for the demolition and redevelopment of residential units and flexible commercial floorspace there would be no requirement for Public Open Space or play area on this site. Greening to soften the development would be required on a development of any kind. There is a real opportunity to increase and improve the greening of this site with the inclusion of a careful selection of trees and shrubs both benefitting the aesthetics and biodiversity of the site. Condition requested relating to submission of a detailed landscaping scheme.

County Highways - No objection. The development is located within the town centre and is accessible by sustainable modes of travel, including walking, cycling and public transport. The level of car parking is satisfactory and is suitable for the proposed usage.

Having regard to the decrease in the number of units the residual cumulative impacts of the proposed development are not considered to be severe within the context of Paragraph 109 of the NPPF.

Conditions relating to provision of car parking and cycle parking and Informative requested.

Drainage Engineer - No objection. A flood risk assessment has been submitted to support this application, this includes details of the proposed means of surface water drainage. The document states that infiltration is precluded due to the presence of clay, on site infiltration testing must be provided to determine whether infiltration is viable or not. Imposition of surface water drainage conditions requested.

County Planning Officer - Contributions required for Education, Libraries and Fire & Rescue.

Highways England - No objection. The proposals will generate an acceptable, change in traffic on the Strategic Road Network (SRN). The development will not materially affect the safety, reliability and / or operation of the SRN.

Conservation Area Advisory Panel - Objection:

- Any new replacement development on the site must respect the scale, character and heritage importance of its surroundings. It is considered that the proposed development does not achieve these requirements.
- Although efforts have been made to reduce the extent of new building and to introduce variations in building line, the mass, height and materials of the 3 storey elements of the buildings will appear overbearing in relation to the street scenes in Franciscan Way, Avon Road and East Street. This is also detrimental to the settings of the Conservation Area and those adjacent and nearby Listed Buildings.
- The block fronting East Street and the conservation area appears out of keeping in its configuration, massing, form, and fenestration treatment with the historical and good quality townscape context.
- It is difficult to see how the particular local vernacular in building form, materials, design and detailing has been incorporated in any contemporary and innovative way in the designs of the blocks.

Environmental Health - No objection. Conditions requested relating to construction management, external lighting, noise levels and contamination.

Affordable Housing Officer - No Objection.

To meet the requirements of the Council's Affordable Housing policy the applicants will need to provide 11 x affordable dwellings (30%). All of the necessary affordable housing requirements would need to be delivered by a S106 legal agreement.

Arboricultural Officer - Objection

- There are significant trees off-site which could be adversely affected by these proposals, yet there is no supporting arboricultural information submitted with the application. There is insufficient information to guarantee such trees would be adequately respected and protected.
- There are few trees/shrubs wholly within the site, therefore in the absence of interior constraints from vegetation it should be possible to design a layout for the site which avoids any above or below ground conflict with retained vegetation. The most significant trees from a public amenity perspective are roadside and growing from grass verge within the publicly maintainable highway (Franciscan Way).
- Those latter trees include early mature examples of lime, cherry and whitebeam; which should be given adequate room as part of any proposal and account for their potential to increase in height and spread, such that no future 'pressure to prune' arises from the position of any residential dwelling. These trees provide high level screening and are a valuable visual amenity, especially when viewed from the north and south.
- An Arboricultural Method Statement, Arboricultural Impact Assessment and a Tree Protection Plan should be submitted.
- It should be possible to develop the site, broadly in line with the current proposals and without adverse effect on retained off-site trees.
- Proposed Site Plan, dwg. no. LH1-USY-RO-MP-DR-A-0002, Rev 3 - There is one obvious and notable area of tree/development conflict that needs to be addressed. The size and orientation of units at the northwest corner of the site should be amended to fully accommodate and be harmonious with the anticipated long-term presence of roadside trees (root and crown development).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Whilst the Conservation Officer is concerned regarding the amount of car parking adjacent to Avon House there is already a significant area of hard surfaced parking adjacent to Avon House. His comments relating to the proposed large flat roofed area being out of character with the area would not be a sound reason for refusal given that there are a number of flat roofs nearby in the area. The buildings backing onto Anchor Springs, the existing store building and unit on the corner of Anchor Springs and East Street are all flat roofed.

Consultees suggested conditions have been included in the officer recommendation.

The tree officer's comments have been relayed to the agent and an amended repositioning of the north west corner of the development has been sought to ensure sufficient space is provided to the site boundary to retain and protect the adjacent trees. The tree officer will be re-consulted and his comments provided as a report update.

POLICY CONTEXT

Designation applicable to site:
 Within Town Centre
 Secondary Retail Frontage
 Within Built Up, Area Boundary
 Abuts Conservation Area
 Adjacent to Listed Buildings
 Flood Zones 2 and 3
 Economic Growth Area

DEVELOPMENT PLAN POLICIES

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

- DDM1 D DM1 Aspects of form and design quality
- DDM2 D DM2 Internal space standards

DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
TDM2	T DM2 Public Parking
ECCDM1	ECC DM1 Renewable Energy
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
AHSP2	AH SP2 Affordable Housing
INFSP1	INF SP1 Infrastructure provision and implementation
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water
EMPSP2	EMP SP2 Economic Growth Areas
RETSP1	RET SP1 Hierachy of Town Centres
QESP1	QE SP1 Quality of the Environment

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 22	Design of New Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 relevant policies of the Littlehampton Neighbourhood Development Plan have been taken into account.

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."

Whilst the proposal is considered to comply with relevant Development Plan policies in that it would not adversely affect the visual and residential amenities of the area, enhances the retail offer of this designated Growth Area and meets the required provision of affordable housing and infrastructure contributions it would conflict with policy W DM2 of the Local Plan in that a sequential test has not been submitted in accordance with the NPPG requirements.

Where the building is located in a Conservation Area, Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act states:

"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of the Conservation Area or nearby Nationally Listed and locally Listed buildings.

With respect to drainage the proposal conflicts with policy W DM2 in that part of the site falls in flood Zone 2/3 where a sequential test, which has not been submitted, is required.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan as the proposal meets the flooding exceptions test and the risk of flooding can be satisfactorily mitigated.

CONCLUSIONS

PRINCIPLE

The application site is situated within a sustainable town centre location where the principle of development is acceptable. Residential development in this prime urban location is therefore considered acceptable in the context of the overarching objectives of the National Planning Policy Framework (NPPF) and the Development Plan.

The proposed development will deliver 37 additional homes on previously developed land in accordance with Policy SD SP1a, and will contribute towards meeting the Council's overall housing needs as detailed within Policy H SP1. The proposed residential units will comprise a mix of 13 no. 1 bed apartments, 16 no 2 bed apartments and 8 no 3 bed apartments. This is an improvement in residential mix compared to the previous proposals that provided 1 and 2 bed units only.

The National Planning Policy Framework (NPPF) provides information on the issue of the weight that can be given to the Arun Local Plan or 'made' neighbourhood development plans, where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. These details are set out in full in Paragraph 11(d), where it is stated that permission would be granted, unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

The sections below will go on to make a planning assessment of what is proposed and whether planning permission should be recommended.

IMPACT ON THE SETTING OF LISTED BUILDINGS AND THE CONSERVATION AREA

CONSERVATION AREA

Arun Local Plan Policy

The relevant Local Plan policy for assessment of the impact on the setting of the Conservation Area is policy HER DM3 which states that in order to preserve and enhance the character and appearance of the Conservation Area planning permission will normally be granted for proposals within or affecting the setting of a conservation Area provided that (a) new buildings and structures acknowledge the character or their special layout, (d) unsympathetic features are removed, (e) it retains historically significant boundaries and elements of the area's established pattern of development, character and historic value and (f) that proposals do not harm important views into, or out of or within the Conservation Area.

Policy HER SP1 requires Conservation Areas to be given the highest level of protection and to be conserved and enhanced in a manner appropriate to their significance and development that is likely to prejudice their setting should be refused.

The Conservation Area

Littlehampton East Street Conservation Area is principally formed of the historic collection of buildings which comprise the north and part of the south sides of Church Street. The buildings vary in construction date, ranging from the early 18th century church and cottages to the 19th and early 20th century villas and terraces. However they are of a commensurate scale and form and many share a commonality of materials, creating a high quality consistent historic townscape. The buildings also form an important intact collection illustrating a key historic development phase of the town which has otherwise been subject to large areas of piecemeal re-development.

The Proposal - Assessment of Degree of Harm to the setting of the Conservation Area

The development would be visible at the junction between East Street, Church Street and Anchor Springs. The existing significantly large store building currently forms a prominent key marker in the street scene. The building is notably unresolved in its appearance, forming a blank brick elevation running westwards with the former entrance being positioned to the south-west away from the Conservation Area.

The eastern part of the site forms part of the immediate area surrounding the East Street Conservation Area, sharing part of its western boundary and consisting of a large area of hardstanding formerly used as a car park for the supermarket building.

The former supermarket building does not relate positively in character and form with the surrounding built characteristics of the Conservation Area. The overly large tiled roof and white painted fascias also

appear visually jarring in the street scene and fail to address this important junction.

The site does not share a historic or functional relationship with the Conservation Area, forming modern features which have served to remove some vestiges of the historic layout of this part of Littlehampton. It detracts from the predominantly commercial character of this part of the Conservation Area which features active ground floor frontages or visually interesting facades.

The site fails to contribute to the special character or appearance of the Conservation Area as an element of its immediate surroundings. Demolition would remove what is considered to be a large obtrusive building. This is confirmed in the assessment of the heritage assets in close proximity to the application site. This approach is also identified within the heritage statement; which acknowledges that the setting of some of the assets is weakened by the development on the site, including the car park. Therefore, the demolition of the existing building and the concept of redeveloping the carpark site can be seen to be a positive impact.

The demolition of the building would accord with policy HER DM3 (d) in that the setting of the Conservation Area would be enhanced by removal of this unsympathetic structure.

The proposed development is divided up into a number of elements; three buildings, two of which would be located in the area covered by the existing supermarket building, and the third one over the car park with an area of open space and car parking for the future residents. A key positive change to the proposals from the refused scheme is the separation of the development to the south into two buildings which serves to significantly reduce the sense of bulk. This also allows for greater movement through the site, and a greater visual appreciation of the listed building to the north and a less dominant form of development when viewed from within and into the Conservation Area.

The design approach to the redevelopment of this southern element has been simplified by taking the form of a series of regularly spaced gables of a similar pitch to Avon House, in line with the general character of the area. These face the three frontages (Avon Road, Anchor Springs and Franciscan Way) allowing for more visual interaction. Overall, the proposed development will result in an improvement to the setting of the listed building and its associated garden wall and a visual improvement to the setting of the Conservation Area. The reduced height and scale of the proposal acknowledges the character of the area as required by policy HER DM3 of Arun Local Plan. The development would not appear out of keeping with adjoining development and more closely reflects the scale and form of surrounding development and is a visual enhancement of the current overly dominant appearance of the site.

The revised proposals introduce a new building to the west of The Old House, redeveloping the area of hardstanding to the western boundary. The brick and flint wall which continues along the northern boundary of the application site will remain to illustrate the historic extended garden setting of the listed building. This is in accordance with concerns previously raised. Traditional materials are to be used to ensure the development is in keeping with the character of the Old House and its surrounding historic townscape.

Both brick and flint are to be incorporated into the proposed buildings, which will assist in their integration with adjacent heritage assets and precise details of the materials are conditioned. Brick patterning has also been introduced to reflect the fine grain and texture of buildings such as Avon House, providing a modern interpretation of flint and assisting its visual integration with its surroundings.

Part of the application site is visible in views from Church Street looking west, forming a prominent feature in the street scene from where it is viewed against the grade II Listed Vine House, but it responds positively to the appearance of this part of Littlehampton and Vine House. As previously stated, the southern part of the site has been separated into two buildings to significantly break up the sense of bulk.

This ensures that it is now appropriately integrated into the street scene.

In views from key parts of the Conservation Area in Church Street and East Street, the buildings will form an attractive high-quality contextual addition and will provide a significant improvement on the existing situation. The buildings will be no taller than the existing building on the site and will be below the chimney stacks of the terraced buildings along the west side of East Street, when viewed southwards from the roundabout. Given these visual improvements the proposal will accord with policy HER DM3(f) and HER SP1.

Conclusion on Impact on the setting of the Conservation Area

In conclusion, the replacement of the excessively large tiled roof and the introduction of a more visually appealing frontage to the street scene will enhance the Conservation Area's surroundings and its setting. The proposals have been designed to relate with the surrounding Heritage Assets in terms of their scale and form. The proposal would be appropriately sited in respect of its proximity to the heritage assets. The application is therefore considered acceptable in terms of its impact on the setting of the adjacent and neighbouring heritage assets identified above and is considered compliant with policies HER SP1 and HER DM3 (a),(d),(e) and (f) of the Arun Local Plan

Other Material Planning Considerations National Planning Policy Framework (NPPF)

In accordance with paragraph 189 of the NPPF, a detailed Heritage Statement has been prepared which assesses the impact the development has on the setting of nearby Listed Buildings and assesses how this may affect the proposed development.

With regard to Paragraph 200 of the NPPF the main consideration is the indirect effect that the proposed replacement development could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of the Conservation Area. As discussed above the proposal would represent an improvement on the appearance of the current supermarket building.

In accordance with para.190 of the NPPF which states that Local Planning Authorities should take account of any necessary expertise, the Conservation officer has been consulted and he has commented that the design of the modern design appearance of the buildings is generally acceptable as long as the quality of the materials used, detailing and references to the local vernacular can be clearly identified within the scheme.

Following the Conservation officer's advice the use of yellow bricks has been deleted from the application. Further, the concept of splitting the existing large and unsightly looking building into two smaller buildings is more appropriate, especially where the development is able to relate more to the neighbouring streets. Likewise, the concept of the central area of open space is a positive introduction to the local area, which is currently focused on areas of tarmac hardstanding as opposed to usable community space.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by enhancing the significance of the heritage assets that may be affected by the application proposals. The conservation of the designated Heritage Assets has been given great weight In accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the designated Heritage Assets and make a positive contribution to local character by enhancing the setting of the heritage assets as required by para192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a

positive contribution to local character and distinctiveness.

LISTED BUILDING

Whilst there are no statutory Listed Buildings located within the site boundary, a number of Listed Buildings are situated within its immediate vicinity and there would be an impact on their setting resulting from the development proposed.

Arun Local Plan Policy

The relevant Local Plan policy for assessment of the impact on the setting of adjacent Listed Buildings is policy HER DM1 which states that proposals affecting statutory Listed Buildings will be required to (e) protect and where possible enhance the setting of the building.

For Locally Listed Structures the relevant policy is HER SP1 which states non-designated heritage assets including locally listed heritage assets and their settings will need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Development likely to prejudice settings will be refused.

Assessment of Degree of Harm to Listed Buildings and Heritage Assets

The submitted Heritage Statement states there are a number of Listed Buildings in close proximity to the site, and a locally Listed Building or structure of character. The Heritage Statement has identified the following heritage assets:

- Littlehampton: East Street Conservation Area.
- Avon House.
- Garden Wall fronting Avon House.
- The Old House.
- East Street School (Youth Centre).
- Low Wall in front of East Street School.
- 39, East Street.
- Farm Buildings to West of Rear of No. 39 East Street.
- Vine House.
- 69 High Street and 1 East Street.

Avon House and the garden wall which fronts on to Avon House are both Grade II Listed. Avon House is identified as being a good example of an early C19 simple symmetrical vernacular residential cottage. The cottage and the associated walling are now located within an urban location with a mixture of uses, higher density development and local roads which are busy (especially during the rush hour periods). Modern development in the form of the application site are considered to detract from the setting of the building. Both the cottage and the wall are of architectural and historic interest, being rare survivors of the early development of the town.

Avon House is the closest Heritage Asset. The immediate setting of Avon House has been severely truncated with the large carpark to the west, and the supermarket development. The listed building's wider setting is comprised of a small collection of historic residential properties to its north and east, fronting the western side of East Street and the northern side of Church Street, demonstrating Littlehampton's village like characteristics prior to the 20th century. These elements of the listed building's setting contribute positively to its significance. This wider setting is also comprised of late-20th/early 21st century development to the south and west, from the urban town centre character of the area (of which the Site forms part of). The blank elevations of the former supermarket store and the use

of large fascia's detracts from the Listed Building and wall.

This revised scheme is more in keeping with the character of the Listed Building and does not form an overbearing addition in its setting. The revised proposals take the form of three individual blocks, two situated to the south of the site, along Avon Road and a further, larger building to the north fronting Franciscan Way. A key positive change to the proposals is the separation of the development to the south into two buildings which serves to significantly reduce the sense of bulk. This also allows for greater movement through the site, and a greater appreciation of the listed building to the north.

The design approach to the redevelopment of this southern element has been simplified by taking the form of a series of regularly spaced gables of a similar pitch to Avon House, in line with the general character of the area. These face the three frontages (Avon Road, Anchor Springs and Franciscan Way) allowing for more visual interaction. Overall, the proposed development will result in an improvement to the setting of the listed building and its associated garden wall.

The Old House is also grade II Listed Building which is illustrative of the development of the town. It is a large 18C building with a symmetrical front elevation. It is constructed using local materials in a vernacular appearance. It is suggested that it is a rare example of a large upper-class residences that were constructed in the local area to cater for the growing population of Littlehampton which transformed it to an important seaside resort. Whilst the immediate setting of the building is maintained by a boundary flint and brick wall, the wider setting of the building has been harmed through the presence of modern development in the form of the application site and the busy road network which immediately adjoins the garden space.

East Street School & Low Wall to the front of it have been listed as Grade II. The school fronts onto East Street and forms an imposing building to the street. It is constructed using local materials in a 'gothic' style. The building is a good example of a late 19C school building which was constructed for the growing town and is therefore of architectural significance. Its historic significance stems from the fact that it remains as an education establishment. The school building is surrounded by a mixture of properties, especially the 18C Listed Buildings, as well as some 19C buildings, including the terraces opposite the school. The southern part of the application site is visible from the site when looking westwards. This site currently detracts from the view.

With regard to the River Beach school buildings opposite in Franciscan Way the impact of the previous application proposals on the significance of this Listed Building formed a key consideration by the Inspector, noting that the development would dwarf the school in height, size and massing. Significant changes have been made to the proposed development to reduce its visual impact on the setting of the Listed Building. The southern part of the site is now formed of two separate buildings which will be further broken up in terms of height and bulk to form a series of gables.

This design approach has been directly influenced by the form and character of the school and its surrounding context. The resulting appearance of the development when viewed from the school is significantly improved both in terms of the existing situation and that of the previous refused scheme. The introduction of lower, two-storey projecting gabled wings facing East Street greatly reduces the sense of bulk and height of the development and introduces an active frontage. Importantly, additional landscaping and tree planting will be introduced along the north boundary of the application site to soften the visual effect.

39, East Street (The Old Farm) and associated Farm Buildings are considered to be of architectural interest as an early 18th century farm complex with a strong vernacular character and form. The farm house is of two storeys with a tiled pitched roof featuring a number of chimney stacks of varying age and styles. The house has development in many stages, as best evidenced through the eastern elevation,

where the oldest part of the house is clearly different in appearance from the later developments on both the northern and southern sides.

The farm buildings are generally simpler in appearance, being of flint and brick construction. Later development has an impact upon these farm buildings. However, it is considered that the complex is still of architectural significance. Likewise, the age and use mean that the complex is also of historical interest. The complex is surrounded by modern development and the busy road network. Part of the development site is visible from the farmhouse and buildings when looking northwards.

Vine House is Listed Grade II building and sits opposite the southern boundary of the site, two storeys in height with a tiled pitched roof and two brick side stacks. The building is of three bays with the central bay featuring a later, yet attractive projecting pointed porch enclosing the main entrance. Constructed in traditional materials with knapped flint and red brick, the building is of simple character, reflecting its age and domestic function with sash windows to the ground and first floors set within flush timber frames. These appear to be later openings with some remains of earlier openings existing within the outer bays, infilled with knapped flint. The building presents some later Gothic features representing the increased popularity of this style in its application to domestic buildings. The building sits within an urban context of high-density development and busy roads. The application site is visible when viewing the front elevation of the building, and at present it detracts from its setting. For the reasons above, along with its age mean that the building is of both architectural and historic interest.

69 High Street and 1 East Street is a mid-to-late C18, three storeyed building, which is located on the corner of East Street and the High Street. It forms the transition between the town centre and the historic development of East Street. It is currently used as a shop/estate agents. The building is considered to be of historical importance. The development site can be viewed when looking northwards towards the building and along the street.

The proposal will remove an unsightly and bulky building and significant hard surfaced area which detracts from the setting of nearby listed buildings and would replace it with a more sympathetic form of development which is of similar height but which is less visually prominent and more respectful of the surrounding built form. It would enhance the setting of adjacent listed buildings by improving the visual appearance of the area, introducing development split into 3 separate blocks, utilising more traditional design features and materials and allowing better visual appreciation of neighbouring listed buildings with more landscaping and permeability. The proposal would therefore accord with policy HER DM1(e) in that it would enhance the setting of nearby listed buildings.

The application is therefore considered acceptable in terms of its impact on the setting of the adjacent and neighbouring heritage assets identified above and is considered compliant with policies HER SP1 and HER DM1 of the Arun Local Plan .

Other Material Planning Considerations National Planning Policy Framework (NPPF)

The NPPF requires Local Planning Authorities to identify and assess significance of a Heritage Asset that may be affected by proposals (paragraph 190). They should take the assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.

In accordance with paragraph 189 of the NPPF a detailed Heritage Statement has been prepared which assesses the impact the development has on the setting of nearby Listed Buildings and assets and assesses how this may be affect the proposed development

Paragraph 197 of the NPPF requires the balancing of proposals which affect the significance of non-designated Heritage Assets, having regard to the scale of the harm. It is not considered that the proposal would cause harm to the significance of the Former Gratwick Arms Public House as a non-designated Heritage Asset. Consequently, the balancing exercise required to be undertaken as part of this paragraph of the NPPF is not required.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by enhancing the significance of the heritage assets that may be affected by the application proposals. The conservation of the designated Heritage Assets has been given great weight in accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the designated Heritage Assets and make a positive contribution to local character by enhancing the setting of the heritage assets as required by paragraph 192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

CONCLUSIONS IN RESPECT OF PLANNING BALANCE IN RELATION TO HERITAGE ASSETS

Overall, the proposal does cause some harm to the Heritage Assets, but this level is such that the impact can be described as leading to less than substantial harm. In accordance with paragraph 196 of the NPPF this harm needs to be weighed against the public benefits of the proposal.

It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Providing much needed housing to meet the deficit in Arun's 5 year Housing Land Supply (HLS).
- Sympathetically redeveloping an existing unused, vacant piece of land which is currently an eyesore.
- Improving views across the site.
- Benefitting the local economy by bringing in additional customers to the town centre shops and services.
- Benefitting the streets surrounding the site from increased natural surveillance, reducing crime & anti-social behaviour.
- Creating construction jobs.
- Creating new sources of employment and economic activity at the site.
- Additional spending by new residents on local goods & services.

It is considered that these benefits sufficiently outweigh the harm caused and the proposal is therefore compliant with the NPPF.

VISUAL AMENITY AND CHARACTER

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted.

The existing building is situated in a prominent location abutting the East Street Conservation Area and is of significant bulk with a design which is inappropriate and out of context with surrounding development. Therefore, visually, its demolition and replacement is preferred to the redevelopment/conversion of the existing building.

The proposed buildings have been designed in a way which satisfactorily responds to the physical

characteristics of the site and the surrounding area. The intensity, the height of the building and the extent of site coverage have all been reduced following refusal of the previous scheme. The agent's have carried out a site appraisal and the development responds to the site and its setting in accordance with section 4 of Arun's Draft Design Guide. It now relates positively to the character, scale, form and massing of the surrounding natural and built environment and creates connections with the site's surroundings, promoting integration and permeability.

The proposed development is divided up into:

- Three buildings, two of which would be located in the area covered by the existing supermarket building, and the third one over the car park.
- An area of open space; and car parking for the future residents.

Buildings are located to the north and south of the site, addressing both Anchor Springs and Franciscan Way, giving them strong frontages in keeping and re-enforcing these key elevations. The buildings are also orientated to take advantage of natural solar gain. The building's bulk and mass has been significantly reduced to three clear elements that reflect the pattern, form and proportion of the East Street Conservation Area. The existing historic brick wall has been extended to place the building sensitively within its context.

A hedge has been proposed as a buffer between the path and residential area to provide defensible space. The proposal references red brick and knapped flint in a contemporary manner by using pulled brick as a pattern and detail by using a texture brick. This approach has been taken to avoid a pastiche and to create a visually more acceptable design solution. The mansard roofs previously included in the scheme have been removed.

The proposed Building 1 has been significantly altered both in terms of scale, bulk and form to respond to concerns raised by the Planning Inspector. The development takes the form of a regular series of three projecting gabled wings, separated by smaller flat roof elements. The breaking up of the elevations serves to significantly reduce to sense of bulk and mass of the building and introduces a more balanced set of elements.

This design approach has been directly influenced by the character and form of the surrounding historic buildings and serves to significantly reduce the visual impact of the development when viewed from outside the site. Each wing will step further forward towards the west, with the most eastern wing being the furthest set back from Franciscan Way to reduce its visual impact. When viewed from the roundabout of East Street and Franciscan Way, the development will read as a series of houses set back behind the flint wall, in keeping with the predominantly residential character of this part of Littlehampton. A combination of pitched and flat roofs have been adopted reflecting the dominance of pitched roofs along East Street, Franciscan Way, the High Street, and Arundel Road.

The proposals have been significantly altered to such an extent that they will contribute positively to the surrounding townscape. The introduction of the contextual built form will add visual interest. The continuous flint wall running along Anchor Springs has been removed and a more active frontage with apartment entrances address the pavement edge or are accessed via steps. A retail unit will be introduced within Building 3.

Regularly spaced large window openings have been incorporated in this unit at ground floor level to add activity and interest, with a large shop window on the south side, addressing Anchor Springs.

The reduced density of the scheme is now appropriate to its location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site and wider locality. The emerging Arun design guide states that in general, higher densities will be appropriate in town and

village centres, along strategic routes, and around key movement intersections with good access to public transport and facilities. These criteria apply to this site.

In summary the proposed development by virtue of its amended design and scale would not have an adverse impact upon the character of the locality in line with policies D DM1 and D SP1 of Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Planning Policy indicates that good design should contribute positively to making places better for people. Regard should be had to paragraph 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Impact of the development on residential amenity did not form part of the previous reason for refusal and the siting of the units in relation to site boundaries with residential dwellings is no closer and the buildings are lower. It would not therefore be reasonable to refuse the application on this basis when it has previously been considered acceptable. The proposal is located a significant distance from the nearest residential properties. That is 25 -30m from the rear elevations of dwellings to the east and 12m from the front elevation of properties opposite in East Street.

These separation distances are considered acceptable to avoid any unacceptably adverse overlooking, overshadowing or overbearing impacts.

In terms of the north boundary of the northern most building to Franciscan Way the living areas of the flats are at their nearest some 8m away (this distance was previously 7m). This distance is sufficient to prevent unacceptable noise and disturbance from traffic and is bolstered by the use of an appropriate noise condition.

The southerly blocks are predominantly surrounded by commercial uses to the east, south and west, immediately to the north is Avon House. The proposed building at its closest point will be situated approximately 14.5m - 15m away from this existing residential property (it was previously 13m). There are windows and balconies facing this property, but the distance is considered acceptable to prevent material harm resulting from overlooking at first floor level. Arun Design Guide refers to back to side distances of 14m and the proposal is therefore compliant with this guidance.

The windows in building 3 have been further set back to improve the relationship between first floor windows. It is considered that this building would not give rise to any unacceptably adverse overbearing or overshadowing impacts upon Avon House given that the proposed development, where it abuts East Street, will be lower in height than the existing former Waitrose building. Therefore, this element of the proposal is considered acceptable. The generally accepted distance for back-to-side distances between buildings of 14m is met.

The proposal retains bus stops outside south of the development to the north of Anchor Springs. This has the potential to create significant activity and associated a nuisance upon the residential amenity of future occupiers, but the building in this area has been moved further into the site to provide a 4.7m gap which is sufficient to prevent an unacceptable level of noise and disturbance that would represent unacceptable harm and a reason to refuse planning permission.

In order to avoid significant loss of privacy and outlook the proposed scheme follows the principle of the

previous proposals with balconies which were found to be at risk of being overlooked by existing buildings, now being recessed into the elevation in line with the Arun Design Guide.

The proposed development by virtue of its amended design would not have an unacceptable adverse impact upon residential amenity in accordance with policy D DM1 of Arun Local Plan.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. All of the flats comply with the standards in respect of internal space.

Paragraph 127 of the NPPF requires that new development has a high standard of amenity for existing and future users. The flats are provided with balconies and patios and there is significant public open space nearby to consider the flats to be supplied with sufficient external amenity space. With the majority of flats being 1 bedroom these are not anticipated to be for family occupation where it would be expected to have sufficient, private and secure residential external space for use by children.

When compared with the refused scheme there has been an enhancement of open space for the residents with three garden areas, alongside the use of balconies. These garden areas comprise a large public open space for shared use, alongside a private garden for residents towards block 1 and an additional residential amenity space an enclosed garden as part of building 3.

Section G.01 of Arun's Design Guide recognises that it is important that new development either connects to, adds to, enhances or incorporates an identifiable centre. This can take the shape of a focal public space or feature of the built or natural environment. A centre can also comprise a range and number of services and facilities relevant to the scale of development. The inclusion of an area of public open space for shared use accords with this guidance.

IMPACT ON TOWN CENTRE

The proposal is designated within an area defined as Town Centre. Policy RET SP1 of the Arun Local Plan therefore applies which seeks to maintain the role of the town centre by supporting and promoting measures which reinforce its role in meeting community needs and providing a range of facilities.

This proposal would retain a retail use at ground floor and increase the number of residents in the town centre. This would contribute to the viability and support the other retail and commercial uses within it. It would sustain economic growth and social well being by increasing customer numbers.

It is very likely occupiers of the flats would utilise local retail units. It therefore serves a complementary function by adding to the services and facilities provided by the shopping centre of Littlehampton. The previous supermarket use ceased approximately 3 years ago and the premises have subsequently been marketed with no occupiers forthcoming. The proposal would retain a retail use, albeit in a different and reduced form. It would therefore accord with policy RET DM1 of Arun Local Plan since the proposal would retain the existing hierarchy of retail centres in Arun and maintain a retail use within the secondary shopping frontage area. The retail element in this proposal has been enhanced with a greater frontage on Anchor Springs than the refused scheme.

EMPLOYMENT OPPORTUNITIES

The site is designated within the Littlehampton Economic Growth Area. Policy EMP SP2 of the Local Plan encourages the Council to work with partners to enhance local employment opportunities within Economic Growth Areas, supporting development that provides for additional or enhanced small scale retail opportunities, commercial, leisure and restaurant uses.

The proposal results in a reduction of the current large retail offering to two units at ground floor and would result in a significant reduction in employment opportunities at the site. However the retail offer is only 14sqm less than that previously refused and the Inspector commented that 'The proposal would introduce a residential population which would increase footfall to the town centre, and as a result would benefit the vitality of the town centre through increased economic stimulus. As such the proposal would comply with Policy EMP2 of the Local Plan which states, in relation to the wider Economic Growth Area (including the town centre), that development which increases the vitality of the town centre should be encouraged and development which supports the town's retail, leisure and tourism functions will be supported.'

Therefore the provision of a new alternative limited retail facility is considered to meet this policy which seeks the enhancement of the Littlehampton Economic Growth Area for the benefit of the community.

SUSTAINABLE CONSTRUCTION

Tackling climatic change is a key government priority for the planning system. Applicants for planning permission should consider how well their proposals for development contribute to the Governments ambition of a low carbon economy and how well adapted they are for expected effects of climatic change. Applicants should consider provision of renewable energy in the form of high level insulation, rainwater harvesting a general minimal energy use, including Carbon Dioxide reduction.

Local Plan Policy ECC SP2 "Energy and Climate Change Mitigation" states that all new residential and commercial development will be expected to be energy efficient and to demonstrate how they will achieve energy efficiency measures, use design and layout to promote energy efficiency and incorporate decentralised, renewable and low carbon energy supply systems. In assessing the achievement of these standards the Council will consider site constraints, technical and financial viability and delivery of additional benefits.

The proposals will incorporate a range of design and energy efficiency measures throughout the site, including on-site photovoltaic panels in order to reduce the regulated CO2 emissions in line with policy, but in accordance with policy ECC SP2 of the Local Plan it is recommended that a condition is imposed requiring that prior to damp-course level a scheme with details of proposed energy efficiency measures and sustainable construction methods is submitted to and approved by the LPA to meet the National and Local Plan requirements.

IMPACT ON TREES

There are significant trees off-site which could be adversely affected by these proposals and no supporting arboricultural information has been submitted with the application. The Council's Arboricultural Officer has advised that there is insufficient information to guarantee such trees would be adequately respected and protected. The proposal therefore conflicts with policy ENV DM4 of Arun Local Plan which requires that where there are existing trees on or adjacent to a development site, developers are required to provide tree surveys, a tree constraints plan, an arboricultural impact assessment to include a tree protection plan and arboricultural method statement.

The proposed units are positioned slightly closer to adjacent trees in the north west corner than was

previously the case. However this could be addressed satisfactorily by repositioning of the north west corner of the development. The agent has been requested that this be done and the outcome of these discussions will be reported to Committee as a report update.

FLOOD RISK AND DRAINAGE

The south eastern part of the site is located partially within Flood Zones 2 and 3a, indicating a medium to high probability of flooding from tidal and/or fluvial sources. Zone 3a comprises land assessed as having a greater than 1 in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year and block 3 is located in this area. Block 3 is partly in flood zone 3a and the rest of block 2 and block 1 are located within Flood Zone 1 denoting a low probability of tidal and/or fluvial flooding.

Policy WDM 2 of Arun Local Plan requires that development in areas at risk from flooding will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas.

With regard to parts a and b the proposal includes a site specific Flood Risk Assessment (FRA) which includes a paragraph entitled sequential testing which cannot be considered to be a sequential test. Part of the policy is not therefore met. However, whilst not compliant with the guidance within the NPPG the proposal is considered acceptable for the reasons set out below given other material planning considerations are given significant weight. The FRA is also considered to include sufficient information to meet the requirements of parts c-f of policy WDM2 as expanded on below.

Guidance in relation to sequential testing and applying the exceptions test is provided within the NPPF and NPPG. The NPPF para 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Para 163 requires that when determining planning applications local planning authorities should ensure that within the site the most vulnerable development is located in areas of lowest risk of flooding. This is the case on this site. The block within flood zone 3a, at highest risk of flooding, includes retail and community space at ground floor.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. No sequential test has been submitted. The information referred to within the applicants FRA states that 'although the site is not specifically allocated for housing within the Arun Local Plan, it does fall within the Littlehampton Neighbourhood Plan area, which aims to provide 200 new homes by 2029. Furthermore, the Site is located within the Littlehampton Economic Growth Area (LEGA) which aims to deliver sustainable economic growth and unlock opportunities for new homes. The proposed development would therefore meet the aims of these two plans and therefore it is considered that the site has passed the sequential test.' However the LPA does not share this view. The requirement to carry out a sequential test has not been met and as a result the proposal does not accord with policy WDM2 of Arun Local Plan as it fails to accord with (a) of that policy. The Arun Local Plan, will take priority over the older Littlehampton NP, which requires

development to meet the criteria set out above.

No discussion prior to submission of the application was undertaken between the Local Planning Authority and the applicant as is required for the sequential test to be met. However, the agent has subsequently provided additional information advising that the proposal seeks to deliver new housing in a highly sustainable location (in accordance with the NPPF) and the redevelopment of the former supermarket building is integral to this. There is no demand for the retail unit, and it will otherwise be left as vacant and inefficient use of land contrary to the objectives of the NPPF. In this context, the vacant building has to form part of the wider proposals for the site. The proposals for a residential-led mixed use development will also ensure that an element of retail provision can be retained in this part of the town centre in accordance with the Council's policy objectives for sites within the LEGA. The proposed development cannot therefore be reasonably located other than on the application site.

The National Planning Policy Guidance (NPPG) in Paragraph: 034 Reference ID: 7-034-20140306 makes it clear it is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which sequential test considerations have been satisfied, taking into account the particular circumstances in any given case. Ultimately after the sequential test has been submitted the local planning authority needs to be satisfied that the proposed development would be safe and not lead to increased flood risk elsewhere. The developer should justify with evidence to the LPA what area of search has been used when making the application. In this case there has been no sequential testing carried out. However given the comments of the Environment Agency, the Authority considers that the development is acceptable on flood grounds. It would be difficult to provide this development elsewhere since it constitutes redevelopment of a long standing and now vacant retail store and seeks to retain an element of retail use within the site. It is therefore considered that there is no other preferable site for this development where the risk to flooding is acceptable. These are considerations which would have been taken into account if a sequential test had been submitted.

Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the exception test if required. The exception test, as set out in paragraph 160 of the Framework, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

The need for the test depends on the potential vulnerability of the site and of the development proposed. As 'More Vulnerable' uses are proposed, namely residential uses, if the sequential test had been carried out, the exception test would need to be satisfied in this case. Para. 160 of the NPPF requires the exception test to be informed by a site specific flood risk assessment.

If the exception test was applied it would be necessary to demonstrate that the development would:

- Provide wider sustainability benefits to the community that outweigh the flood risk; and
- Be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In line with the requirements of the NPPF, the development includes sustainability measures which are considered to outweigh the risk of flooding.

These include:

- High efficiency gas-fed community heating system for space heating and domestic hot water.
- High efficiency mechanical ventilation systems with heat recovery (MVHR).
- Low energy passive design measures and efficient building services to reduce carbon emissions.
- Inclusion of photovoltaic panels.

These sustainability measures would benefit the community at large. Further the NPPG states that if the sequential test to locate development where there is a lower risk of flooding has been applied within an area subject to redevelopment or regeneration, it is very likely that it will provide the wider sustainability benefits to pass the first part of the exception test.

The second requirement is that the development must be safe and not increase flood risk to others, which is satisfactorily addressed in the FRA as verified by the Environment Agency and to be secured by condition ensuring the development proceeds in accordance with the submitted FRA and the mitigation within it.

In order to protect the proposed residential units from tidal flooding, the proposed ground floor finished floor levels (FFL) have been raised to 5.2m AOD. This ensures that the residential elements of the development would remain free of flooding over its lifetime, providing 0.31m and 0.11m freeboard above the 1 in 200 and 1 in 1000 year flood events respectively to the year 2115.

As retail units/community space would be classed as 'less vulnerable' the FFL for block 3 has therefore been set at a lower level (between 2.5m and 3.0m AOD). This is the only block located in flood zone 3a which is has retail/ community use at ground floor. In the event of a flood, any users of the retail areas would be able to make their way a short distance to the north to areas above the flood level or to the first floor. The FFL of the retail unit/community space would be set at between 2.5m and 3.0m AOD, indicating that these areas would remain free of flooding during the present day 1 in 200 year event due to the presence of the defences, however they could flood to depths of up to 0.56m during the 1 in 1000 year event. When accounting for the effects of climate change to the year 2115, the retail unit/commercial space could experience flooding to a depth of 2.39m and 2.59m during the 1 in 200 and 1 in 1000 year events respectively, based on the EA's model data. To reduce potential damage caused to the retail units/community by a flood event, flood resilient construction would be incorporated to minimise the clean-up required. Potential flood resilience measures include concrete/tiled floors, horizontal plasterboard and raised electrical plug sockets. It is also recommended that the businesses sign up to the EA's Flood Warning Service.

It is therefore considered that whilst parts of the site are at risk of tidal flooding, the 'more vulnerable' areas would be protected throughout the lifetime of the development. The retail units/community space/bin and cycle stores would be at risk of flooding during and above the present day 1 in 1000 year flood event, however mitigation measures would be incorporated to reduce the potential damage caused by flooding and residential uses on upper floors although reliant on access from a ground floor communal staircase occupiers would have the opportunity to escape if signed up to the early flood warning service and the risk would be acceptably managed by mitigation referred to within the FRA and controlled by condition.

Although it is for the Local Planning Authority to determine if the exception test is met the Environment Agency have no objection subject to imposition of appropriate pre-commencement conditions. It is therefore considered that if it had been required the proposal would have met the exception test in accordance with the guidance in the NPPF and NPPG. The proposal does not accord with policy WDM2(a), but it is considered that the risk from flooding is acceptable and more vulnerable uses are satisfactorily located within the development and any resultant risk is satisfactorily mitigated.

With regard to drainage policy WDM3 seeks to increase the levels of water capture and storage and improve water quality by ensuring all development identifies opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS).

The proposal meets these requirements. Buildings 1 and Building 2 and 3, are separated by Avon Road and so have been designed as two separate drainage catchments for ease of operation and

maintenance. Catchment 1 (south) would require 113m³ of storage and Catchment 2 (north) would require 89m³ of storage, which would be provided in a geo-cellular attenuation tanks in each plot, in addition to permeable surfacing, small integrated swales and rain gardens. This combination of permeable paving, below ground attenuation and other SuDS features would restrict the surface water runoff rate. The on-site drainage network and SuDS would be managed and maintained for the lifetime of the development by an appropriate managing body, ensuring that it remains fit for purpose and functions appropriately.

Drainage Engineers have no objection to the proposal subject to the imposition of appropriate pre commencement conditions and the proposal therefore accords with the requirements of policy W DM3 of Arun Local Plan.

HIGHWAY CONSIDERATIONS

Arun Local Plan policy T SP1 seeks to ensure that development provides safe access on to the highway network and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Although the car park is used by the public it is privately owned and therefore policy TDM2 of the Local Plan is not relevant to consideration of this proposal. There is sufficient free short term parking available in the adjacent Arun owned car parks at Anchor Springs and St Martins, adjacent to Franciscan Way, to meet existing demand.

Littlehampton Neighbourhood Plan policy 22 supports proposals for major housing developments, provided they can clearly demonstrate that they can respond to adopted guidance for parking in new residential developments and the scheme layout can accommodate the forecast requirement for off-street and on-street car parking as well as providing carriageway widths of roads that may support (existing and future) local bus routes.

In respect of highway safety, development which give priority to pedestrian and cycle movements and have access to high quality public transport facilities and create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter will be supported. With regard to parking, development which incorporates appropriate levels of parking in line with adopted standards will be supported.

Paragraph 108 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

As detailed within the accompanying Transport Statement, the site benefits from a very good level of accessibility to local facilities and sustainable modes of transport. Access to the site will remain largely as existing with vehicular access provided from the existing one-way arrangement along Avon Road.

A total of 19 car parking spaces are proposed (including 2 disabled spaces and 6 EV charging spaces) to serve the three buildings. In addition, there is also secure storage for up to 38 bicycles with 8 additional cycle spaces proposed externally (outside Building 2). The breakdown of the units for parking purposes is as follows:

- 1 bed apartments - 13
- 2 bed apartments - 16
- 3 bed apartments - 8

If applying Arun Parking Standards 1 bed apartments would require 1 space per unit totalling 13 spaces, 2 bed apartments require 1 space per unit totalling 16 spaces and 3 bed units require 2 spaces per unit totalling 16. This generates a total parking demand of 45 spaces. There is therefore a shortfall of 26 spaces in comparison with Arun's Parking Standards.

However, it is important to emphasise that the site is located within the town centre and is highly accessible by more sustainable modes of travel than the private car. It is within walking distance of Littlehampton train station and various bus stops within the town centre offering convenient access to alternative, sustainable modes of travel and less reliance on private car. Further, the proposed ratio of 1 space per 2 apartments remains as per the original planning application which was accepted by WSCC Highways as being suitable for the site and did not form a reason for refusal.

The site will also be subject to the implementation of a Residential Travel Plan which will provide measures aimed at further reducing car journeys to the site and can be conditioned appropriately. On this basis the application accords with policy TSP1 of Arun Local Plan and policy 22 of the Littlehampton Neighbourhood Plan.

INFRASTRUCTURE REQUIREMENTS

This proposal is not CIL liable therefore developer contributions towards infrastructure will not be required as part of CIL. However a development must still mitigate site specific impacts and the proposal is subject to infrastructure requirements as stipulated by policies INF SP1 and AH SP2 of the Arun Local Plan. West Sussex County Council has set out financial contributions required to fund additional libraries, education and fire and rescue facilities. The Council's affordable housing officer has calculated that 11 affordable properties would need to be provided with an affordable housing mix comprising 3 x 1 bed and 5 x 2 bed (rented) and 2 x 1 bed and 1 x 2 bed intermediate.

All of the above is expected to be secured by a legal agreement. The proposal is in compliance with these policies subject to a signed legal agreement to this effect.

CONCLUSION

The proposed development is in a sustainable location and retains a retail use at the site. Additional housing is supported in this location and given the Council's lack of a 5 year supply of housing planning permission is recommended as there are not detrimental effects that significantly and demonstrably outweigh the benefits of granting permission. The proposal is contrary to policy WDM2 of the Local Plan with regard to the submission of a sequential test, but there are other material planning considerations set out in the report which make it acceptable in terms of flooding.

It would not give rise to significant harm to visual and residential amenity. The harm to the setting of the nearby Conservation Area and Listed Buildings is less than significant and this has been weighed against the public benefits to the extent that permission is recommended in this regard. The application enhances the retail provision of a designated Growth Area and is therefore recommended for approval subject to the following conditions.

A s.106 legal agreement is being drawn up. If after three months of the date of the Committee resolution the s106 has not been completed and signed delegated authority should be given to the Group Head of Planning in conjunction with the Committee Chairperson and Vice chairperson to refuse the application or in limited circumstances to extend the time to complete the s106. The reason for refusal should be as follows:

The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy INF SP1 of the Arun Local Plan and the National Planning Policy Framework.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

SECTION 106 DETAILS

The application is subject to a Section 106 Agreement which is being drawn up and seeks provision of 11 affordable housing units and financial contributions for education £116,557, library £10,621 and Fire & Rescue £957.

The contributions generated by this proposal shall be spent on additional equipment at River Beach Primary, phase 1 of the new secondary school for Arun District, additional equipment at The Littlehampton Academy Sixth Form School, enhancement of the library space with improved digital access at Littlehampton Library.

This contribution is considered to be NPPF compliant as being necessary and directly related to the development proposed.

Fire and Rescue Service Contribution to be used towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area Area serving Littlehampton.

CIL DETAILS

This application is not CIL liable therefore developer contributions towards infrastructure will not be required as part of CIL.

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:

Proposed Site Plan 0002 Rev R3 06/11/2020
 Proposed B1 Ground Floor Plan 0008 Rev R1 02/10/2020
 Proposed B1 First Floor Plan 0009 Rev R1 02/10/2020
 Proposed B1 Second Floor Plan 0010 Rev R1 02/10/2020
 Proposed B2 Ground Floor Plan 0012 Rev R1 02/10/2020
 Proposed B2 First Floor Plan 0013 Rev R1 02/10/2020
 Proposed B3 Ground Floor Plan 0016 Rev R1 02/10/2020
 Proposed B3 First Floor Plan 0017 Rev R1 02/10/2020
 Proposed Zoning 0003 Rev R1 20/10/2020
 Proposed Ground Floor Plan 0004 Rev R3 06/11/2020
 Proposed First Floor Plan 0005 Rev R1 20/10/2020
 Proposed Second Floor Plan 0006 Rev R1 20/10/2020
 Proposed Roof Top Plan 0007 Rev R1 20/10/2020
 Proposed B1 Roof Plan 0011 Rev R1 20/10/2020
 Proposed B2 Roof Plan 0015 Rev R1 20/10/2020
 Proposed B3 Roof Plan 0019 Rev R1 20/10/2020
 Proposed Light Study Plan 0020 Rev R1 20/10/2020
 Proposed Elevation E - Avon Road 0029 Rev R1 20/10/2020
 Proposed Elevation F - Anchor Springs 0030 Rev R2 20/10/2020
 Proposed Elevation G - East Street 0031 Rev R2 20/10/2020
 Proposed Elevation H - Duke Street 0032 Rev R3 06/11/2020
 Proposed Elevation B - Franciscan Way 0033 Rev R2 20/10/2020
 Proposed Elevation C - Central Green 0034 Rev R1 20/10/2020
 Proposed Elevation A - Avon Road 0035 Rev R1 20/10/2020
 Proposed Elevation D - Central Green 0036 Rev R1 20/10/2020
 Proposed Section A-A 0041 Rev R1 20/10/2020
 Proposed Section B-B 0042 Rev R1 20/10/2020
 Proposed Section C-C 0043 Rev R1 20/10/2020
 Proposed Section D-D 0044 Rev R1 20/10/2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of

foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This needs to be a pre commencement condition to ensure that suitable drainage can be provided before any works commence.

- 4 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1,W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 5 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 6 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 7 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,

- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access and compromise highway safety.

- 8 Prior to development commencing an Arboricultural Implications Assessment (AIA) which must be inclusive of a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' shall be submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the plan and schedule so approved.

Reason: To ensure retention of trees within the site in accordance with policy ENV DM4 of Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the health of adjacent trees are not compromised.

- 9 Prior to the commencement of development 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) 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.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 10 The scheme for risk of contamination approved in condition 9 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 protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

11 The development permitted by this planning permission shall only be carried out in accordance with the submitted flood risk assessment (August 2020, Waterman) and the following mitigation measures it details:

- Finished floor levels for the residential part of the development shall be set no lower than 5.2m above Ordnance Datum (AOD).
- Finished floor levels for the commercial part of the development shall be set no lower than 3.0m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

12 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 occupation of the buildings or 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 D DM1 of the Arun Local Plan.

13 No dwelling shall be first occupied until car parking serving the development has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy TSP1 of Arun Local Plan

14 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport and policy TSP1 of Arun Local Plan.

- 15 No demolition/construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of Arun Local Plan .

- 16 No development above damp proof course shall take place until a scheme to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and shall be complied by a competent acoustician on sound insulation and noise reduction for buildings has been submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of Arun Local Plan.

- 17 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 18 The development shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems and use sustainable construction methods. The approved scheme shall thereafter be implemented prior to occupation of the home and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient, and in accordance with policy ECC SP2 of the Arun Local Plan.

- 19 No development above damp proof course shall take place until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 20 The development shall proceed in accordance with Biodiversity Enhancements recommended within the Technical Note (Sept 2020) reference UE0274, the details of which shall be

submitted to and approved by the Local Planning Authority prior to installation. The enhancements shall be provided to occupation of the units and shall be retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan.

- 21 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 22 INFORMATIVE: Stopping Up Order. The applicant is advised that the existing public highway to be incorporated into the development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process.

- 23 INFORMATIVE: The use of flood proofing and resilience measures are recommended. Physical barriers, raised electrical fittings and special construction materials are just some of the ways to help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods
<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

- 24 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.

- 25 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act, 1990 and the Clean Air Act, 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping of trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The

Environment Agency should be contacted regarding Exemption Permits to burn on site.

- 26 INFORMATIVE: Consideration must be given to air quality issues. As per the National Planning Policy Framework (NPPF) (updated February 2019) air quality should be considered at the design stage and incorporate appropriate and effective mitigation. The applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2013), available at: <http://www.sussex-air.net/Consultation/AirQualitydocument.pdf>. This countywide adopted guidance states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact of the proposed development on air quality. The intention of the guidance is to identify any air quality impacts through an impact assessment and ensure the integration of appropriate mitigation into a scheme at the design stage, so the damage costs on health can be properly mitigated. The air quality impact assessment can follow the procedures contained within the Institute of Air Quality Management (IAQM) Guidance entitled: 'Land-Use Planning & Development Control: Planning For Air Quality' (January 2017), available at: <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>
- 27 INFORMATIVE: The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public water mains and sewers.
- 28 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

LU/214/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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