

REPORT UPDATE

Application No: LU/238/20/OUT

Reason for the Update / Changes

Reason for Update/Changes:

1. Whilst agreeing to the principle of a viability review mechanism, the applicants have not accepted the proposed late stage viability review mechanism as set out in the Report.
2. Additional representation received from Climping Parish Council recognising the value of the development to Littlehampton and extension of the current A259 cycle route, but residual concerns about: appearance when viewed across the river valley from Climping (height, size and mass of buildings should be restrained and in keeping with open outlook of the river valley); potential environmental damage to the river margin; and five-leg roundabout and signalised crossing on main northerly exit of the A259 and consistency with proposals to improve traffic flows.
3. The proposed S106 Agreement Heads of Terms document was not included with the Report. The Heads of Terms have been updated to reflect the need for further negotiation on the S106 Agreement.
4. Error in condition 32 - reference to 'finished floor levels' should refer to 'habitable finished floor levels' to be consistent with the Flood Risk Assessment mitigation measures.

Officers Comment:

1. Further negotiation is required to secure an appropriate viability review mechanism in the proposed S106 Agreement and should agreement not be reached then the application would need to be refused due to the lack of a S106 Agreement to secure affordable housing provision or contributions, A27 highway mitigation measures, and contributions towards S106 monitoring.
2. In response to the residual concerns raised by Climping Parish Council, the scale of the proposal is addressed in the main report which concludes that it complies with the development plan policies. The impact of the proposal on the river margin is considered in the Biodiversity section of the report and mitigation would be secured through condition 23 which requires compliance with the Ecological Impact Assessment. The highway concerns are addressed in the Access section of the Report which confirms that the proposal would not materially affect the operation of the roundabout.
3. Heads of Terms attached to Report Update.
4. Condition 32 to be amended to add 'habitable' before the wording 'finished floor levels'.

Note: The changes to recommendation show under Officers Recommendation at the end of the attached report.

Officer Recommendation:

That the Planning Committee delegate to the Group Head of Planning (in consultation with the Chairman and the Vice Chairman) authority to:

- a) Authorise the execution and completion of the Section 106 Agreement following negotiation to secure a viability review mechanism;
- b) Grant planning permission subject to conditions and the Section 106 Agreement
- c) Should there be a failure to reach agreement on the Section 106 Agreement within three months, to refuse planning permission for the following reasons:

'1. In the absence of a completed S106 Agreement the proposed development would fail to provide a satisfactory mechanism to secure affordable housing provision or contributions contrary to policies INF SP1 and AH SP2 of the Arun Local Plan 2018'

2. In the absence of a completed S106 Agreement the proposed development would fail to provide satisfactory mitigation for the impact on the A27 and would not secure the required Travel Plan auditing contribution contrary to policy T SP1 of the Arun Local Plan 2018'.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Outline Consent

REF NO: LU/238/20/OUT

LOCATION: Land west of Bridge Road Roundabout
Littlehampton
BN17 5DF

PROPOSAL: Outline planning permission with some matters reserved for demolition of existing treatment works and redevelopment of a former camp site on the edge of the River Arun to provide up to 105 homes, 100sqm of A1 Shops use, 220sqm of A3 Restaurant use and 420m of pontoons to provide approximately 32 leisure moorings along with associated landscaping, sluice gate, flood defence works, car parking and highways works, including access. This application also lies within the parish of Clymping, may affect a Public Footpath and is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks outline planning permission for "demolition of existing treatment works and redevelopment of a former camp site on the edge of the River Arun to provide up to 105 homes, 100sqm of A1 Shops use, 220sqm of A3 Restaurant use and 420m of pontoons to provide approximately 32 leisure moorings along with associated landscaping, sluice gate, flood defence works, car parking and highways works, including access".

Approval is sought for access to the site and the scale of the development as part of this application. The appearance, landscaping and layout of the proposed development are

reserved matters.

The application comprises a comprehensive set of plans, drawings and documents. It does not include an Environmental Statement, as the proposal does not meet the applicable thresholds and criteria set out in Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

While there have been recent amendments to the Use Classes, for planning applications such as this one that was submitted before 1 September 2020, the Use Classes in effect when the application was submitted must be used to determine the application (i.e. Class A1 Shops and Class A3 Restaurants and cafes).

SITE AREA	2.15 hectares
RESIDENTIAL DEVELOPMENT DENSITY	49 dwellings per hectare (gross)
TOPOGRAPHY	Varies from a relatively flat plateau to steep-sided embankment.
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	The application site comprises 2.15 hectares of vacant land on the east bank of the River Arun in Littlehampton. The site is bound by the A259 road to the east, the A259 road bridge to the south and the River Arun to the West. Additional vacant land in the applicant's ownership adjoins the northern part of the site. The main pedestrian and vehicular access to the site is from the A259 Bridge Road Roundabout to the east. There is a further pedestrian access into the land adjoining the northern part of the site from the public footpath numbered 3098_1. In addition to a short 60m long access road, the site contains a flood defence structure (wall and embankment), a main river and two disused water treatment beds. While much of the site is understood to have been cleared for relatively recent flood defence works, the adjoining A259 road embankment to the east and south-east features well established trees and vegetation.
CHARACTER OF LOCALITY	The site is located on the edge of the urban area and is surrounded by a mixture of land uses. To the east of the A259, there is a superstore, petrol filling station and two further retail units. To the south-east of the A259, there is an industrial estate. To the south, on the opposite side of the river, are the moorings of Littlehampton Marina. To the west of the river and to the north, there is open countryside that provides the setting for Arundel. To the north-east, there is

the Kingley Gate residential development.

There is no recent history of any planning applications having been made in respect of this land.

REPRESENTATIONS

LITTLEHAMPTON TOWN COUNCIL - Objection

Encouraged to see a development of this type come forward but could not support the application because of concern about (i) the impact of additional turning at the Bridge Road Roundabout to access the site, (ii) contributions towards education and healthcare facilities and (iii) the proposed level of affordable housing. Objection maintained following consultation on amended highways plans.

CLYMPING PARISH COUNCIL - Objection

Potentially an imaginative and prestigious gateway development for Littlehampton. However, concerns about (i) the impact of additional vehicular traffic using the roundabout to access the site, (ii) inadequate provision for non-motorised users to cross the A259 close to the roundabout, (iii) the safeguarding of land to enable future bridge works, maintenance, widening or replacement, (iv) the visual impact from Clymping and up the river valley towards Arundel (the height of the proposed buildings rather dominating), and (v) the sensitivity of the river bank to environmental impacts and future flood risk. Acknowledged that amended plans include a controlled pedestrian crossing, but re-iterated their objection.

REPRESENTATIONS have been made by 14 people (12 supporting and 2 objecting).

The objections include the following comments:

- Will exacerbate congestion on the A259 between Wick Road Roundabout and Clymping Roundabout;
- Will increase pressure on GP surgeries;
- Will increase pressure on Littlehampton Academy;
- Controlled crossings are required at the entrance to the development and across the A259; and
- The railing on the bridge over the River Arun needs to be increased in height, rather than have a sign indicating cyclists should dismount.

The representations in support include the following comments:

- A bold, comprehensive, and thoughtful plan;
- An imaginative and ambitious redevelopment;
- A high-quality design;
- A project of the highest architectural quality;
- The buildings are elegantly designed;
- The character of the architecture sets an appropriate tone for the West Bank;
- Will make a positive statement on the approach from the west;
- Will add interest and value;
- Will help the local economy;
- Will bring much needed investment in new facilities for the area;
- Will regenerate a disused part of Littlehampton;
- Will help continue the slow renaissance of the town;
- Will support ongoing enhancement along the Arun;
- A catalyst for regeneration that will benefit the town and the district;
- Additional work for local businesses;
- Additional leisure moorings will be an asset;
- Will help to meet some of the District's housing requirement;
- A win-win for the environment and housing needs;
- Respects ecology;

- Benefits for wildlife;
- Will provide walking and cycling routes in accordance with health guidelines;
- Ability to access the town centre by boat;
- Important that affordable housing is protected;
- Vital that proper pedestrian/cycle routes are provided across the roundabout; and
- Vital that flood defence, surface water and sewerage are addressed to the satisfaction of the Environment Agency and Southern Water.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are noted and are considered as appropriate in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No Objection

The development will have a small additional cumulative impact on the A27 junctions, as well as the local highway network. A contribution of £20,563.20 is required towards mitigation at the A27 junctions in Arun. Subject to the collection of that contribution, Highways England is satisfied that proposal would not materially affect the safety, reliability and/or operation of the strategic road network.

ENVIRONMENT AGENCY - No Objection

The Environment Agency's position is subject to nine conditions being attached to any planning permission granted, in order to deal with flood risk, groundwater and contaminated land, and biodiversity.

SOUTHERN WATER - No Objection

Can facilitate water supply to service the development.

Can facilitate foul water disposal to service the development.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding.

The drainage serving the kitchen(s) (at any proposed commercial hot food business) to be fitted with a grease trap/separator (of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and wastewater flow rate).

If new on-site drainage and pumping station to be offered for adoption, must be designed and constructed to the specification of Southern Water.

Any hardstanding that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

The surface water drainage details submitted to the LPA should (i) specify the responsibilities of each party for the implementation of the SuDS scheme, (ii) specify a timetable for implementation, and (iii) provide a management and maintenance plan for the lifetime of the development.

WSCC LEAD LOCAL FLOOD AUTHORITY - No Objection

Current mapping shows that the site is at moderate risk from surface water flooding and at moderate risk from groundwater flooding. It also shows ordinary watercourses running across the site. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone to be incorporated into the design of the scheme. The LLFA has no records of surface water flooding within the site.

Sustainable drainage techniques (permeable paving, bio-swale with a discharge to the main river) are

proposed to be used to control surface water from the development. All works will need to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site. The maintenance and management of the SuDS system should be set out in a site-specific manual submitted to, and approved in writing by, the LPA. The scheme subsequently to be implemented in accordance with the approved designs.

ADC DRAINAGE ENGINEER - No Objection

Flood Risk - Safe access and egress should be provided, and finished floor levels should be above peak flood levels. Surface water flow paths should also be maintained.

Surface Water Drainage - The proposals include the infilling/diversion of an ordinary watercourse, which will require land drainage consent. A buffer of 3m must be provided between the top of the bank of watercourses and proposed structures that will limit access. Uncontrolled discharge to tidal bodies is acceptable. However, the impact of tidal locking on outfalls must be considered. Therefore, if proposals are to discharge to the tidal body, it is highly likely that storage will be required to ensure that the surface water does not flood the site during high tide. Full calculations, layout plans, and construction details will be required. The detailed design should be supported by winter groundwater monitoring. Winter groundwater monitoring is required even when infiltration is not proposed to ensure that the effects of flotation are adequately accounted for in the design.

The use of four model planning conditions is recommended to ensure the development is adequately drained throughout its lifetime.

WSCC HIGHWAYS AUTHORITY - No Objection

The local highway authority has fully considered the Transport Assessment and a revised Technical Note and does not wish to raise an objection to the proposals. The application is considered to accord with the NPPF. The use of model conditions is recommended to secure (i) provision of the access and footway prior to first occupation, (ii) the submission and approval of a Construction Management Plan and (iii) the submission and approval of a Travel Plan.

WSCC FIRE AND RESCUE SERVICE - Advice

Request the use of a planning condition to secure the provision of hydrants for the supply of water for firefighting.

NATURAL ENGLAND - No Objection

The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

ADC ECOLOGY ADVISOR - Further Information Required

Information required about the trees to be felled to ensure suitable mitigation where bats are present. Conditions required to secure (i) the mitigation measures contained in the submitted Ecological Impact Assessment (June 2020) and (ii) an ecological enhancement plan.

ENVIRONMENTAL HEALTH - No Objection

Model conditions recommended to deal with a construction management plan, noise assessment, contaminated land, lighting, electric vehicle charging infrastructure and air quality.

ADC HOUSING STRATEGY AND ENABLING MANAGER - Objection

The application falls a long way short of meeting ADC's affordable housing requirements.

ADC ARCHAEOLOGY ADVISOR - No Objection

Recommended the use of a model condition to secure an archaeological investigation of the site in advance of the development.

SUSSEX POLICE - No Objection

Sussex Police has no major concerns with the proposals. However, additional measures to mitigate against identified local crime trends and site-specific needs should be considered. The response directs the applicant to relevant guidance available online.

MARINE MANAGEMENT ORGANISATION - No Objection

A generic response was received.

Activities taking place below the mean high-water mark may require a marine licence in accordance with the Marine and Coastal Act 2009.

Refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river.

ADC GREENSPACE - No Landscape Objection

Provides an opportunity for a quality and exciting form of development. The building and waterfront interface will require careful consideration to blend the two and to retain any saltmarsh habitat. All areas should be connected for biodiversity. Proposed trees should be planted at a size that allows instant impact, but which will subsequently establish and mature.

ADC COMMUNITY WELLBEING - As this is a CIL site, no comments on this application.

ADC TREE OFFICER - No objection

There is a considerable amount of native trees and hedgerows on the perimeter of the site which provide valuable screening and ecological benefit. No substantial removal is proposed. Only facilitation pruning works and carefully selected tree removal is proposed to achieve adequate site access and traffic sightlines. An Arboricultural Method Statement and associated Tree Protection Plan will need to accompany a detailed (Reserved Matters) application. Mitigation for the proposed removal of moderate value trees should be ambitious and involve the use of native trees with long-term landscape value wherever appropriate and submitted as part of a detailed landscape scheme.

SOUTH DOWNS NATIONAL PARK AUTHORITY

Given the site's distance from the National Park boundary, it is unlikely to affect the setting of the National Park in landscape terms. Recommend consultation with Natural England and the Environment Agency regarding the potential loss of inter tidal mud and salt marsh.

COMMENTS ON CONSULTATION RESPONSES:

The consultation responses are noted and are considered as appropriate in the Conclusions section of this report.

POLICY CONTEXT

Designations applicable to site:

C SP1 Countryside

EMP SP2 Littlehampton Economic Growth Area

ENV DM3 Biodiversity Opportunity Area

LAN DM2 Setting of Arundel

T SP3 (m) Safeguarding the Main Road Network

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
LANDM2	LAN DM2 The Setting of Arundel
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development
TSP3	T SP3 Safeguarding to Main Road Network
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 21	Proposals to increase the recreational and tourist use of the River Arun
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development
Littlehampton Neighbourhood Plan 2014 Policy 23	Infrastructure Investment Priorities
Littlehampton Neighbourhood Plan 2014 Policy 3	Housing Supply

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021
SPD3	Parking Standards

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 Littlehampton Neighbourhood Development Plan was 'Made' in November 2014. Relevant neighbourhood plan policies have been taken into account and are addressed in the Conclusions sections of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**OTHER STATUTORY PLANS:**[South Inshore and South Offshore Marine Plan 2018:](#)

South Marine Plan Policy S-ACC-2
 South Marine Plan Policy S-TR-1
 South Marine Plan Policy S-TR-2
 South Marine Plan Policy S-WQ-2

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."

Section 70(2) of TCPA provides that -

2. In dealing with an application for planning permission, the authority shall have regard to:
- the provisions of the development plan, so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application,
 - any local finance consideration, so far as material to the application, and
 - any other material considerations.

The proposal is considered to comply with relevant Development Plan policies in that small scale retail, cafe and restaurant uses, and additional moorings are supported in the Littlehampton Economic Growth

Area. However, the site lies outside the built-up area boundary and is not allocated for housing. The proposed housing would, therefore, constitute a departure from the development plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. The District does not currently have a five year housing land supply, which means that the 'tilted balance' in paragraph 11(d) of the NPPF is engaged.

CONCLUSIONS

The main issues to be considered in the determination of this application are:

- The principle of the development;
- The housing mix and provision of affordable housing;
- Flood risk and drainage;
- The means of access and impact of traffic; and
- The scale of the development and its landscape and visual impact.

PRINCIPLE

The site lies outside the Built-Up Area Boundary shown on the Policies Map of the Arun Local Plan. The boundary follows the eastern edge of the A259 adjacent to the retail park and the south-eastern edge of the A259 adjacent to the industrial estate.

Policy SD SP2 of the Local Plan states that development should be focused within the Built Up Area Boundaries. Outside the Built Up Area Boundaries, Policy C SP1 states that land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will be permitted in the countryside where it is for specific types of development.

The site is designated as part of the Littlehampton Economic Growth Area. It is also designated as part of a Biodiversity Opportunity Area. Additionally, part of the site is designated as being within the Setting of Arundel.

Policy EMP SP2 of the Local Plan deals with the Littlehampton and Bognor Regis Economic Growth Areas. For Littlehampton, it states that: "Development will be encouraged which delivers the comprehensive safeguarding of the Harbour as well as addressing flood risk, contaminated land, access and nature conservation issues and must also be consistent with other Local Plan Policies."

It adds: "Such development will...

- Provide new linkages between the East and West bank areas at appropriate locations;
- Provide for additional or enhanced commercial and leisure activities, including small scale retail, hotel, cafe and restaurant uses, and possibly an exhibition/visitor centre;
- Provide for boat building or other marina-related commercial uses;
- Improve and develop marina berthing, including additional moorings, providing that the development is not detrimental to the integrity of tidal defences or the ability to maintain and improve them".

Therefore, while the site lies outside the built-up area boundary and is defined as countryside, the principle of development for 100sq.m. of A1 Shops, 220sq.m. of A3 Restaurants and cafes, and 32 leisure moorings is considered to be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan states that future housing, economic and

community-related development will be concentrated within the built up area boundary as shown on the Key Diagram. The Key Diagram excludes the site from the built up area.

The Littlehampton Neighbourhood Development Plan was made (adopted) in November 2014 on the basis of the saved policies in the former Arun Local Plan (2003) and the policies in what was then the emerging Local Plan. The test in section 38(5) of the Planning and Compulsory Purchase Act 2004 is: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document". As the Arun Local Plan was adopted by the Council on 18 July 2018, the policy in the Local Plan (EMP SP2) is to be considered in favour of that in the Neighbourhood Plan.

Housing Land Supply

The latest monitoring report (2019/20) indicates that the District has a 3.3-year housing land supply.

Paragraph 11 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development, which is at the heart of national planning policy. In the absence of a five year housing land supply, the 'tilted balance' in paragraph 11(d) of the NPPF is engaged. This would require an application for planning permission to be granted unless the proposed development conflicted with the policies of the NPPF or that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

When a proposal has the benefit of the tilted balance, it does not necessarily mean that it will be granted planning permission. The requirement to apply section 38(6) of the Planning and Compulsory Purchase Act 2004 is not displaced. Paragraph 11 does not say that where relevant policies in the development plan are out of date, the plan must be ignored. It does not prevent a decision-maker (the local planning authority) from giving as much weight as they judge to be right to a proposal's conflict with the strategy in the plan or, in the case of a neighbourhood plan, the vision.

Conclusion on Principle

The principle of development for the proposed commercial and leisure uses is considered to be acceptable. The principle of the proposed residential development is subject to the housing land supply position and paragraph 11(d) of the NPPF. The site is considered to be in a sustainable location, being situated on the edge of the urban area and within reasonable proximity of public transport services. Subject to an assessment of the information submitted to demonstrate that there would be no adverse impact on habitats sites, the South Downs National Park or the risk of flooding, the principle of residential development could be considered to be acceptable.

HOUSING MIX

Policy H DM1 of the Arun Local Plan 2011-2031 seeks to secure a mix of dwelling types and sizes, including affordable housing units. It states, "for developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations".

The most up to date recommendations are contained in a report published in September 2016. The suggested mix of housing by size and tenure is as follows:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Market	5-10%	40-45%	35-40%	10-15%
Intermediate/Starter Homes	15-20%	50-55%	25-30%	0-5%

Affordable Rented	35-40%	35-40%	15-20%	5-10%
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The application contains an indicative mix of 24% 1-bedroom units, 38% 2-bedroom units, 38% 3-bedroom units and 0% 4+ bedroom units in the market sector. It contains an indicative mix of 37.5% 1-bedroom units, 37.5% 2-bedroom units, 25% 3-bedroom units and 0% 4+ bedroom units in the intermediate (shared ownership) category. No affordable rented homes are proposed. Affordable housing requirements are considered further below.

The Council's guidance on the Provision of Accommodation Suitable for Older People and People with Disabilities states that for schemes greater than 51 units inclusive, 50% of units should be designed to M4(2) standard - Access and adaptable dwellings, plus two additional units should be designed to M4(3) standard - wheelchair accessible, for every 50 units proposed thereafter. The provision of these units should be in both the open market and affordable sectors. Additionally, the guidance advises that schemes larger than 100 units should make some provision for bungalows. Given the form and character of the proposed development, it is considered that provision of the latter would be inappropriate as part of this scheme.

The applicant's Design and Access Statement explains how the proposal is intended to provide a good multi-generational mix, with sufficient space within each of the units to support all ages and to adapt to different needs.

While the proposed mix contains a greater number of units with fewer bedrooms than the SHMA recommendations, it is considered that the balance in terms of dwelling sizes would not be unreasonable. This type of development also lends itself more towards the provision of smaller units. The precise mix will, of course, be determined at the reserved matters stage.

AFFORDABLE HOUSING

Policy AH SP2 of the Arun Local Plan 2011-2031 requires a minimum of 30% of the total number of units proposed on site to be provided as affordable housing on the same site on all developments of 11 residential units or more.

The policy states: "Where it can be proven, however, that 30% affordable housing provision is not viable, then a reduction in the amount of affordable housing on a site or off-site provision as part of another development within Arun District may be considered (as agreed with the local planning authority). The provision of affordable housing on a site at less than 30% or on an alternative site or by way of a commuted sum will only normally be allowed in very exceptional circumstances if supported by robust evidence including, where appropriate, viability evidence."

The application was accompanied by an Affordable Housing Statement and Viability Report, which concluded that the scheme was at the margins of viability. The report showed that no surplus was generated to support the provision of any affordable housing but, accepting a lower level of return, the applicants offered 6 one-bedroom apartments for shared ownership.

Consequently, Arun District Council instructed an independent assessor, Dixon Searle Partnership, to appraise the evidence provided with the application. In December 2020, Dixon Searle concluded that there was insufficient evidence to agree to a reduced level of affordable housing and recommended that the Council request further information from the applicant. Additional information was submitted and the proposed affordable housing provision was increased to 8 units for shared ownership (3no. 1-bedroom units, 3no. 2-bedroom units and 2no. 3-bedroom units).

Dixon Searle carried out a further appraisal and reported that, in their view, the scheme still has the

potential for a significant surplus (indicating scope to do more towards meeting affordable housing needs). Attention was also drawn to paragraph 64 (now paragraph 65) of the NPPF which, for major development involving the provision of housing, expects at least 10% of the homes to be available for affordable home ownership. One option that was put to the Council was to consider accepting the 8 affordable homes offered and insist on a late stage review mechanism within the section 106 agreement. A late stage review undertaken on the basis of development values and build costs as these pan out (compared with current viability assumptions) could be used to capture any positive movement in the relationship between the development costs and values.

A late stage review has been discussed and agreed with the applicant and is included in the draft Heads of Terms for a s.106 agreement. The agreement will require a late stage (viability) review to be carried out upon disposal of 75% of the units in accordance with a recognised formula. 60% of any surplus profit identified in a late stage review will be required as a contribution towards the provision of affordable housing on an alternative site in the District.

FLOOD RISK AND DRAINAGE

The NPPF requires inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, it should be made safe without increasing flood risk elsewhere (Paragraph 159). A sequential, risk-based approach to the location of development is required to avoid flood risk to people and property (Paragraph 161). The aim of the sequential test is to steer new development to areas with the lowest risk of flooding (Paragraph 162).

If it is not possible for development to be located in areas with a lower risk of flooding the exception test may have to be applied. This will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification (Paragraph 163).

"To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will 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." (Paragraph 164)

Additionally, it needs to be demonstrated that:

- "a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan." (Paragraph 167)

These requirements are repeated in Policy W DM2 of the Arun Local Plan 2011-2031.

The Environment Agency Flood Map for Planning shows that most of the proposed development lies within Flood Zone 3a, with a high probability of greater than 1 in 100 (1%) of river flooding or a high probability of greater than 1 in 200 (0.5%) of tidal flooding in any year. As part of the site extends into the River Arun in front of the defences (for the pontoons and moorings), it is assumed that these areas are within the functional floodplain and would thus be classified as Flood Zone 3b. Access to the site from the roundabout on the A259 is located in Flood Zone 1.

The application has been accompanied by a Flood Risk Assessment, which draws attention to the Sequential and Exception Test (2009) that was used to inform strategic development allocations in the Local Plan. A comparison is made with the Littlehampton West Bank Strategic Housing Allocation (SD4), which has flood risk constraints that are similar to the application site. The applicant draws the conclusion that, as the Littlehampton West Bank is an allocated site, development within Flood Zone 3 can be considered sequentially acceptable within the District. The Flood Risk Assessment adds that (unlike the application site) some of the allocated sites do not have direct access and egress routes to Flood Zone 1. However, the applicant's reliance upon a Sequential and Exception Test published in 2009 in support of the local plan strategic housing allocations is not strictly compliant with National Planning Practice Guidance (NPPG) or Local Plan Policy W DM2(a). The site is not one of the strategic housing allocations.

NPPG states that for individual planning applications, where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. It adds that, when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.

The proposal is a residential-led mixed use development that includes pontoons and moorings. By their very nature, pontoons and moorings require a water-based location. Consequently, there are no practical alternative locations for the development in areas with a lower risk of flooding.

The components of the scheme have different flood risk vulnerability classifications. The proposed 105 homes fall within the 'More vulnerable' classification where, in Flood Zone 3a, the exception test is required. The proposed shops, restaurants and cafes fall within the 'Less vulnerable' classification and their development is appropriate in Flood Zone 3a. The pontoons and leisure moorings are 'Water-compatible development' and are appropriate in Flood Zone 3b.

The proposed development will deliver much-needed housing in a sustainable location, as well as the provision of small-scale retail, cafe and restaurant uses and the provision of additional moorings in the Littlehampton Economic Growth Area. Thus, it will provide wider sustainability benefits to the community that outweigh the flood risk.

The submitted Flood Risk Assessment report explains how the proposed development has been designed to be safe for its lifetime without increasing flood risk elsewhere.

The proposed apartment blocks are located within an area that benefits from the presence of recently upgraded flood defences. The design level adopted for the finished floor level for all habitable uses is 5.60m AOD, which is 0.60m above the 1:200 year (2115) tidal flood level for the site. Safe access from the lower ground floor car parking areas to the higher level, via stairs, is included in the design. The podium level over the car park will connect with the main vehicular route through the site and provide a safe access and egress route between the development and the A259. The Flood Risk Assessment report also contains an emergency plan should it be necessary to evacuate.

A Main River and an Ordinary Watercourse cross the site and discharge via a 600mm diameter outfall through the flood defences. As the inlet culverts of the two watercourses are larger than the outlet structure, the total inflow could exceed the outflow and fluvial flooding could occur. The Flood Risk Assessment notes that at ground floor level, car parking is proposed and other 'less vulnerable uses' which are compatible with the fluvial flood risk. It adds that it is proposed to create a new additional headwall, increasing the discharge capacity from the site, on the Ordinary Watercourse to the north of the site and integrating this into the proposed landscaping. This would result in the loss of an existing

open channel. To offset the loss, a high-level swale is proposed along the edge of the development facing the River Arun. This channel will collect and convey surface water run-off from the roofs and podium deck, with outfalls set at a level to discharge over the top of the flood defences and into the River Arun.

The Environment Agency has raised no objection to the proposal subject the use of suitably worded conditions. ADC's Drainage Engineer has also raised no objection subject to the use of conditions.

The proposal is therefore considered to satisfy the sequential and exception tests of the NPPF and accords with the requirements of Policies W DM2 and W DM3 of the Arun Local Plan 2011-2031.

ACCESS

The application proposes access from the western arm of the A259 Bridge Road Roundabout. The roundabout arm features two lanes, allowing a dedicated access and egress to the site. This connects to an existing 6.0m wide road that heads northwards into the site. A new road of the same width, serving the southern part of the site, will branch off from this. Both roads will descend into the site at a maximum gradient of 8% and will feature a turning head at the end. The proposed width will allow for two cars or lorries to pass. A new 3m wide footpath and cycle way is proposed alongside both roads within the site. The proposed footpath and cycleway will connect with a new riverside path. Off site, the proposal includes improvements to the Bridge Road Roundabout, including a controlled crossing on the A259 to facilitate pedestrian and cycle connections between the site and Littlehampton town centre.

The application was accompanied by a Transport Assessment. The assessment showed a minimal effect upon the existing and expected future highway conditions with less than one vehicle movement per minute being generated onto the Bridge Road Roundabout during the AM and PM peak hours. Nevertheless, the applicant is committed to reducing the traffic impact of the development on the local highway network and has agreed to prepare and implement a residential travel plan to help promote active and suitable modes of travel, other than the car. This can be secured through the use of a suitably worded planning condition.

Highways England has confirmed that, subject to a contribution towards mitigation at the A27 junctions in Arun, it is satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network. The draft Heads of Terms for a section 106 agreement includes provision for this type of contribution.

West Sussex County Council, as local highway authority has also fully considered both the Transport Assessment and a revised Technical Note and does not wish to raise an objection to the proposals. It accepts that the proposed development will not have a material impact on the operation of Bridge Road roundabout and it is satisfied that the proposed pedestrian and cycle improvements have been designed to facilitate the future implementation of a road widening scheme.

The Arun Transport Study improvements in this location comprise widening of the A259 (South) entry and the A259 (North) exit on the roundabout. The submitted plan (Drawing no. 18-270/010 Rev. F) shows that there will be no conflict between the proposed development and these improvements safeguarded in the local plan.

It is therefore concluded that the proposed development accords with Policies T SP1 and T SP3 of the Arun Local Plan 2011-2031.

As the layout of the development does not form part of this application, compliance with the adopted Parking Standards Supplementary Planning Document (SPD) is a matter that will need to be considered

at the reserved matters stage.

SCALE

From the Design and Access Statement, it is clear that a thorough analysis of the site and an appraisal of its context has been undertaken. The sections of the document setting out the constraints and opportunities also help to explain how the proposed development responds to the site and its setting.

The application proposes four apartment buildings set around shared communal spaces that open out onto the river. A landmark building set on the edge of the A259 would mark the gateway into Littlehampton from the west. From here the buildings would descend in height towards the north where they would form the edge of the town. The buildings would be raised above undercroft car parking and linked by a new landscaped deck that meets the top of the flood defences.

The Proposed Parameter Plan - Heights and Levels, shows the 'Bridge Reach' building up to 8 storeys above the parking level and around 32.6m (AOD) in height. It shows the 'South Court' building up to 5 storeys above the parking level and around 21.6m in height. 'North Court' is shown to be up to four storeys above the parking level and around 18.6m in height, while 'The Saltings' is shown to be up to 3 storeys above the parking level and around 17.6m in height. For comparison, the gasholder at Littlehampton is estimated to be 45-50m in height and the Kingmere block of apartments in Littlehampton is estimated to be 33m in height.

Scale means not just the height, but the width and length of each building proposed within the development in relation to its surroundings. The width and length of each building is not stated in the application but, from a drawing entitled Proposed Location Plan, a favourable comparison may be made with the dimensions of some of the smaller buildings on the industrial estate to the south-east. There is also a set of indicative elevations to illustrate how the proposed buildings would appear in relation to their surroundings, particularly when viewed from the west against the background of the A259 road embankment with trees on its slopes.

As mentioned above (under the heading 'Principle'), the northern part of the site is designated as being within the Setting of Arundel and is subject to Policy LAN DM2. The policy states that development which would adversely affect views of the town of Arundel, its Castle, Cathedral and its special setting will not be permitted. Development is required to be of a high design standard that reflects the quality of the landscape and the setting of Arundel.

A Landscape and Visual Impact Assessment (LVIA) has therefore been undertaken and a report of its findings submitted with the application. The report notes that the site lies at the periphery of the Lower Arun Valley next to the settlement of Littlehampton, where floodplain pastures merge with Coastal Plain. "Stretches of the tidal river are contained by high banks engineered to control flooding, with suburban and urban fringe development visible over a distance". The site can be viewed at short distances from the A259 and public rights of way along the west bank of the river. At short to medium distances, views of the site are obscured by vegetation and buildings. The site is likely to be viewed from the railway running north of the site and through glimpses along the Arundel to Littlehampton green link.

The LVIA notes that, while the northern part of the site is within the setting of Arundel, the area that is proposed to be developed lies outside this policy boundary. The proposal has been designed to reduce in scale towards this boundary and a high-quality landscaping scheme will help to soften the built form in its setting. The report finds that there would be a negligible adverse - neutral effect on the setting of Arundel due to obstructed and filtered views towards the site.

The LVIA concludes that the proposal will have a negligible beneficial to minor beneficial significance of

effect on landscape receptors within the study area. The proposal will be visible in a short range of the site resulting in a minor adverse to moderate beneficial significance of effect. Most medium range views will be obstructed or partially filtered by buildings and vegetation between the viewpoint and the site, resulting in a negligible adverse to neutral significance of effect. A small amount of the proposal will be able to be seen from long range views north of the site, resulting in a negligible adverse to minor beneficial significance of effect. ADC officers agree with these conclusions.

In response to consultation on the application, the South Downs National Park Authority has stated that, given the site's distance from the National Park boundary, it is unlikely to affect the setting of the National Park in landscape terms. ADC officers are of the same opinion and thus satisfied that the proposed development meets the requirements of paragraph 176 of the NPPF.

It is therefore concluded that the scale of the proposed development accords with Policies D SP1, D DM1, LAN DM1 and LAN DM2 of the Arun Local Plan 2011-2031.

OTHER MATTERS

Noise

Given the proximity of the A259 and the railway, an Environmental Noise Assessment has been undertaken and a report of its findings submitted with the application. The report concluded that satisfactory noise levels are capable of being achieved but recommended that a further assessment be undertaken and a site noise management plan be agreed by the local planning authority prior to commencement of the development.

The Council's Environmental Health Officer has considered the proposal and recommended the imposition of a two pre-commencement conditions to secure satisfactory internal and external noise levels for the residential units. This will accord with Policy QE DM1.

Contamination

A Phase 1 Environmental Report, submitted with the application, concluded that there is moderate risk of potentially significant contamination on the site. However, provided that the recommendations contained in the report are implemented, there would be no risk to human health from redevelopment of the site for the proposed uses.

Policy QE DM4 of the Arun Local Plan 2011-2031 supports the remediation of contaminated land to ensure that land is brought back into use, subject to specific requirements.

The Council's Environmental Health Officer has considered the proposal and recommended the imposition of a pre-commencement condition requiring a scheme, to deal with the risks associated with contamination of the site, to be submitted to and approved in writing by the Local Planning Authority. This will accord with Policy QE DM4.

Biodiversity

The western part of the site (and land to the north, west and south) is shown on the Local Plan Policies Map as a Biodiversity Opportunity Area (BOA) and is subject to Policy ENV DM3. Where a proposal is likely to have an impact on species or habitats within a BOA, the policy requires an application for planning permission to include a properly conducted survey of the presence of that species or habitat and impact(s) that the development may have on the BOA.

An Ecological Impact Assessment report was submitted with the application. The report notes that the most ecologically important feature of the site is the coastal saltmarsh habitats, which support a specialist plant community. The terrestrial habitats support a small population of common lizard and an assemblage of common breeding birds, while a drainage ditch running through the site supports water voles intermittently. Surveys revealed that the site is not important for foraging bats and no notable invertebrate species were found. Wintering bird surveys showed that the intertidal mudflat and saltmarsh supports only a small number of common and widespread shorebirds and gulls foraging at low tide and no significant high-tide roosts.

In the absence of mitigation, the report notes that the proposed development has the potential to impact upon all ecological receptors including damage to priority salt marsh habitat and intertidal mudflat, disturbance to wintering birds, harm to nesting birds, common lizard and water voles, together with permanent loss of habitat for these species. However, the floating pontoon has been positioned in the river beyond low water to avoid direct impacts on intertidal habitats and reduce disturbance to wintering shorebirds. Pre-construction mitigation is proposed to reduce the impacts on protected species including trapping and translocation of common lizard and careful timing of site clearance works to avoid nesting birds. The watercourse is proposed to be realigned and restored for the long-term benefit of water voles and on-going monitoring for this species will determine the need for licensed trapping and translocation to a predetermined receptor site.

The report includes a chapter setting out opportunities for biodiversity enhancements that could be secured through the production of a Landscape and Ecological Management Plan.

ADC's Ecology Advisor is satisfied that the biodiversity enhancements outlined in the report would be suitable and has requested that further information be included in an ecological enhancement plan submitted as part of a reserved matters application. This could be secured through the use of a suitably worded planning condition.

It is therefore concluded that the proposed development accords with Policies ENV DM3 and ENV DM5 of the Arun Local Plan 2011-2031.

Marine Plan

The intertidal zone between the high water and low water mark is covered by both the land-use planning and the marine planning systems. The principles of both systems are the same; enabling sustainable development.

The marine planning system has been designed to work alongside the land-use planning system and marine plans must be used as part of regulatory and decision-making processes. The South Marine Plan does not form part of the development plan, but it is a material consideration in the decision-making process.

- Policy S-INF-1 supports appropriate land-based infrastructure which facilitates marine activity.
- Policies S-TR-1 and S-TR-2 support proposals that facilitate, promote, or enhance tourism and recreation activities.
- Policy S-ACC-2 supports proposals which enhance public access to the marine area.

The proposed leisure moorings are considered to accord with these policies .

- Policy S-WQ-2 encourages the restoration of habitats such as coastal saltmarsh and intertidal mudflats.

The proposals accord with this policy by avoiding development on the adjoining land to the north and

through the mitigation measures set out in the Ecological Impact Assessment.

CONCLUSION

The principle of development for the proposed retail, restaurant and cafe uses, and the pontoons and leisure moorings, is considered to be acceptable and in accordance with policy. As the district does not currently have a five-year housing land supply, paragraph 11(d) of the NPPF is engaged. The application of policies in the NPPF relating to flood risk, the National Park, and habitats do not provide a clear reason for refusing the development proposed.

There is uncertainty over the viability of the proposed development, leading to a level of affordable housing being proposed below that which is required under Policy AH SP2. A reduction in the amount of affordable housing on a site or off-site provision as part of another development is allowed in very exceptional circumstances. Evidence has been presented and assessed and it has been concluded that a late stage viability review should be carried out upon the disposal of 75% of the units, with a proportion of any surplus profit being required as a contribution towards the provision of affordable housing on an alternative site in the District. This would be secured through a s.106 agreement.

A mixed use development including pontoons and leisure moorings cannot reasonably be located away from the river on a site elsewhere, with a lower risk of flooding, identified through a sequential test. A Flood Risk Assessment has been undertaken in accordance with the requirements of Policy W DM2. The risk from flooding is considered to be acceptable with the more vulnerable uses being satisfactorily located within the development and any resultant risk being satisfactorily mitigated.

Subject to a contribution towards mitigation at the A27 junctions in Arun, secured through a s.106 agreement, the proposed development would not materially affect the safety, reliability and/or operation of the strategic road network. Neither will the proposed development have a material impact on the operation of Bridge Road roundabout. The proposed pedestrian and cycle improvements have been designed to facilitate the future implementation of a road widening scheme in this location too.

The scale of the proposed development is considered unlikely to affect the setting of the National Park in landscape terms. It is also considered unlikely to have a significant adverse effect on the setting of Arundel. At closer distances, the scale of the proposed development will be viewed against the background of the A259 road embankment, the bridge across the River Arun and suburban and urban fringe development generally. The landscape and visual impact is considered to be acceptable.

RECOMMENDATION

The recommendation is that the Planning Committee delegate to the Group Head of Planning (in consultation with the Chairman and the Vice Chairman) authority to:

- a. Authorise the execution and completion of the Section 106 Agreement;
- b. Grant planning permission subject to conditions and the Section 106 Agreement.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

The proposed development would be required to make a CIL contribution on the reserved matters application, not at this outline planning stage. The site is located in Charging Zone 3 and would therefore be liable to pay CIL at £100 per square metre of net additional floorspace, based on the information submitted at the reserved matters stage.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under Section 92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Appearance;
- (c) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall begin either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Location Plan - 030-S3-E001 Rev. A

Proposed Offsite Improvements & Allowance for Future Improvements - 18-270/010 Rev. F

Proposed Parameter Plan Access and Easements - 030-S3-P043 Rev. A

Proposed Parameter Plan Heights & Levels - 030-S3-P042 Rev. A

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 2011-2031.

- 4 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance and in accordance with Policy HER DM6 of the Arun Local Plan 2011-2031.

- 5 No development shall commence, including any works of demolition, 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,

- an indicative programme for carrying out the works,
- 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, including permitted times for deliveries,
- 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),
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s),
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination,
- measures to control the emission of dust and dirt during construction,
- a scheme for recycling/disposing of waste resulting from demolition and construction works i.e. no burning permitted, and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and to protect the amenity of local residents in accordance with Policies TSP1 and QE SP1 of the Arun Local Plan 2011-2031.

- 6 Prior to the commencement of development an Employment and Skills Plan for the construction phase of the development shall be submitted to and approved by the Local Planning Authority. Thereafter, the developer shall implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of the development.

- 7 Prior to the commencement of development, 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, compiled by a

competent acoustician on sound insulation and noise reduction for buildings, shall be 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 the Arun Local Plan 2011-2031.

- 8 Prior to the commencement of development, a scheme to demonstrate that the external noise levels within the curtilage of residential units will conform to the 'Design criteria for external noise' upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014 Guidance on sound insulation and noise reduction for proposed developments shall be submitted to and approved in writing by the Local Planning Authority. The work 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 the Arun Local Plan 2011-2031.

- 9 Prior to the commencement of development, details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall be designed to comply with the recommendations of the Institute of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2011).

Reason: To protect the amenity of local residents in accordance with Policy QE DM2 of the Arun Local Plan 2011-2031.

- 10 The development hereby permitted shall not commenced until such time as a scheme to ensure access to/improvement/protection and maintenance of existing and proposed flood defences has been submitted to, and approved in writing by, the local planning authority.

These mitigation measures shall be fully implemented prior to occupation and subsequently maintained, 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.

Reasons: To reduce the risk of flooding to the proposed development and future occupants. To ensure the structural integrity of the existing and proposed flood defences thereby reducing the risk of flooding.

- 11 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite infrastructure is designed into the buildings.

- 12 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.

- 13 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 14 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.

- 15 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.

- 16 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 sewage in accordance with Policies W DM1 and W DM3 of the Arun Local Plan 2011-2031.

- 17 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.

- 18 Prior to each phase of the development being occupied, 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.

- 19 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will

be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

- 20 Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Groundwater Protection Position Statement of the 'The Environment Agency's approach to groundwater protection'.

The penetrative methods associated with piled foundations and investigative boreholes can create preferential pathways for mobilised contaminants to reach shallow groundwater and their associated receptors.

- 21 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reasons: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

Any borehole could provide a preferential pathway for mobilised contaminants or site generated effluent to enter shallow groundwater, it is therefore vital that any borehole not required for further monitoring be decommissioned in line with industry standard.

- 22 No development shall take place until a landscape and ecological management plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy.

- 23 The development shall be carried out in accordance with the mitigations proposed in the submitted Ecological Impact Assessment (EIA) dated 25th June 2020 by The Ecology Co-op; specifically:
- Section 5.6 of the EIA relating to water voles accepts that there will be loss of water vole habitat through development. Therefore a fully specified mitigation plan should be in place for loss of water vole habitat across the site.
 - This to be informed by up to date monitoring prior to commencement of site clearance and construction. Options proposed for translocation of water vole off site will require suitable

licencing and a confirmed release location, not currently occupied, and with fully mature habitat.

- This location must be secured prior to development. If water vole are to be retained on site then created habitat, such as the proposed bio-swale, must be of suitable quality to receive water vole prior to the culverting and re-alignment of the north/south ditch. Especially as water vole appear to populate the site from ditch systems to the North. Retaining water vole off site during construction should very much be a last resort.

- The 5 year monitoring of the current salt marsh extent including the compensatory habitat created by the Environment Agency as described in Section 5.1.2 is essential for the retention and hopeful expansion of this priority habitat.

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: The National Planning Policy Framework (paragraph 180) states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

24 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include:

- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
- ii. Details of the positions, height, design, materials, and type of boundary treatment to be provided;
- iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree;
- iv. The detailed landscape design for the development including the layout and design of the public realm within the development;
- v. Details of the play area/s and public open spaces;
- vi. Details of the surfacing, lighting, and signage of all footpaths and cycle routes.

No tree or hedge shall be felled, uprooted, or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policies D DM1, HWB SP1, OSR DM1 and ENV DM4 of the Arun Local Plan 2011-2031.

25 a. Prior to the commencement of development or other operations likely to affect trees being undertaken on site, a scheme for the protection of the retained trees produced in accordance with BS5837:2012 (Trees in relation to design, demolition and construction. Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

b. No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved scheme.

d. Protective fencing shall be retained intact until completion of the development and shall not be removed or re-positioned without the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policies D DM1 and ENV DM4 of the Arun Local Plan 2011-2031.

- 26 Landscaping (hard and soft) shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of that phase of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of that phase 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 2011-2031.

- 27 No part of the development shall be first occupied until such time as the vehicular access and footway link serving the development has been constructed in accordance with the details shown on the drawing titled 'Proposed Offsite Improvements & Allowance for Future Improvements' and numbered 18-270/010 Rev. F.

Reason: In the interests of road safety and in accordance with Policy T SP1 of the Arun Local Plan 2011-2031.

- 28 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with Policies D DM1 and T SP1 of the Arun Local Plan 2011-2031.

- 29 Prior to the occupation 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. The charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, 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 Parking Standards SPD and the National Planning Policy Framework.

- 30 No demolition or construction activities shall take place other than between 08.00 hours and 18.00 hours (Monday to Friday) and between 08.00 hours and 13.00 hours (Saturday) with no work on Sundays or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the

Arun Local Plan 2011-2031.

- 31 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan 2011-2031.

- 32 The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment (ref 4732, Ambiental, 10/06/2020) and the following mitigation measure it details:
- Finished floor levels shall be set no lower than 5.6 metres 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.

- 33 The leisure moorings hereby permitted shall not at any time be used as residential moorings.

Reason: Permanent residential use would change the flood risk vulnerability classification for this part of the development and place occupants in a higher category of risk.

- 34 At least 50% of the total number of dwellings shall be designed and constructed to M4(2) (accessible and adaptable) standard and two additional units shall be designed and constructed to M4(3) (wheelchair user dwellings) standard, for every 50 dwellings developed on the site, as defined by 'Access to and use of buildings: Approved Document M'.

Reason: To ensure that dwellings are adaptable and meet the needs of different groups in the community in accordance with Policies H DM1 and D DM1 of the Arun Local Plan 2011-2031 and Paragraph 62 of the NPPF.

- 35 INFORMATIVE: Information and advice on contaminated land studies, including an explanation of conceptual models, is available in the Environment Agency/NHBC publication "Guidance for the Safe Development of Housing on Land Affected by Contamination" ISBN 0 11 310177 5.

- 36 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 event plus 40% on stored volumes/rainfall intensity (allowance for climate change) 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 storm event plus 40% on stored volumes/rainfall intensity. 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 at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 37 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.
The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 38 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 39 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 40 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 41 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.