

Arun District Council
Development Control
1, Arun Civic Centre Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Our ref: HA/2021/123510/01-L01
Your ref: LU/251/21/PL
Date: 09 September 2021

Dear Sir/Madam

PARTIAL DEMOLITION OF NUMBER 57 RIVER ROAD, CHANGE OF USE & REDEVELOPMENT TO PROVIDE A FLATTED DEVELOPMENT COMPRISING 6 NO APARTMENTS, WITH PRIVATE AMENITY SPACE, PARKING & CYCLE STORAGE. INCLUDING THE PARTIAL DEMOLITION OF THE ADJACENT BOUNDARY WALL TO PROVIDE A NEW PEDESTRIAN ACCESS & THE CREATION OF A FLOATING PONTOON WITH RESIDENT MORNING SPACES (RESUBMISSION FOLLOWING LU/247/21/PL)

57 RIVER ROAD LITTLEHAMPTON BN17 5DD

Thank you for consulting the Environment Agency on the above application.

Environment Agency Position

We have **no objection** to the proposed development as submitted, **subject to the inclusion of the following 6 conditions**, in any permission granted.

We consider that planning permission could be granted to the proposed development, as submitted, if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Conditions

Condition 1 – Implementation of flood risk assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- The Ground Floor Finished Floor level of the development must be set no lower than 5.17mAOD

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the

Environment Agency
Guildbourne House Chatsworth Road, Worthing, West Sussex, BN11 1LD.

www.gov.uk/environment-agency

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development.

Reasons

In line with the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to ensure the safety of the development and future occupants.

The road levels are identified as 3.40mAOD. Therefore safe access to and from the building will not be possible in case of a flooding. As a result, emergency services will not be able to operate and the safety occupants will be reliant on safe refuge within the building or prior to evacuation.

Condition 2 – Development on land affected by contamination

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

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 results of the site investigation and the detailed risk assessment referred to in (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 the remediation strategy 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason(s)

The previously submitted Ground Contamination Risk Assessment report (August 2020) identifies elevated concentrations of metals and hydrocarbons in the shallow made ground which appears to be absent in the deeper made ground. The report concludes that the stripped foundations should be inspected for suspected visual and olfactory signs of hydrocarbon contamination and if this is identified further intrusive investigation will be necessary. Therefore this condition is required to ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Condition 3 – Verification report

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of 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.

Reason(s)

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have

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been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 4 – Previously unidentified contamination

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(s)

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. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 5 – SUDS infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason(s)

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 caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 6 – Piling

Piling 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.

Reason

To ensure that the proposed redevelopment, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

Advice to Local Planning Authority/Applicant

Mitigation

To reduce risk of internal flooding, the mitigation measures outlined in the Flood Risk Assessment are recommended to be implemented in order for the building to be considered safe from a flood risk perspective.

Providing all the finished floor levels are set no lower than 5.17mAOD, the development is likely to remain free of inundation over its lifetime. Safe refuge is available within the building. The LPA should be satisfied that the building can remain structurally sound given the potential flood depths (1.47m) possible at the site.

A site specific flood warning and evacuation plan has to be implemented for the development to be considered safe from a flood risk perspective.

Access and egress

If flooding does occur safe access and egress may not be available, therefore we recommend that a site specific flood warning and evacuation plan is produced for the site, and the occupiers enrol on the Environment Agency's Floodline Warnings Direct service to receive information on flood warnings.

The Environment Agency will support the decision of the LPA on flood risk matters and should the LPA be minded to refuse the application on the grounds that the mitigation proposed is not considered satisfactory the Environment Agency would provide our full support at appeal.

Flood Risk Activity Permit

The proposal might require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures on or within 16m of a main river or of any flood defence structure. This was formerly called a Flood Defence Consent. An environmental permit is in addition to and a separate process from obtaining planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Partnership and Strategic Overview team on [REDACTED]

[REDACTED] The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Yours faithfully

Mrs Sophie Brown
Sustainable Places Planning Advisor

[REDACTED]