

REPORT UPDATE

Application No: LU/251/21/PL

Reason for the Update / Changes

Reason for Update/Changes:

Members are advised that there is no footpath adjacent to the river at this point in River Road. The path terminates quite a way south of the site. There are several terraced properties in the intervening section of River Road between the path and the application site which have residential curtilages adjoining the river.

A pedestrian footpath along River Road is available on the opposite side of River Road.

The agent for the application has queried the length of time the application has been submitted and the number of case officers. A full response has been provided. The application has been put on the first available Committee following the expiry of the advertising period.

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 Planning Permission

REF NO: LU/251/21/PL

LOCATION: 57 River Road
Littlehampton
BN17 5DD

PROPOSAL: 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). This application affects the character & appearance of the Littlehampton River Road Conservation Area & is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal includes demolition of the existing warehouse building with the exception of the flint elevation fronting River Road. This elevation will be retained and repaired in a similar manner to the adjoining development at 49 River Road. The loading door will be removed and replaced and the timber door will be restored. A section of the flint wall along River Road will be removed, and a new pedestrian access inserted. A vehicular gate will also be inserted. The remainder of the wall will be retained and repaired.

It is proposed to erect a building which is part 4 storey and part 3 storey, which is physically connected by an enclosed central fully glazed stairwell providing a glazed gap of 4.7 metres.

The proposed ground floor of the building on the northern section follows the footprint of the existing warehouse. The building in the southern section is raised on columns. The ground floor provides 8 parking spaces with rapid charge points for electric vehicles. 8 cycle spaces are also proposed, with a secure refuse and recycling area. The southerly block is set back from number 49 River Road.

At first floor, two 3-bed apartments are proposed. Both have access to a terrace at the rear. Two further 2-bed apartments are proposed at second floor level; one has a terrace to the front and rear. At third floor level, a 2-bed apartment is proposed in the southern building with a large terrace.

Double pitch roofs are proposed to the front and rear, with a simple connecting roofline across the glazed core. The materials will comprise brick walls to the northerly block, zinc cladding to the southerly block with the roofs clad in zinc grey metal roofing and composite timber and aluminium windows. The proposal also includes a floating pontoon for residents.

SITE AREA	475 sq m.
RESIDENTIAL DEVELOPMENT DENSITY	126 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Building abuts road frontage in part and the rest of the frontage has flint walling to a height of approximately 2 metres.
SITE CHARACTERISTICS	Rear to river 1 metre high concrete wall. Neighbouring properties are located on the boundary. Detached 2 storey warehouse style building with parking area to east. Flint elevations (lower portion on River Road painted) and slate roof. Premises are occupied by Riverside Autos, a car repair garage. External timber staircase to first floor.
CHARACTER OF LOCALITY	The site lies within River Road Conservation Area which is predominantly residential in character and comprises a mix of dwelling designs and height. New dwellings to west are 4 storeys in height. To east no.49 is detached and 2 storeys high. Opposite modern flat development.

RELEVANT SITE HISTORY

boundary wall & street facade, partial demolition of boundary wall to incorporate new pedestrian gateway & gate, erection of 6 No. flats in 2 blocks connected by shared stair & lift core, on site parking yard for 8 No. cars & 8 No. cycles & space for communal refuse & recycling bins. This application affects the character & appearance of the Littlehampton River Road Conservation Area & is in CIL Zone 4 (Zero Rated) as flats. 11-12-20

LU/106/14/PL Demolish existing building, retaining the existing facade (part) on River Road and party wall on the South East boundary. Change of use to residential. Construct new three storey building consisting of 4 no. four bed houses and open parking at ground floor level. Resubmission following LU/257/13. This application affects the Character and Appearance of the Littlehampton (River Road) Conservation Area. Refused 24-07-14

LU/407/07/ Demolish existing building, retaining the existing facades on River Road, the north west boundary flank and party wall on the south east boundary and construct three storey building containing 9 No 2 bedroom and 3 No 1 bedroom apartments with open parking at ground floor. (Re-submission following LU/91/07/) Refused 06-02-08

**Appeal: Allowed+Conditions
22-10-08**

LU/247/20/PL which related to development of 6 flats on the site was refused for the following reasons:
1) The site lies within the Littlehampton River Road Conservation Area and given the height of the southerly unit and the impact of the development on non designated heritage assets within the Conservation Area it is not considered that the proposal would preserve and enhance the character and appearance of the Conservation Area in conflict with policies HER DM3 and HER SP1 of Arun Local Plan and the proposal would cause less than substantial harm to heritage assets which is not outweighed by public benefit and is therefore contrary to paragraphs 192,194,196 and 197 of the NPPF.
2) The proposal results in the loss of a non designated heritage asset and it has not been adequately demonstrated that the building cannot be repaired and put to a viable beneficial use or re-use in conflict with policies HER SP1 and HER DM2 of Arun Local Plan.
3) The proposal is located within an Economic Development Area and in the absence of sufficient information to demonstrate that the loss of the existing employment site would be acceptable, the loss of employment opportunities, would be contrary to the aims and objectives of policies EMP DM1(2) and EMP SP2 of the Local Plan which seek to enhance employment opportunities.

LU/407/07 relates to a site neighbouring the application site.

This revised application has been submitted to address the reasons for refusal. The changes proposed by this application will be discussed in more detail in the Conclusions section.

REPRESENTATIONS

Littlehampton Town Council - Objection (the full comments are available to view on the Council's website):

- Insufficient parking.
- More could be done to retain the remaining elements of the heritage of the building. The proposed partial demolition of the flint wall could be avoided.

7 objections raising the following material planning considerations:

- Will impact heavily on the riverfront which is one of Littlehampton's biggest assets.
- The adjoining development did not work. The style and size of the building is not acceptable.
- Question the introduction of yet another style incorporating a large amount of glass. It will make the riverfront look like a ramshackle mixture of buildings with no uniform structure or thought.
- It should be possible to bring forward a viable application whilst retaining the historic building on site.
- Loss of privacy, overshadowing, flooding and parking.
- Vehicles coming out of the proposed parking area could cause a highway problem. River Road is designated a one way street which many drivers ignore.
- The building proposed to be demolished is the only remaining old riverside building that reflects the town's heritage. Cannot see that efforts have been made to find an alternative use for this building.

21 letters of support raising the following material planning considerations:

- The Harbour is at the heart of Littlehampton and the surrounding areas. The Littlehampton Economic Growth Area (LEGA) is a cornerstone of the current Local Plan and the proposed redevelopment of 57 River Road is a crucial step in the regeneration of the Harbour.
- The proposal is an extension of a beautiful architectural narrative that preserves the best of the original buildings whilst bringing them back to life; creating living breathing buildings that deliver something new to the street scape of River Road as well as to the waterfront of the River Arun.
- Whether the building is structurally sound or not it has been allowed to degrade to such an extent that it, and the adjoining car park, no longer contributes to the appearance of the Conservation Area and seriously detracts from it.
- It is extremely unlikely that any developer will come forward with a commercially and financially viable proposal for the use of the existing building. Unless an alternative such as this proposal is approved the site will remain a blockage to the regeneration of this part of the harbour.
- The existing front flint wall is to be retained and repaired and this will match well with developments already implemented in River Road.
- Welcome development and investment in the town.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments made are noted and are addressed in the conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection.

- A programme of historic building recording along with the provision of an information board regarding the history of the site and Conservation Area), and retaining the front elevation are positive features of the proposal. The revised scheme is an improvement on the previous one and would result in the removal of an unkept site in the Conservation Area. Subject to confirmation over the use of high quality materials, the proposed scheme would result in an acceptable development.
- Therefore, the application is considered to not cause harm to the Conservation Area (when considered

in its entirety). As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments and account should be taken of the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- Environmental Health - No Objection. Conditions requested.
- Environment Agency - No Objection. Conditions requested.
- County Highways - No Objection. Conditions requested.

Conservation Area Advisory Panel - Objection.

- The existing building retains its essential form and appearance as a riverside warehouse. It is the last intact building of its type remaining on the east side of the river.
- If the building is beyond reasonable repair and no viable uses can be found for it even with the involvement of an historic building preservation trust, then there is a case for its removal. In this eventuality at least the retention of its facade would be better than total demolition.
- Not convinced that sufficient examination of the full possible range of alternative uses, including residential conversion, has been undertaken. Neither has the possible involvement of a building preservation trust.
- The substantial loss of this important building will have a distinctly adverse effect on the heritage significance, character and appearance of the Conservation Area. As such, the proposed development will conflict with the relevant paragraphs of the National Planning Policy Framework and policies contained in the Arun Local Plan relating to the protection of non-designated and designated heritage assets.
- If the Council is minded to grant planning permission then conditions are requested.

Drainage Engineer - No Objection. Pre commencement conditions requested.

Lead Flood Authority - No Objection.

Ecology Officer - No Objection. A precautionary approach to bats should be conditioned including removal of any tiles by hand; immediate cessation of works if bats are found; a bat sensitive external lighting scheme; the provision of 3 bat boxes.

Marine Management Organisation - No Objection. Informatives requested and imposed. Full details of comments on the web site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Whilst the retention of the building would be desirable the mitigation proposed and retention of the gable are sufficient to allow the application to be supported when weighed against other material planning considerations. Alternative uses have not been considered, but any use within the building is likely to be unviable given the poor state of the building and the extent of works required to bring it into a useable form.

Not all conditions requested by Environmental Health have been imposed. It is not considered that the levels of external noise would be reasonably necessary and would be adequately controlled by Building Regulations.

POLICY CONTEXT

Designation applicable to site:
Within River Road Conservation Area

Abuts River Arun
 Building of Character
 Flood Zone 3
 Littlehampton Economic Growth Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
QEDM4	QE DM4 Contaminated Land
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
SDSP1	SD SP1 Sustainable Development
EMPSP2	EMP SP2 Economic Growth Areas
EMPDM1	EMP DM1 Employment Land: Development Management

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

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Littlehampton Neighbourhood Development Plan have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that there would be no materially adverse effect on the established character of the surrounding area, residential amenity or risk of flooding.

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

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

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

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

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area or locally Listed Heritage assets within it.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

COMPARISON WITH EARLIER REFUSAL LU/247/20/PL

- The gap between the southern building and the neighbouring (49 River Road) has been increased by half a metre. This has been achieved by slightly reducing the space between the southern and northern wings (by 0.3m) and reducing the width of the southern block by 0.2 metres.
- The height of the building adjacent to no. 49 has also been reduced by one storey. The 4th floor has been deleted and the roof is now flat instead of pitched.
- The marketing report and structural report have been updated.
- The number of units has not decreased, but two of the 5 previously proposed 3 bed units are now 2 bed units.

PRINCIPLE

The application site is situated within a sustainable location close to the town centre and railway station where the principle of development is acceptable subject to accordance with the relevant Development Plan policy. The proposed development will deliver 6 additional homes on previously developed land in

accordance with Policy SD SP1a, and will contribute towards meeting the Council's overall housing needs as detailed within Policy H SP1. The proposed residential units will comprise a mix of apartment sizes.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where applications in conflict with Policy 1 would be acceptable. Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development in the built up area boundary. The proposal would accord with these policies since the site is within the built up area and has an acceptable impact on 'Buildings of Character ' in compliance with Policy 17 of the Neighbourhood Plan as set below.

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

VISUAL AMENITY AND CHARACTER

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 130 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted.

The existing building is situated in a prominent location within River Road being visible from the river, bridge and road frontage. Whilst showing signs of neglect it does make a contribution to the historic character of the area. Therefore, visually, its retention is preferred to its complete demolition.

The proposed buildings have been designed in a way which does relate to the physical characteristics of the site and the surrounding area. The density and the extent of site coverage reflects the adjacent building to the north. The development responds to the site and its setting in accordance with section 4 of Arun's Design Guide (ADG) and part G in respect of density and uses. For town centre flats densities of 60-100 dwellings per hectare are indicated with densities expected to decrease from the town centre. This site is on the periphery and the density of 126 dwellings per hectare is reasonable especially when it is taken into account that there is flatted development neighbouring the site to the south and east. It relates positively to the scale and form of the surrounding natural and built environment and creates connections with the site's surroundings, promoting integration and permeability.

The retained elevations at 47 River Road and the warehouse at 57 and former workshops at 49 River Road are all 2 storeys in height and provide a contrast of scale with the taller buildings along the street. More recent gabled garage buildings further east on River Road continue this variety of scale which contributes to the character of the area and offers clues for the development proposals at 57 River Road. The streets to the north of River Road are also predominantly 2 and 3 storeys with some 4 storey development along Terminus Road.

River Road is fronted primarily with 2 and 3 storey dwellings punctuated with the 4 storey development at 47 River Road and the set back massing of the 4-6 storey building at Mariners Quay. The proposal is for 2 blocks of 3 storeys and 4 storeys with ridge heights lower than the adjacent development at 47 River Road and marginally higher than the ridge height of the 3 storey flats at Pharos Quay on the opposite side of River Road.

The height of the southerly unit is acceptable and the massing of the 2 buildings sits comfortably within the street and river scene. River Road is relatively narrow making the oblique views along the street

important visually. Both buildings have set back top floors with terraces. The southerly block also steps back at second floor along the south east boundary, and the height when combined with retained distance to the southern boundary does respect the scale of 49 River Road and is not overly high in relation to it. The form and character of the development is in keeping with its surroundings and accords with part J of ADG which seeks to respect the existing landscape and townscape by creating buildings with a form and character that reflects and enhances the distinctive architectural qualities of the surrounding area.

Materials would contrast through the use of metal cladding. This would reflect some of the metal clad buildings associated with ship building, particularly those on the opposite side of the river. It is considered that contrasting material would be in keeping with the heritage of the area.

The design and materials are considered acceptable in accordance with part (2) of D DM1 and the development would improve upon the character of the site and surrounding area by improving the appearance of what is a building in a poor state of repair which is deteriorating in appearance and an untidy visually unattractive storage area, which detract from the appearance of the Conservation Area. The development as a whole complies with the requirements of policy D DM1(1) of Arun Local Plan.

HERITAGE CONSIDERATIONS

Each aspect of the impact on heritage assets resulting from the proposal will be considered in turn.

CONSERVATION AREA

The relevant Local Plan policy for assessment of the impact on the Conservation Area is policy HER DM3 which states that in order to preserve and enhance the character and appearance of the Conservation Area planning permission will normally be granted for proposals within a Conservation Area provided that they acknowledge the character in their layout, form, scale and detailing and the spaces between buildings, historically significant boundaries and elements of the area's historic value are retained and that proposals do not harm important views into, or out of or within the Conservation Area.

Policy HER SP1 requires Conservation Areas to be given the highest level of protection and to be conserved and enhanced in a manner appropriate to their significance.

The site lies within the Littlehampton River Road Conservation Area. A key element of the Conservation Area is its relationship with the river. This part of the Conservation Area comprises the 19th century application building and that adjoining to the south east and those fronting Terminus Road including the Steam Packet PH, Arun View Inn, and the former Customs House to the northwest. Many of the buildings reflect the growth of the harbour of that period. Both planning policies and central Government advice place an emphasis on development preserving or enhancing the character and appearance of the Conservation Area.

The site includes a building which will have the front portion maintained within the street scene to retain a historic reference and the development maintains a 2.5m gap along the boundary with 49 River Road preserving part of the established gap and the southerly block is lifted up a storey on columns allowing views beneath. The development is designed to separate the accommodation into 2 blocks with a 5m gap bridged with a fully glazed stair and lift core retaining views toward the river. These design features ensure that the proposal still retains glimpses of the river.

The development would reflect the design and ethos of the adjacent development to the north and would not appear out of keeping in its context. The 2 parts of the development share the same silhouette - metal double gabled roofs minimise the overall height and make reference to the historic warehouse

elevations and the roof profiles of adjacent developments. Other elements such as balconies, windows and rainwater goods emphasise the industrial aesthetic rather than a domestic character. These features enhance the appearance of the Conservation Area.

Whilst, the proposal results in the loss of a building of character this is justified as discussed below and does not have an adverse overly dominant impact on the setting of a Building of Character (49 River Road) within the Conservation Area. The development is sympathetic in scale and form to the adjoining building. The proposal is therefore considered to preserve and enhance the character of the area by retaining part of the existing building, making reference to its history, acknowledging its importance and retaining the historic character in compliance with policies HER DM3 and HER SP1 of Arun Local Plan.

In accordance with paragraph 194 of the NPPF, a Heritage Statement has been prepared which assesses the impact the development has on the character of the existing building, which provides an acceptable analysis of the impact on the locally designated building at 49 River Road and the Conservation Area generally, and adequate justification is provided for removal of the application building.

With regard to Paragraph 203 of the NPPF the main consideration is the indirect effect that the proposed replacement development could have on the appreciation of the significance of the identified locally listed buildings and their settings and the appearance of the Conservation Area. As discussed above the proposal would represent an acceptable change in the appearance of the current dilapidated building, and no adverse impact on the setting of the adjacent heritage asset and the character and appearance of the area or unacceptable loss of a heritage asset would result.

In accordance with para.195 of the NPPF which states that Local Planning Authorities should take account of any necessary expertise, the Conservation Officer has been consulted and he has commented that the design and appearance of the buildings is acceptable as long as the quality of the materials used can be clearly identified within the scheme and that the relationship with the adjacent locally listed building is acceptable.

Conclusion on Impact on the Conservation Area

In conclusion, whilst the gap in the Conservation Area is reduced in width some important views/glimpses of the river would be retained and the proposal would enhance the appearance of the area by replacing what is currently a dilapidated building with a new structure of appropriate design which retains elements of the existing building and its historic relationship with the area. The development respects the adjacent building of character and removal of the building of character is adequately justified which means that the development as a whole preserves and enhances the character and appearance of the Conservation Area and is therefore acceptable in terms of compliance with policy HER DM3.

LOCALLY LISTED BUILDINGS OR STRUCTURES OF CHARACTER

The application site includes 57 River Road which is a building of special character. This non-designated heritage asset status relates to its age and rarity as an early survival of a 19th century warehouse along River Road, group value and historical associations. No 49 to the south is also a building of special character.

The relevant Local Plan policy for assessment of the impact of partial demolition of the Building of Character is policy HER DM2 which states that proposals resulting in the loss of Locally Listed Buildings will only be approved when it can be demonstrated that the building cannot be put to a beneficial use or re-use. In this particular case the ground floor of the building is already in use, but the agents advise that

this use is not viable in the long term. Replacement structures will need to be of high quality design. There may be circumstances where the public benefit from the proposed development outweighs any proposed harm, in such circumstances, the proposal will need to be justified as appropriate.

Policy HER SP1 refers to non-designated heritage assets including locally listed heritage assets and states they need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

Policy 17 of Littlehampton Neighbourhood Plan Buildings and Structures of Character refers to locally important heritage assets. It states that the effect of a planning application proposal on the significance of these non-designated heritage assets will be taken into account in determining the application in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

The submitted Heritage Statement concludes that 57 River Road is of moderate historical significance but of low to moderate architectural significance.

The proposal is for the demolition of all but the front elevation of 57 River Road and the insertion of a 4 storey structure behind the historic road frontage. The proposed development also includes the development of the adjacent yard with a 3 storey building. The proposed development of the yard would retain the front boundary wall and include the insertion of a new gate. The flint cobble and brick wall makes a positive contribution to the street scene in terms of its form and materials. Retaining this wall will preserve the physical and visual relationship of the yard and its boundary to the warehouse and continue to be a positive historic feature within the street scene.

The submitted assessment of the value of the Heritage Asset refers to its alteration which includes demolition of a bay on the River Arun side of the building and the original roof covering being replaced with modern tiles. None of the original doors or windows survive, although the openings with brick dressings partly survive. The south-west elevation with corrugated metal cladding does not contribute to the character of the building or to views towards the Conservation Area from the opposing bank of the River Arun. The south-east elevation has been truncated, along with one first floor window, and a door with an unsympathetic steel lintel inserted on the ground floor.

57 River Road makes a positive contribution to the architectural and historical interest of the Conservation Area. Its form and use of materials contribute to the street scene. Retaining the front gable end elevation will to a certain extent preserve the streetscape and will be in keeping with the adjacent development. Whilst the development would utilise existing openings and the date stone with the name T. Isemonger will remain legible the proposed demolition would have a direct physical impact on the heritage asset and would result in its partial loss. Whilst the proposal will ensure it will continue to serve as legible evidence of past commercial activities along this part of River Road the loss of the building still requires justification and should only be agreed when the options for retention can be reasonably discounted. The building is significant in terms of its age and rarity as an early survival of a 19th century warehouse along River Road, group value and historical associations.

The proposed partial demolition would result in the loss of historic fabric which is considered to be of low to moderate significance. Development of the adjoining yard would involve the loss of an open space associated with wharves along the east bank of the river Arun.

The proposed building in the yard area would be visually separated from the proposed building at No. 57 by a glazed link containing staircases and would be offset from the property to the south-east. This will retain a degree of openness that will maintain the definition of the yard and afford glimpsed views between the buildings. The proposed northern building adjoins number 47 River Road. The southerly block is set back from number 49 River Road to increase the stepping down in scale.

The proposal also includes a structural survey of the building which identifies that it is in a poor state of repair, but whilst it does not conclude that it is beyond repair, the cost of repair would be significant. Two repairs schedules have been submitted one outlining necessary works to the property in its current use and layout, and the other reflects the estimated costs to carry out fundamental works which are necessary to upgrade the property into professional studio of similar occupancy.

A Market Assessment considers 2 options. One to retain the building as it is and the other for renovating the warehouse and yard to return it to a safe state with a continuing commercial/employment use. The condition report submitted with the application indicates that the building is in poor structural condition and the issue the viability of finding uses for the building given the costs of repair is not feasible. It has been demonstrated that there is no viable appropriate office or commercial use for the building.

The proposal would not accord with policy HER SP1 since the existing non-designated heritage assets are not conserved and enhanced. The proposal results in the loss of a historically important and significant Locally Listed Buildings but it has been satisfactorily demonstrated in the information supporting this application that the building cannot be viably repaired and put to a beneficial use or re-use and the proposal therefore accords with policy HER DM2 and Policy 17 of the Littlehampton Neighbourhood Plan. The applicant has advised that a pre-commencement condition preventing any demolition work until a programme for recording the building has been agreed with the council would be welcomed. The record can be placed on the Historic Environment Record. The applicant is also willing to provide a board, summarising the building record, so that it can be displayed.

In accordance with paragraph 203 of NPPF, the impact should be weighed against significance of the heritage asset as well as the impact of the replacement and new buildings. It is considered that the harm arising from partial demolition could be mitigated through a programme of historic building recording to an appropriate level. Retaining the front elevation will to a certain extent preserve the historic integrity of the street scene, but the demolition of all but the front gable of the building would remove a rare and historically important building in the street scene. However the retention of some of the building into the future by incorporating it within the proposed development ensures that reference to the historic character of the building replacement is retained and this would preserve and enhance the character and appearance of the Conservation Area. The proposed mitigation, by retaining the gable is sufficient to address the potential harm to the loss of adverse impact on the setting of heritage assets of this part of River Road.

The proposal has taken account of the policy objectives set out in paragraph 197 of the NPPF by improving the dilapidated form of an existing heritage asset, providing an acceptable impact on the conservation of the designated Heritage Assets which include the character and appearance of the Conservation Area and impact on other non-designated heritage asset buildings which has been sufficiently minimised and mitigated for as required by para197(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

CONCLUSIONS IN RESPECT OF PLANNING BALANCE IN RELATION TO HERITAGE ASSETS

Overall, the proposal does cause a level of harm to the Heritage Assets by partially demolishing a Building of Character, and this level is such that the impact can be described as leading to less than substantial harm. In accordance with paragraph 202 of the NPPF this harm needs to be weighed against the public benefits of the proposal.

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

- Providing much needed housing to meet the deficit in Arun's 5 year Housing Land Supply (HLS).
- Benefitting the local economy by bringing in additional residents to the town centre shops and services.
- Benefitting the streets surrounding the site from increased natural surveillance, reducing crime & anti-social behaviour.
- Creating construction jobs.

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

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) of the Arun Local Plan requires development to have a minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Planning Policy indicates that good design should contribute positively to making places better for people. Regard should be had to paragraph 130 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

In terms of residential amenity, the River Road frontage faces onto the flatted development at Pharos Quay. The proposed development also faces indirectly onto a terrace of flats, numbers 24 to 29. Although balconies and terraces are proposed it is not considered any adverse overlooking or overshadowing occurs by reason of the separation distances of 13m front to front involved and denser urban nature of the area. The design guide looks for 16m, but the proposal has a similar relationship to Pharos Quay to that which already exists at the development to the east.

In this case, it is considered that the proposed development would have an acceptable impact on the residential amenities of neighbouring properties in accordance with policy D DM1(3) in terms of overlooking into other existing balconies on properties to both sides of the proposal. Screening of balcony sides is to be conditioned to protect privacy.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The proposed ground floor 3 bedroom apartment measures 112 square metres. At first floor the two 3-bed units are 114 square metres and 112 square metres. The two 2-bed apartments at second floor level measure 106 square metres and 80 square metres. At third floor level, the 2-bed apartment is 60 square metres. The standards for single storey 2 bed units are 61sqm (3person) and 70sqm (4person) and for single storey 3 beds it is 74sqm (4person) and 95sqm (6person). All of the flats except one 2 bed which is only 1sqm below the standard comply with the standards in respect of internal space in accordance with policy D DM2 of Arun Local Plan.

Paragraph 130 of the NPPF requires that new development has a high standard of amenity for existing and future users. Arun Design Guide Paragraph H.04 suggest the following outdoor amenity space for flatted development as being suitable:

- Balconies should have a minimum of 3sqm of usable space

The flats are provided with appropriately sized balconies and patios and there is significant public open space nearby so as to consider the flats to be supplied with sufficient external amenity space as per the NPPF guidance and that set out in Arun's Design Guide.

FLOOD RISK AND DRAINAGE

The site is located within Flood Zones 3a, indicating a medium to high probability of flooding from tidal and/or fluvial sources. Zone 3a comprises land assessed as having a greater than 1 in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year.

Policy W DM2 of Arun Local Plan requires that development in areas at risk from flooding will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test has been met.
- b. An acceptable Flood Risk Assessment is provided.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard.

With regard to parts a and b the proposal includes a site specific Flood Risk Assessment (FRA) which includes a paragraph entitled sequential testing which cannot be considered to be a sequential test because it is very limited in content and does not adequately consider the possibility of the development being located elsewhere. Part of the policy is not therefore met. The FRA is considered to include sufficient information to meet the requirements of parts d-f of policy W DM2 as expanded on below.

Guidance in relation to sequential testing and applying the exceptions test is provided within the NPPF and NPPG. This proposal is similar in respect of flooding considerations to the recent redevelopment of the former supermarket in the town centre ref LU/214/20/PL and is being considered in the same way. The NPPF para. 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Para. 167 requires that when determining planning applications Local Planning Authorities should ensure that within the site the most vulnerable development is located in areas of lowest risk of flooding. This is the case on this site in so far as residential use is above ground floor car parking.

No sequential test has been submitted. The information referred to within the applicants FRA states that there are no suitable sites located within a reasonable radius of the site which could be used by this development. The available sites within Zone 1 are all disproportionately large to be viable for a small development of six apartments and those of an appropriate size are also located within Zones 2 and 3. However no examples are provided and the LPA does not share this view. The requirement to carry out a sequential test has not been met and as a result the proposal does not accord with policy W DM2 of Arun Local Plan as it fails to accord with (a) of that policy. There may be other sites within the local area capable of accommodating a development of 6 flats. No discussion prior to submission of the application was undertaken between the Local Planning Authority and the applicant with regard to sequential testing.

The National Planning Policy Guidance (NPPG) in Paragraph: 034 Reference ID: 7-034-20140306 makes it clear it is for Local Planning Authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which sequential test considerations have been satisfied, taking into account the particular circumstances in any given case. In this case there has been no sequential testing carried out. It may be possible to provide this development elsewhere since it represents

redevelopment of an existing site which is not redundant. It is therefore considered that there may be likely to be other more preferable sites for this development where the risk to flooding is acceptable. These are considerations which would have been taken into account if a sequential test had been submitted.

Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the exception test if required. The exception test, as set out in paragraph 164 of the Framework, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

If the exception test were to have been applied it would be necessary to demonstrate that the development would:

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

The evidence submitted comprises the following:

- The location adjoining the town centre, railway station and bus routes means the development is highly sustainable, the mitigation measures taken in the design mean the development is not an unacceptable risk nor does it pose an unacceptable risk to existing developments in the area.
- It provides safe and attractive residential units in a very popular, sought after riverside location which cannot be provided elsewhere in a lower risk site.
- Mitigation measures such as openings on the flood wall could be beneficial for the existing developments, as trapped flood water would be able to drain back into the river channel through the proposed openings via flap valves.
- The proposed development is on previously developed land.
- The proposed development has been designed specifically for this site to compliment and effectively act as an extension to the redevelopment of 47 River Road.
- This report is prepared to satisfy the third condition of the exception test.

On this basis, the requirements of the NPPF are met as the development includes sufficient sustainability measures to outweigh the risk of flooding.

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

In order to protect the proposed residential units from tidal flooding, the proposed ground floor finished floor levels (FFL) must be set at 5.17m AOD. This ensures that the residential elements of the development would remain free of flooding over its lifetime.

It is therefore considered that although the site is at risk of tidal flooding, the 'more vulnerable' areas would be protected throughout the lifetime of the development. The bin and cycle stores and parking would be at risk of flooding during and above the present day 1 in 1000 year flood event. 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. However mitigation measures would be incorporated to reduce risk of internal flooding, the mitigation measures outlined in the Flood Risk Assessment should 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.

Although it is for the Local Planning Authority to determine if the exception test is met the Environment Agency have no objection subject to imposition of appropriate pre-commencement conditions. It is therefore considered that if it had been required the proposal would have met the exception test in accordance with the guidance in the NPPF and NPPG.

The proposal does not accord with policy W DM2 as it conflict with W DM2(a), but for the reasons set out above, the risk from flooding is acceptable and more vulnerable uses are located in areas at less risk of flooding. It is also noted that the adjacent site with a similar form of development was allowed at appeal by an Inspector who considered the flood risk was acceptable and this decision was made prior to the flood wall along the River Arun being provided which has improved the flood risk.

With regard to drainage policy W DM3 seeks to increase the levels of water capture and storage and improve water quality by ensuring all development identifies opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS).

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

HIGHWAY CONSIDERATIONS

Arun Local Plan policy T SP1 seeks to ensure that development provides safe access on to the highway network and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

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

Paragraph 110 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Arun parking standards require 2 spaces for each 3 bed unit and 1 space for 2 bed units, plus 20% for visitors equating to an additional 1.2 spaces. This results in a total requirement of 10 spaces. The ground floor provides 8 parking spaces with rapid charge points.

The cycle parking generated would be 1 per unit requiring 6 spaces. It is noted sufficient spaces are indicated on the ground floor plan, 8 cycle spaces are proposed.

However, the site is located within the town centre and is highly accessible by more sustainable modes of travel than the private car. It is within a very short walking distance of Littlehampton train station and

various bus stops within the town centre offering convenient access to alternative, sustainable modes of travel and less reliance on private car. The proposal is acceptable in transport and highway terms in accordance with policy T SP1 of Arun Local Plan.

Arun District Council's Electric Vehicle Infrastructure Study was agreed at Full Council on 18-01-2019 and Policy QE DM3 of the Arun Local Plan seeks to encourage the use of electric vehicle charging points. The provision of the charging points will be conditioned.

EMPLOYMENT OPPORTUNITIES

The site lies within an Economic Growth Area which has been designated in the Local Plan to promote vitality, viability and regeneration within the area and contains an employment site in the form of a garage/workshop with one employee. Policies EMP DM1(2) and EMP SP2 are therefore relevant.

In order to accord with policy EMP DM1(2) the proposal would need to demonstrate that the site is no longer required and is unlikely to be reused for commercial purposes. It is not clear from the evidence submitted that the commercial use of the premises is redundant or that the 2 existing jobs will be satisfactorily relocated. It has not been demonstrated that the use is no longer required and can be suitably re-located.

The site is designated within the Littlehampton Economic Growth Area. Policy EMP SP2 of the Local Plan encourages the Council to work with partners to enhance local employment opportunities within Economic Growth Areas, supporting development that provides for additional or enhanced small scale retail opportunities, commercial, leisure and restaurant uses. The proposal results in a reduction of the employment offer of 1 job and the agent confirms that the site is not required for the existing employment use in the short term. The extent of work required is so substantial it makes it economically unviable for the owner to undertake. The condition report and marketing report submitted in support of this application demonstrate that the site is no longer required in its current use and is unlikely to be required in an alternative use in the short or long term. It has therefore been satisfactorily demonstrated that the site does not have a reasonable prospect of employment use in the short term.

In the long term the proposal would provide additional residential units and moorings which would help to support the town's functions in compliance with policy EMP SP2.

SUSTAINABLE CONSTRUCTION

Tackling climatic change is a key government priority for the planning system. Proposals should contribute to the Governments ambition of a low carbon economy and be capable of adaption for expected effects of climatic change. Applicants should consider provision of renewable energy in the form of high level insulation, rainwater harvesting a general minimal energy use, including Carbon Dioxide reduction.

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

The proposals can incorporate a range of design and energy efficiency measures throughout the site, including high levels of insulation and air tightness and glazing that allows for passive solar gain in the colder months while avoiding over heating in the summer through shading and good levels of ventilation.

The proposals have an efficient form and good orientation to allow these approaches to be effective. In accordance with policy ECC SP2 of the Local Plan it is recommended that a condition is imposed requiring that prior to damp-course level a scheme with details of proposed energy efficiency measures and sustainable construction methods is submitted to and approved by the LPA to meet the National and Local Plan requirements.

THE WATER ENVIRONMENT

The use of a pontoon for private moorings would increase the moorings available within the area and add to activity along the waterfront which accords with Policy EMP SP2 of Arun Local Plan which seeks to support additional and enhanced leisure activities and policy TOU SP1 which recognises the importance of waterfronts as main tourism asset. The Environment Agency have no objection to the proposal. Comments of the Marine Authority will be provided as an officer update report.

CONCLUSION

The proposals would give rise to some harm to the character of the area but would preserve and enhance the appearance of the Conservation Area and setting of heritage assets within it. The impact on the nearby Conservation Area and Listed Buildings is less than substantial and this has been weighed against the public benefits to the extent that permission is recommended in this regard. The application does not enhance the employment provision of a designated Growth Area, but the specific user of the premises is retiring and the premises are not acceptable in their current form for re-use. It is therefore recommended for approval subject to the following conditions.

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

As the site is in zone 4 and for flatted development, this application is not CIL Liabile.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

1908_P_100 REVISION 03 Location and Block Plan
1908_P_401 Street Scale
1908_P_400 REVISION 03 Proposed Street Scenes
1908_P_305 REVISION 02 Proposed North West Elevation
1908_P_304 REVISION 03 Proposed South East Elevation
1908_P_303 REVISION 02 Proposed Section B
1908_P_302 REVISION 02 Proposed Section A
1908_P_301 REVISION 03 Proposed River Road Elevation
1908_P_300 REVISION 03 Proposed River Arun Elevation
1908_P_204 REVISION 03 Proposed Roof Plan
1908_P_203 REVISION 03 Proposed Third Floor Plan
1908_P_202 REVISION 02 Proposed Second Floor Plan
1908_P_201 REVISION 02 Proposed First Floor Plan
1908_P_200 REVISION 04 Proposed Ground Floor Plan
1908_P_161 REVISION 01 Proposed Demolition Elevations
1908_P_160 REVISION 02 Proposed Demolition Plan
1908_P_150 REVISION 02 Topographic Survey

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

- 3 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable in the form of an Energy Statement of how this is to be achieved (including details of physical works on site, sustainable construction methods, energy conservation and energy efficiency measures and renewable energy sources), shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level 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, reduce energy use, and ensure the development is sustainable, in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2020 reference 3421 and the following mitigation measures detailed within the FRA:

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

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 development.

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

5 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:
 - (a) All previous uses potential contaminants associated with those uses.
 - (b) 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.

6 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 the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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.

7 Prior to any part of the permitted 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.

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

- 8 Piling using penetrative methods shall not be permitted 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 prevent pollution of groundwater in accordance with Arun Local Plan policy W DM1.

- 9 No 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 noisy working activities 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.

- 10 Prior to any works of demolition taking place the existing building shall be properly recorded in accordance with details to be submitted to and approved by the Local Planning Authority and the approved records shall then be placed on the Historic Environment Record.

Reason: In the interests of the heritage of the area in accordance with policies HER SP1, HER DM1 and HER DM3.

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

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

- 12 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Ground Floor Plan and numbered 1908 P 200 Rev 4.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan.

- 13 The buildings shall not be occupied until the parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy T SP1 of the Arun Local Plan.

- 14 The buildings shall not be occupied until the cycle parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for alternative modes of transport in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.

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

- Anticipated number, frequency and types of vehicles used during construction.
- Method of access and routing of vehicles during construction.
- Parking of vehicles by site operatives and visitors.
- Loading and unloading of plant, materials and waste.
- Storage of plant and materials used in construction of the development.
- 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).

Reason: In the interests of highway safety and the amenities of the area in accordance with policy T SP1 of the Arun Local Plan.

- 16 A precautionary approach to bats must be undertaken including:

- The removal of any tiles (roof or hanging tiles) should be undertaken by hand;
- If any bat is discovered during the works, all work should stop and a bat ecologist be consulted immediately;
- A bat sensitive external lighting scheme to minimise the disturbance to commuting bats;
- The provision of 3 bat boxes as ecological enhancements.

Bat boxes and any external lighting shall be installed prior to occupation of the units in accordance with details to be submitted and approved by the Local Planning Authority and the bat boxes shall be retained in perpetuity.

Reason: To ensure protection of protected species and improve biodiversity in accordance with policy ENV DM5 of Arun Local Plan.

- 17 Prior to 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 and 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), T SP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 18 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: 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. In accordance with policies W DM1 and W DM3 and in line with paragraph 170

of the National Planning Policy Framework.

- 19 Prior to occupation of the building an information board, summarising the building record, shall be displayed in accordance with details submitted and approved by the Local Planning Authority.

Reason: To ensure adequate reference is made to the historic importance of the building in compliance with policies HER SP1, HER DM2 and HER DM3 of Arun Local Plan.

- 20 The side facing balcony panels on the rear elevation and side elevation and of the apartments shall at all times be glazed with obscured glass and have a height no less than 1.7m.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 21 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 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.

- 22 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.

- 23 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.

- 24 Prior to commencement of development a method statement shall be submitted indicating how the retained front elevation indicated on the elevations hereby approved will be protected during construction works and how its long term stability will be achieved.
- Reason: To ensure the retention of historic fabric in compliance with policies HER SP1, HER DM2 and HER DM3 of Arun Local Plan.
- 25 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 26 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.
- 27 INFORMATIVE: If flooding does occur safe access and egress may not be available, therefore it is recommended 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.
- 28 INFORMATIVE: 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-riskactivities-environmental-permits> or contact the Partnership and Strategic Overview team on psowestsussex@environment-agency.gov.uk. 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.
- 29 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
- 30 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is

requested to contact The Implementation Team Leader, (Tel no. 01243 642105). The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 31 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the proposed development is being renovated into residential use, the Council needs to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register and any remedial strategy (where appropriate) must be provided in writing to the Local Planning Authority, prior to any works commencing.
- 32 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 33 INFORMATIVE: Marine Licensing
Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark. Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.