

Recommendation Report for Planning Permission

REF NO: LU/291/17/PL

LOCATION: Flood defence wall outside
47 River Road
Littlehampton

PROPOSAL: Addition of a new segment to the Littlehampton East Bank Tidal Walls Reach 4 Flood Defences. This application affects the character & appearance of the Littlehampton River Road Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. This section of the Environment Agency's proposed flood defence works would extend for a length of 26m and would close the gap in the existing flood defences. The Environment Agency's improved flood defences which increased the height and width of the existing sea wall along the river Arun at East bank from the harbour mouth upstream were 2.5km in length and were completed approximately 2 years ago following planning permission LU/150/13. The infilling of the current gap in the flood protection would improve flood immunity for the full area consistent to a 1 in 300 year standard of defence.

SITE AREA

0.3 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Site is open to river. Gated from River Road

SITE CHARACTERISTICS

The site adjacent to the river is occupied by Riverside Autos. The existing sea defence comprises an ageing timber retaining wall, as well as some concrete, brickwork and blockwork.

CHARACTER OF LOCALITY

Predominantly residential characterised by a mix of building age and design. The site immediately to the north is in commercial use.

RELEVANT SITE HISTORY

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 06-02-2008 <i>Appealed</i> Appeal: Allowed+Conditions 22 10 2008
LU/52/12/	Provision of new floating pontoon accessed via 5 no. access ladders from approved projecting balconies	ApproveConditionally 30-05-2012
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 24-07-2014
LU/437/72	Office stores and workshop	ApproveConditionally 26-10-1972
LU/110/75	Store with unloading area	ApproveConditionally 17-06-1975

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection. No site notice on display.

One comment of no objection. A new pavement with granite block edging was completed outside Riverside Wharf in October. This valued amenity restricts the width of the road to vehicles. It would be a pity if this was damaged by any new contractor's delivery vehicles or plant/machinery caused as a result of mounting the pavement.

Comments on Representations received:

The site notice for the application was posted in accordance with procedure on the gate at the entrance to the parking area adjacent to Riverside Autos building in front of the river.

Any damage to the new pavement would be a private matter and cannot be reasonably controlled as part of this planning proposal.

CONSULTATIONS

Environment Agency
Engineering Services Manager

Engineers (Coastal Protection)
Littlehampton Harbour Board
Environmental Health
Engineers (Drainage)
Engineers (structural)
Conservation Officer
Ecology Advisor

Consultations responses received:

Environmental Health - First Consultation. No Objection subject to imposition of conditions relating to : All phases of this project to comply with the requirements of BS5228-2009. Although perhaps not possible in the case of pile driving operations, the overall site noise to be limited to a maximum of 75dBA, as measured outside the living rooms, or offices of neighbouring noise sensitive receptors.

It would appear that those 'Mitigation Measures Designed to Reduce the Acoustic Effect on noise sensitive receptors, including 'Residents and Businesses,' has been incorrectly positioned. This should be corrected.

The Construction Management Plan (Version 3, 2017) should detail that all relevant precautions will be employed to minimise the potential disturbance to neighbouring residents during the demolition/construction phase of the development, in respect of dust or other air borne contaminant.

Second Consultation - I have had an enquiry from Matthew East in respect of the above application. I largely agree with his proposals. I would, nevertheless, be obliged if this application could be conditioned as in my original return ie:

'All phases of this project to comply with the requirements of BS5228-2009. Although perhaps not possible in the case of pile driving operations, the overall site noise to be limited to a maximum of 75dBA, as measured outside the living rooms, or offices of neighbouring noise sensitive receptors.'

Please also condition: The Construction Management Plan (Version 3, 2017) to be amended to reflect all relevant precautions to protect the amenity as agreed between GHD and the Environmental Health Department, 7th November 2017.

Third Consultation - Second condition is not required.

Environment Agency - The proposed final works require a Marine Licence (MMO) which has been applied for. The site already benefits from an existing Flood Defence consent, now known as and dealt with as Flood Risk Activity Permits (FRAP's). we have no objection to this proposal as submitted.

The Environment Agency have made operational and ecological comments to be conditioned and included as part of the MMO application. This is in line with a Memorandum of Understanding between the EA and MMO, whereas where a consent would have previously be required in tidal waters/main river, from both organisations, only one is now required.

As part of our conditions, for during the construction stages, should any flood warnings be received, a Flood Plan has been devised and approved with our Appointed Contractor, where appropriate flood mitigation can be implemented.

Therefore flood risk will be limited with no significant impact to River Road and the immediate vicinity throughout the duration of works.

Drainage Engineer - I welcome this initiative to 'close the gap' in the recent major scheme, and reduce the flood risk to the town. I have been in discussion with the project team during the design process and any concerns that I had have been resolved, so I can now fully support the Application.

Two matters that may be dealt with as minor amendments in due course are a) the top level of the new wall is to be level at 4.8m AOD and b) the small handrail shown on top of the wall is to be omitted. I have no issues with either of these issues but mention them as points of clarification.

Conservation Area Advisory Committee - No Objection

Ecology Officer - First response Objection.

Bracklesham and the Interidal Mudflats.

Due to the potential for pollution through run off and/or ground water pollution of the mudflat habitat from the proposed construction activities, a management plan should be constructed to ensure there is no negative impact on the mudflats from the works. A suitably qualified expert on pollution should be sort to construct this plan and this should be submitted for approval prior to commencement onsite.

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. Works are proposed to take place during the winter months so there should be no disturbance for summer roosting. However if this isn't possible an ecologist should be sort for further guidance.

Nesting birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Enhancements

- It has been identified that vertipools could be installed to enhance the intertidal rock pool zone. By installing the vertipools on the face of the sheet piles at various heights this would provide habitat for marine dwellers. We require that these vertipools are incorporated within the proposals.
- Bird and bat boxes should be installed within the vicinity of the site to enhance the site for these species.

Second response -

I have looked at the additional information regarding the management plan to protect the site from pollution. I am happy that this is suitable. For my other comments regarding the lighting for bats and nesting birds, I am happy for these to be included as a condition.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
On boundary of Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN10	Tidal Flooding and Coastal Defence
	GEN19	Coast Protection and Sea Defence Works
	GEN2	Built-up Area Boundary
	GEN23	The Water Environment
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN29	Nature and Conservation Across the District
	AREA2	Conservation Areas
	GEN32	Noise Pollution
	AREA8	Littlehampton Harbour Strategy
Publication Version of the Local Plan (October 2014):		ENV DM5 Development and Biodiversity
		ENV SP1 Natural Environment
		QE SP1 Quality of the Environment
		HER DM3 Conservation Areas
		D SP1 Design
		D DM1 Aspects of Form and Design Quality
		HER SP1 The Historic Environment
		W DM2 Flood Risk
		W DM4 Coastal Protection
		EMP DM3 Littlehampton Harbour
Littlehampton Neighbourhood Plan 2014 Policy 1		The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version)

October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Policy 1 of Littlehampton Neighbourhood Plan is considered relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not have an adverse effect on the visual amenities of the locality and is considered to have a positive impact on residential amenity and the character of the area by reducing the risk of flooding.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

BACKGROUND

The Environment Agency worked in partnership with Arun District Council to produce the Rivers Arun to Adur Flood and Erosion management strategy. This Strategy, adopted in 2010, highlighted that the area subject of this planning application as an area that would derive significant benefit from the provision of enhanced flood defences. The strategy identifies as a preferred option the raising of flood defences to provide a consistent 1 in 300 year standard of defence for the full study area.

Most of the flood defence works will be along the same alignment as the existing defences and would fill the gap which currently exists following the works undertaken by the Environment Agency towards the harbour mouth.

EXTENT OF WORKS

A new sheet piled vertical flood defence wall will be installed and capped with a concrete beam. Fill will then be placed behind the wall to infill the gap between the existing timber retaining structure and the new sheet pile wall.

VISUAL AMENITY AND CHARACTER OF THE AREA

The proposed works are not considered to have a significant impact on the appearance of the area and would have a neutral impact on the conservation area. They would visually match the other flood defence works to the south and would not impact on views of buildings within the area from either the river or elsewhere. The increased flood protection will better protect the nearby listed and locally designated buildings.

RESIDENTIAL AMENITY

The environmental health officer has no objection to the proposal which will only result in disturbance whilst the works are taking place and this will be undertaken in accordance with the submitted Construction Management Plan and piling details submitted in the Environmental Review Rev 4.

ECOLOGY

The information submitted initially with the application was not considered to be acceptable by the council's ecologist, but this has since been addressed with the receipt of additional details. The requested conditions/informatives have been imposed.

CONCLUSION

The proposed development is consistent with the NPPF including those in section 10 on meeting the challenges of climate change, flooding and coastal change.

It is therefore considered that the proposals are acceptable in planning terms and are 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.

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: Location/Block Plans 66-000009-K-003 revP1, Elevations as existing 66-000009-K-004 revP1, Proposed Elevations 66-000009-k-005 revP1, Piling General Arrangement 66-000009-k-006 revP3, Capping Beam General Arrangement 66-000009-K-007 revP3 and RC details 66-000009-K-009 revP1.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The development shall take place in accordance with the Construction and Traffic Management details as set out in the substitute Planning Statement rev C dated 13 October 2017, the Environmental Review Report Version 4 dated September 2017, the Design Basis Report November 2017 and Littlehampton Flood Defence Scheme Version 5.

Reason: In the interests of residential amenity in accordance with policy GEN7 and GEN32 of Arun District Local Plan.

- 4 All phases of this project to comply with the requirements of BS5228-2009. With the exception of pile driving operations, the overall site noise shall be limited to a maximum

of 75dBA, as measured outside the living rooms, or offices of neighbouring noise sensitive receptors and the development shall proceed in accordance with the details outlined in the e-mail from Matthew East dated 06-11-2017 as agreed with the Environmental Health Department on 07-11-17.

Reason: In the interests of residential amenity in accordance with policies GEN7 and GEN32 of Arun District Local Plan.

- 5 The development shall proceed in accordance with the details outlined in the e-mail from Tania White dated 20-10-2017 and the Environmental Review Report Version 4 dated September 2017 and Littlehampton Flood Defence Scheme Version 5 .

Reason: To safeguard the ecology of the area, and in the interests of wildlife to ensure that a habitat remains during and after development in accordance with policy GEN7 of Arun District Local Plan.

- 6 **INFORMATIVE:** The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
Works are proposed to take place during the winter months so there should be no disturbance for summer roosting. However if this isn't possible an ecologist should be sought for further guidance.

- 7 **INFORMATIVE:** Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

- 8 **INFORMATIVE:** Please note that the granting of any Planning Permission does not indemnify against Statutory Nuisance action being taken should substantial noise, or dust complaints be received. For further information please contact the Environmental Health Department, Arun District Council.