

REPORT UPDATE

Application No: LU/517/04/

Reason for the Update / Changes

Reason for Update/Changes:

Representations:

Two further letters of objection have been received but do not add to issues already raised and addressed in the Officers Report, except for the following:

the increase in the number of dwellings would cause a greater drain on infrastructure such as medical services, refuse collection, etc.,

the present plans accompanying the application are inadequate and do not show how they differ from the 2004 application.

Officers Comment:

Although the matters raised in the letter are not the subject of contributions a Section 106 Agreement will be completed which will ensure financial contributions towards education, library, Fire and Rescue services and off-site play provision.

There is no requirement for the latest plans to show the changes from the original scheme since the latter are available for public inspection on the application file.

Conditions:

The Environment Agency have recommended revised and extra conditions regarding contamination and a revised schedule of conditions is attached to this update.

Officer Report Update:

The report should have included the fact that the Local Planning Authority is satisfied that the sequential test submitted with the application has been adequately demonstrated to the requirements of Planning Policy Statement 25 "Development and Flood Risk (PPS 25) Paragraph 14 to 17 and Annex D.

Consultations:

The Council's Parks and Greenspace Section indicate that there is a requirement for a financial contribution of £4,000 towards off-site play provision. This will be addressed in the Section 106 Agreement.

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation: at the end of the attached report.

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.

LU/517/04/

PLANNING APPLICATION REPORT

REF NO: LU/517/04/

LOCATION: Former Littlehampton Indoor Market
26-30 Surrey Street
Littlehampton

PROPOSAL: Mixed use development with part retail use to ground floor and 24 No. one bedroom flats, 18 No. two bedroom flats, 6 No. three bedroom flats to part of the ground/upper floors and 3 No. two bed houses and 1 No. three bedroom house with public and private hard and soft landscaped areas.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development involves a mixed use of retail (477 sq. metres) and residential on the ground floor with residential over in new 2,3, 4 and 5 storey buildings of contemporary, modern design. The proposal includes public amenity areas and public pedestrian access routes through the site linking Terminus Road with Surrey Street and River Road.
SITE AREA	0.323 hectare
RESIDENTIAL DEVELOPMENT DENSITY	161 dwellings per hectare
TOPOGRAPHY	Virtually flat. Increase in height of approximately 1.5 metres over a length of 85 metres between Surrey Street and Terminus Road.
TREES	None of any value.
BOUNDARY TREATMENT	Mostly boundary walls of brick and brick and flint. Along substantial lengths of the southern, eastern and northern boundaries the existing buildings rising to approximately 6 metres to eaves level sit on and form the boundary. A two

storey building forms the rear boundary to Nos. 4 and 5 River Road.

SITE CHARACTERISTICS

Former Littlehampton Covered Market and The Lanes containing former small retail and office units. There is a mix of buildings of various sizes and heights. The eastern part of the site is predominately covered by a single building approximately 40 metres x 25 metres; to the west a building of approximately 30 metres x 20 metres, formerly The Lanes, is of 2 storeys. Further smaller buildings equivalent to 2 storeys are located in the south western part of the site. None of the buildings on the site have any architectural or historic value.

CHARACTER OF LOCALITY

Town Centre location. River Road Conservation Area abuts the site to the south. Retail/office uses predominate at ground floor level with residential over in two, mainly 3 storey buildings in Terminus Road, High Street and Surrey Street. Predominately residential in River Road with buildings mainly of 2 storeys. Nearby Listed Buildings include 20 to 24 Surrey Street 32 Surrey Street (Cob & Pen Public House) and Nos. 1,4,5,7,8,10 and 12 River Road.

RELEVANT SITE HISTORY

LU/338/01/	Outline application for change of use from existing mixed commercial use to 2no. ground floor units & 2.5 storey residential development with not more than 72no habitable rooms.	Withdrawn 01-02-2002
LU/163/02/	Outline Application (including change of use from existing mixed commercial) for ground floor retail area, 17no.X 2 bed flats & 5no.X 1 bed flats.Refurbishment of Unit 4, (fronting Surrey St.) to provide retail on ground floor with 1X 3bed.maisonette at 1st & 2nd. floors & change of use & alteration of existing workshop building at rear of 4 & 5 River Rd.to form 1X2bed.house.(Re-submission of LU/388/01)	Approved Cond 04-06-2003
LU/200/04/	Mixed use development, with mainly retail use to ground floor and 27 No. 1 bedroom flats and 20 No. 2 bedroom flats to part ground & upper floors with associated car parking, public and private hard & soft landscaped areas.	Withdrawn 16-08-2004

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection: Although the Town Council believes that the substitute plans will provide a better mix of housing with more potential accommodation for families, the issues of parking have still not been addressed. The Town Council would also wish to see that adequate bin storage facilities are included. The Town Council's previous objections also still remain in that the proposal will have an unacceptable overbearing impact on neighbouring residential properties in River Road and the associated street scene and previous comments on application LU/200/04 still remain particularly lack of retail provision which will detract from the retail vitality of the Town Centre.

Littlehampton Civic Society : Objection. The proposed flats have been increased to a total of 62 while the retail element has been reduced from 4 to 2. The five storeys proposed is also too high in comparison with other surrounding buildings. There is a gross lack of car parking which will impact heavily on the town centre and also the River Road Conservation Area. Flats around the corner in Terminus Road and River Road are not selling; there is an oversupply.

5 letters of objection including one from a Member of the Council.

Against development on the Littlehampton Market.

Should be a shopping centre, not flats.

Have to travel to Bognor or Worthing or further afield.

Concerned at building hazards and noise pollution and dust from materials.

Built up parts of the site very confined in spite of provision of open space and similar areas.

Outlook from many of the dwellings will be extremely restricted.

Amount of direct daylight will be extremely limited on the lower floors.

Size of vehicles permitted on the site will have to be strictly controlled because access to and from Terminus Road will constitute a major hazard and the amount of space for turning is restricted.

Queries whether access for emergency vehicles is going to limit the size of these.

Queries whether the Fire Brigade are satisfied about the provision of exit routes in case of fire.

Over development of the site.

Losing important socially beneficial uses (i.e. when this was a thriving market which could have been reinstated).

Insufficient garden or amenity land.

Excessive bulk and scale.

Insufficient parking spaces.

Road system inadequate

Overlooking adjoining properties.

Blocking of natural daylight.

Adverse effect on economy and businesses.

Threat to the viability and vitality of the town centre creating an imbalance between jobs and homes.

Better or alternative sites available.

The proposed space for retail activities is too small.

Parking and vehicle access is completely inadequate.

Comments on Representations received:

The control of dust and pollution from demolition/construction works is not a planning matter but would be an environmental health issue. In terms of land contamination, a land contamination report has been submitted with the application and the remedial solutions indicated in the report are satisfactory to both the Environment Agency and ADC Environmental Health.

The residential element is of relatively high density (161 dwellings per hectare) but this site is a brownfield site in a town centre location where Government guidance in PPS1 and PPS3 indicates that the best use must be made of such sites in terms of mixed use and high density residential development. The scheme through its layout and design provides a very satisfactory solution to meeting these requirements.

It is accepted that some of the residential units, particularly at ground floor level will have limited daylight but not to an extent that Planning Permission could be refused.

It is also accepted that, given the limited turning facilities for delivery vehicles entering the site, their size will need to be limited to 7.5 tonnes as indicated by County Highways and Transport. This will be dealt with in the Section 106 Agreement.

In terms of on site parking facilities the scheme provides 4 car parking spaces related to the 4 affordable dwelling houses to be provided at the western end of the site. It has to be accepted that the configuration and location of the site with its limited single point of vehicular access militates against substantial on site car parking, so too does the provision of a public walkway through the site where potential pedestrian/vehicular conflict needs to be kept to a minimum in order to make for a safe and attractive environment. In any event, there are no objections raised by West Sussex County Council as Highway Authority to the levels of car parking proposed and given the town centre location and nearby access to public transport facilities Government guidance would not support significant levels of on site car parking. In addition to this the developers have submitted an independent report and survey which indicates that in the centre of Littlehampton there are never fewer than 147 on street parking spaces available and no fewer than 11 spaces available within public car parks.

In respect of the concerns expressed in the reduction in retail floor space (from 990 sq. metres as originally proposed, to 477 sq. metres in the latest proposal) the developers indicate that there is insufficient demand for the larger retail area. The Council has approached its retail consultant who indicates that whilst he is of the opinion that retail use for the ground floor would be preferable he doubts whether a refusal could be upheld on Appeal unless more detailed work were carried out to demonstrate demand and even then the lack of specific policy would be problematic. In respect of the Littlehampton Vision this proposes other major retail sites in Littlehampton, in particular the St. Martin's Car Park site and the Council would be hard put to substantiate commercial demand on the Littlehampton Covered Market site along with the other long term retail proposals in the town centre.

In respect of the possible impact of the development of the residential properties to the south in River Road it is considered that there are sufficient distances between them (from the rear main wall of No.1 River Road, 28 metres to the 5 storey block; from the rear main walls of 4 and 5 River Road 27 metres to the 2 storey houses) so as not to cause any undue overbearing effect. In addition, the south elevations of the new buildings are designed to minimise overlooking and being located to the north of the existing residential properties will not cause unacceptable overshadowing problems.

The Council's Environmental Amenities Section is satisfied with the bin storage facilities proposed and the scheme now allows for emergency vehicle access throughout the site.

CONSULTATIONS

Housing Department
West Sussex - Design Section
West Sussex - Planning Officer
Head of Highways and Transport
English Heritage
West Sussex -Archeology
Head of Highways and Transport
Southern Water Services Ltd
Environment Agency
Sussex Police-Community Safety
Environment Agency
Parks and Landscapes
Environmental Health
Economic Regeneration
Chairman - Conservation Area Advisory Committee
Engineering Services Manager
Engineers (Fluvial Flooding)
Water & Access Management
Littlehampton Civic Society

Consultations responses received:

Sussex Police : Concerns now overcome with the introduction of gated entrances. Proposals now acceptable under "secured by design".

Arun District Council Economic Regeneration : Are happy to withdraw their previous objections. It will be recalled that the objection was on the basis that Littlehampton needs additional modern retail space that it was originally planned the former market site would provide. It now looks probable that this can be provided via St. Martin's.

ADC Environmental Health : Site investigation report at Appendix B satisfies standard condition ENV4. Previous concerns with regard to noise from the adjacent public house and from delivery access (from River Road in particular) appears to have been considered with the revised layout. Remain concerned that noise from deliveries to the retail units will impact on the residential units. Suggest no delivery access between 22.00 and 06.00 hours Monday to Saturday with no access on Sundays and Bank Holiday.

English Heritage : Comments on latest plans awaited.

Southern Water : There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Solution should lie in either reducing the current level of surface water entering the system or additional off site sewers or improvements to existing sewers. Sewer crossing the site will need to be diverted.

Arun District Council Engineers : Full design details and supporting calculations of any proposed method of disposal of surface water will be required and to be approved prior to commencement of any works on site.

Housing Strategy and Enabling Manager : I can confirm that although the percentage of affordable housing falls below that required through planning policy the resulting amended proposals offer a much improved scheme with a range of property sizes which will better meet the District's affordable housing needs. The inclusion of a disabled house also enables a valuable contribution to meeting needs in Littlehampton.

Council's Retail Consultant : As you point out there are no reliable grounds for refusal in either the Local Plan or the Structure Plan. The fact that the site is within a principal shopping area is not reinforced by a policy for the use of such areas. Policy DEV236 to maintain the retail hierarchy could be interpreted as grounds for refusing permission since the previous use of the site was retail and a reduction in retail floorspace within the principal shopping area could be seen as a diminution of the function of Littlehampton within the hierarchy. However since there is no policy that the actual levels of retail floorspace should be maintained this argument is rather tenuous.

The status of the site within the Littlehampton Vision may be taken into account if there were other reasons for refusal. However there are two problems. Since the Vision is not an adopted Council policy it is doubtful whether it could be treated as a material consideration. The other issue is the status of the site in comparison to other sites mentioned for development in the document. The Council would be hard put to substantiate commercial demand for this along with the other proposals.

In summary I am still of the opinion that retail use for the ground floor would be preferable but I doubt whether a refusal could be upheld on appeal unless more detailed work were carried out to demonstrate demand and even then the lack of a specific policy would be problematic.

Parks and Greenspace : Comments awaited on substitute Plans.

West Sussex County Council : No strategic objections.

It is noted that a nil car parking provision is to be proposed. Again this is understood to have been previously agreed and a car parking survey has been undertaken in the immediate area to demonstrate that there is satisfactory on street parking capacity. Nevertheless, the site is located close to existing facilities and passenger transport infrastructure which should reduce the need to travel in accordance with policy DEV4 of the WSCC Structure Plan. The Planning Authority may wish to consider the impacts of this proposed on on street parking.

The cycle parking provision does need to be increased to accord with the WSCC minimum cycle parking standards. Cycle parking should be secured via condition.

Access arrangements are not to change from that previously agreed. A weight restriction for vehicles entering the site is to be secured as part of the S106 Agreement. Any existing vehicular accesses not to be retained should be closed and this should be secured via condition.

Requirement for contributions towards additional County Council Service infrastructure:

School infrastructure
Library infrastructure
Fire and Rescue Service infrastructure

Requirement for archaeological investigation prior to commencement of development.

Conservation Area Advisory Committee : Reservations expressed re height of development and concern still of potential parking problems.

Environment Agency : No objection in principle. Recommends conditions relating to prevention of contamination of water environment, in relation to land contamination and to flood levels.

Comments on Consultation responses:

Sussex Police : The concerns of Sussex Police have been addressed with revised plans showing provision for the gating off of the three entrances into the site. It will be important, though, to ensure that the public may access the site for as long a period as possible during daylight. A condition will indicate that the gates are closed only during the hours of darkness.

Arun District Council, Economic Regeneration : Noted. In addition, developers are offering up voluntarily a sum of 5,000 pounds to Littlehampton Town Council as contribution towards town centre facilities. This matter can be included in the Section 106 Agreement.

Arun District Council, Environmental Health : The issues of remedial works for contamination and retail delivery times can be addressed through conditions.

Southern Water : Comments noted. A condition will be attached to any planning permission regarding the diversion of the public sewer and the requirements for details of foul and surface water drainage. These are methods by which the capacity issue can be addressed.

West Sussex County Council : Comments noted. Building Control indicates that the headroom height of the Terminus Road entrance is adequate for Fire Brigade engines. The delivery area served from River Road has been deleted. A relevant condition can be attached regarding an archaeological evaluation. Contributions towards school, libraries and Fire and Rescue Service infrastructure can be addressed in the Section 106 Agreement.

Environment Agency : Comments noted. Relevant conditions can be attached to any Planning Permission to address land and water contamination and flood levels.

Conservation Area Advisory Committee : Comments noted. The concerns about the height of the development are noted but it is considered that given the enclosed nature of the site there will be no adverse effect on surrounding areas. The concerns regarding parking issues have been addressed under Comments on Representations Received.

POLICY CONTEXT

Designation applicable to site:

Within Built up Area Boundary

Abuts Designated Conservation Area

In the Adopted Arun District Local Plan (as amended) the site is shown as lying within a Principal Shopping Area.

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	NE3 CH4 CH7 LOC1 DEV1 DEV3 DEV4 ERA1	Housing Provision Conservation Areas and Historic Towns and Villages Archaeology Locational Strategy High Quality Development Infrastructure Requirements Travel Needs and Choices Making the best use of land
Arun District Local Plan:	GEN2 GEN7 GEN8 GEN9 GEN12 GEN18 AREA2 DEV17 DEV26	Built-up Area Boundary The Form of New Development Development and the Provision of Infrastructure Foul and Surface Water Drainage Parking in New Development Crime Prevention Conservation Areas Affordable Housing Criteria for Retail Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town Centres
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk
PPG24	Planning and Noise
PPG13	Transport

POLICY COMMENTARY

The above Policies, Guidance and Statements combine to form the criteria against which the proposal should be assessed particularly in relation to sustainability, town centre development, housing, residential amenity, land contamination, flooding issues, economic regeneration and the historic environment.

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 very appropriate retail and residential use is made of an under used brownfield site in a town centre

location, will contribute towards economic regeneration for Littlehampton and town centre vitality, will provide a new attractive area of public realm and will have no adverse effect on existing residential amenities or the setting of the abutting Conservation Area or nearby Listed Buildings.

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

This application is a resubmission of an earlier application (LU/200/04) which was withdrawn where there was concern with the design of the buildings. However, considerable negotiations to improve design have taken place prior to the submission of this current application and during its processing. The application which was originally recommended for approval under Delegated Powers, in 2005, subject to a Section 106 Agreement, has had several delaying issues which can be summarised as:

- Change in land ownership
- Change in extent of retail use
- Environment Agency objection (now overcome)
- Change in Affordable Housing requirements

The scheme includes buildings of modern, innovative design and materials and will provide significant visual and amenity enhancements in this rather run down and derelict area of Littlehampton Town Centre. The new pedestrian linkages through the site will assist interconnection between the railway station, High Street, Town Centre and East Bank and sits well with economic regeneration initiatives for Littlehampton.

In the earlier approved Scheme (LU/163/02) the Council was keen to ensure that the scheme was not gated but with the present application Sussex Police has very strong objections to any non gating of the site. Given these very strong objections and the need to have regard to Section 17 of the Crime and Disorder Act 1998 it is considered appropriate that there should be provision for gating the site but only after the hours of darkness.

There are no undue adverse effects on existing residential amenities and no adverse effects on the character and setting of the abutting Conservation Area or nearby Listed Buildings.

Given the town centre location directional signage needs to be provided as part of the development.

The scheme delivers 29 per cent affordable housing. However, the Council cannot insist on more than 30 per cent in this instance because that was the requirement at the time of the submission of the planning application. In addition, the scheme delivers larger sized units which meet the needs in the Littlehampton area rather than the smaller units originally proposed. Given the complexity of developing this important town centre site and the current economic climate it is recommended that permission be granted for 5 years rather than 3.

The reason therefore for granting planning permission is that the site falls within the principal

shopping area of Littlehampton Town Centre and where a mixed use of retail and residential is appropriate, the proposed development is of appropriate density, design and for this sustainable location, provides a new area of public realm and important pedestrian linkages and does not unduly affect existing residential amenity and does not adversely affect the character appearance and setting of the abutting Conservation Area of nearby Listed Buildings.

It is recommended that the application be approved subject to the conditions set out below, and the satisfactory completion of Section 106 Agreement relating to the following:

Public amenity areas and public access routes to be maintained by a Management Company and to be made available for public access at all times except when security gates are closed.

Submission of details of street lighting, street furniture and surfacing to the public access route.

Weight limitation of 7.5 tonnes (except for emergency and Local Authority vehicles).

Financial contribution towards libraries, Schools, Rescue and Fire Service infrastructure and off site play provision.

Financial contribution of 5,000 Pounds towards Town Centre amenities.

29% (15 units) for affordable housing.

Directional signage.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

- 2 This permission relates to the plans submitted on 18th March 2009 and not to those originally submitted.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

- 3 The materials for the external walls, windows, doors, external railings and roofs of the proposed buildings shall be those specified in the Design Principles of the Design and Access Statement dated July 2008 and where expressed on the approved plans, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity to achieve a reasonable visible quality in the buildings in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 4 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 6 An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification to be submitted to and agreed by the Local Planning Authority in writing (following the demolition of any existing buildings) and before the commencement of any building works.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with policies CH7 of the West Sussex Structure Plan and AREA 17 of the Arun District Local Plan.

- 7 Before development is commenced precise details of the design of lockable security gates which shall be provided at the three ingress/exit points into and out of the site for vehicles and/or pedestrians as shown on Drawing No A217-122C hereby approved shall be submitted to and approved by the Local Planning Authority. The gates shall then be erected in accordance with such agreed details prior to the occupation of the first unit whether residential or retail and shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and crime prevention and to comply with policies GEN7 and GEN18 of the Arun District Local Plan.

- 8 The lockable security gates referred to in condition 7 of this planning permission shall only be closed (where required or necessary) during the hours of darkness.

Reason: In order to allow the public maximum opportunity to access and enjoy the public amenity areas and public access routes to be provided as part of the development in accordance with policies DEV1 of the West Sussex Structure Plan 2001-2016 and GEN7 of the Arun District Local Plan.

- 9 With the exception of emergency and Local Authority service vehicles, all other vehicles shall only use the vehicular access from Terminus Road and related delivery and car parking and bicycle storage areas all as shown on Drawing No A217-122C and all remaining areas of the site shall be vehicular free.

Reason: In order to prevent vehicular/pedestrian conflict and to protect the amenities of residential properties in River Road in accordance with policies DEV1 of the West Sussex Structure Plan 2001-2016 and GEN7 of the Arun District Local Plan.

- 10 Prior to the occupation of the first unit whether residential or retail, a satisfactory street lighting system shall be provided in accordance with precise details of design and siting to be agreed in writing with the local planning authority before the development is commenced.

Reason: In the interests of crime prevention and the visual quality of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 and GEN18 of the Arun District Local Plan.

- 11 No deliveries to the retail units shall be made except between the hours of 6.00am and 10.00pm on Mondays to Saturdays inclusive, and not at any time on Sundays or Public Holidays.

Reason: In the interests of residential amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 12 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the LPA), 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 LPA:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason: In accordance with Planning Policy Statement 23 - "Planning and Pollution Control" (PPS23). To ensure that the site is fully investigated and assessed to prevent the pollution of Controlled Waters from areas of contamination in accordance with the principles of PPS23.. This site lies on Raised Beach Deposits over the White Chalk Subgroup, the latter classified as a Major Aquifer under our "Policy and Practice for the

Protection of Groundwater. There is a shallow groundwater table beneath this site, and therefore this location is particularly sensitive to contamination.

- 13 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that the development does not result in pollution of controlled waters in accordance with PPS23 Planning and Pollution Control.

- 14 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 LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: In accordance with PPS23. To ensure that any contamination identified during the development is fully characterised and assessed preventing pollution of Controlled Waters.

- 15 No soakaway shall be constructed in contaminated land.

Reason: In order to prevent pollution of the water environment in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 16 The development shall not proceed until details of the proposed surface water and foul drainage and means of disposal have been submitted and approved by the Local Planning Authority. Surface water drainage shall be carried out in accordance with such details and in conjunction with associated building works. No building shall be occupied until the foul drainage works have been carried out in accordance with such details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN9 of the Arun District Local Plan.

- 17 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage shall be passed through an oil bypass interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: In order to prevent pollution of the water environment in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 18 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters.

Reason: In accordance with PPS23. To ensure that discharge of potentially contaminated surface water does not result in pollution of Controlled Waters.

- 19 No construction work on the development shall take place unless and until the public sewer crossing the site has been satisfactorily diverted.

Reason: In the interests of public health and to ensure that the site is satisfactorily drained in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 and GEN9 of the Arun District Local Plan

- 20 The development permitted by this planning permission shall only be carried out in accordance with the approved FRA dated July 2008 and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 5.2 m above Ordnance Datum (AOD) for residential development , and 4.9mAOD for commercial development.

- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

Reason: In accordance with PPS25. To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site in accordance with guidance contained in PPS25.

- 21 No development shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 22 The retail premises shall be used only for purposes within Use Class A1 as defined in the Town and Country Planning (Use Classes) Order, 1987 and Use Classes (Amendment) Order 2005 unless planning permission is granted on application/s in that behalf.

Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties and crime prevention in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 and GEN18 of the Arun District Local Plan.

- 23 No development shall take place unless and until details of the layout and specification of and construction programme for the delivery areas/cycle storage area and pedestrian areas and the related surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority. No property shall be

occupied until it is provided with access constructed in accordance with such approved details.

Reason: To secure satisfactory standards of access and drainage for the proposed development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 24 Before development is commenced precise details of the cycle storage facilities shown on Drawing No A217-122C shall be submitted to and approved in writing by the Local Planning Authority. The retail units and dwellings shall not be occupied until the cycle storage facilities have been provided and constructed in accordance with the agreed details. The areas of land/structures so provided shall not thereafter be used for any purpose other than the parking/storage of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of cycles in accordance with policies DEV1, DEV5 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 25 The dwellings shown as Plots 1- 4 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 policies DEV1, DEV5 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 26 No external radio or T.V. aerial shall be erected or affixed on any individual retail property or flat.

Reason: In the interests of the visual amenities in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 27 Provision shall be made for combined ariel facilities to serve all retail units and flats.

Reason: In the interests of the visual amenities in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 28 Before development is commenced precise details of the refuse storage enclosures and facilities shown on Drawing No A217-122C shall be submitted to and approved by the Local Planning Authority. The storage facilities shall be provided in accordance with the agreed details prior to the occupation of the retail and residential units.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 29 The buildings hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun

District Local Plan.

- 30 No surface water shall be discharged to the public foul sewer.

Reason: To prevent possible flooding to downstream properties in accordance with policy GEN9 of the Arun District Local Plan.

- 31 Before development is commenced precise details of proposals for noise mitigation in respect of block B relating to the nearby public house gardens/yard areas shall be submitted to and approved by the local planning authority. Such agreed mitigation measures shall be undertaken prior to the occupation of the relevant dwellings.

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

- 32 INFORMATIVE

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

- 33 INFORMATIVE:

The reason for granting planning permission is that the site falls within the principal shopping area of Littlehampton Town Centre where a mixed use of retail and residential is appropriate; the proposed development is of appropriate density, design and form for this sustainable location, provides a new area of public realm and important new pedestrian linkages and does not unduly affect existing residential amenity and does not adversely affect the character, appearance and setting of the abutting Conservation Area or nearby listed buildings.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1, NE3, CH4, CH7, LOC1, DEV3, DEV4, ERA1

LOCAL PLAN: GEN7, GEN2, GEN8, GEN9, GEN12, GEN18, AREA2, DEV17, DEV26

NATIONAL POLICIES: PPS1, PPS3, PPS6, PPG13, PPG15, PPG16, PPS23, PPG24, PPS25

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

- 34 INFORMATIVE: The applicant is advised that, as from 6 April 2008, the submission of a 'Site Waste Management Plan' (SWMP) is mandatory for all construction projects in England with a project cost greater than £300,000 (excluding VAT) under the provisions of Section 54 of the Clean Neighbourhoods and Environment Act 2005. Further information on the requirements of SWMPs and how they should be applied in practice can be obtained from DEFRA, 6/F7 6D, Ergon House, Horseferry Road, London, SW1P 2AL, Tel. (0207) 2384847 or at their website: www.defra.gov.uk/constructionwaste

- 35 INFORMATIVE:

LU/517/04/

The applicant is advised by the Environment Agency that soakaways are for the disposal of clean, uncontaminated surface water only and should not be constructed in areas of contamination.

All Pollution Prevention Guidelines information may be freely viewed and downloaded from the NetRegs section of the Environment Agency website. The website address is: www.environment-agency.gov.uk/netregs/links/63875.aspx.