



**ADUR DISTRICT
COUNCIL**

**Planning Committee
22 January 2018**

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1497/17

**Recommendation – APPROVE
Conditionally Subject to S106**

Site: Free Wharf Brighton Road Shoreham-By-Sea

Proposal: Redevelopment of the site to provide ten buildings, containing 540 new homes (of which two will be studios, 179 x one bed, 323 x two bed and 38 x three bed), 2,707sqm of commercial floorspace at ground floor level within use classes, A1 (retail), A3 (cafes and restaurants), B1 (business) and D1 (non-residential institutions). The development also includes 512 parking spaces, of which 438 will be for residents and 74 will be for the commercial space/visitors, reconstruction of the river wall, construction of mooring pontoons and observation platform at the end of Humphrey's Gap, provision of a riverside pedestrian/cycle route, areas of semi-private and publicly accessible open space, internal access roads, 596 cycle parking spaces and associated ancillary areas. The application is a departure from the development plan. The application is accompanied by an Environmental Statement.

2

Application Number: AWDM/1754/17

Recommendation – APPROVE

**Site: Unit 7 Chartwell Business Centre 42 Chartwell Road Lancing
Business Park Lancing**

Proposal: Continuation of change of use from Use Class B1/B8 (Business/Storage or Distribution) to gym Use Class D2 (Assembly and Leisure) (Departure)

3

Application Number: AWDM/1861/17

Recommendation – APPROVE

Site: Leisure Centre Lancing Manor Manor Road Lancing

Proposal: Replacement curtain wall glazing from white aluminium to black aluminium and new entrance doors to east and west elevations.

Application Number: AWDM/1497/18

Recommendation – APPROVE
Conditionally Subject to S106

Site: Free Wharf, Brighton Road, Shoreham-by-Sea

Proposal: Redevelopment of the site to provide ten buildings, containing 540 new homes (of which two will be studios, 179 x one bed, 323 x two bed and 36 x three bed), 2,707sqm of commercial floorspace at ground floor level within use classes, A1 (retail), A3 (cafes and restaurants), B1 (business) and D1 (non-residential institutions). The development also includes 512 parking spaces, of which 438 will be for residents and 74 will be for the commercial space/ visitors, reconstruction of the river wall, construction of mooring pontoons and observation platform at the end of Humphrey's gap, provision of a riverside pedestrian/ cycle route, areas of semi-private and publicly accessible open space, internal access roads, 596 cycle parking spaces and associated ancillary areas

Applicant: Southern Housing Group
Case Officer: Mr Cian Cronin MRTPI MIPI

Ward: St Mary's



Not to Scale

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EXECUTIVE SUMMARY

The application is recommended for approval subject to planning conditions and the successful completion of a S106 agreement to secure necessary infrastructure.

The proposed development by Southern Housing Group (a registered social landlord) is for 540 new homes of which two will be studios, 179 x one bed homes, 323 x two bed homes and 36 x three bed homes. The development proposes 2,707sqm of commercial floorspace at ground floor level within use classes, A1 (retail), A3 (cafes and restaurants), B1 (business) and D1 (non-residential institutions). The development also includes 512 parking spaces, of which 438 will be for residents and 74 will be for the commercial space/ visitors. The scheme includes the reconstruction the river wall, new flood defences, construction of mooring pontoons and observation platform at the end of Humphrey's gap, provision of a riverside pedestrian/ cycle route, areas of semi-private and publicly accessible open space, internal access roads, 596 cycle parking spaces and associated ancillary areas. An Environmental Statement (ES) accompanies the application.

The site is identified as a broad location for delivering a mixed use residential and ancillary commercial scheme in the recently adopted Adur Local Plan 2017. The emerging Joint Area Action Plan (JAAP) provides detailed policy guidance and development principles for the regeneration of the Harbour. As such the principle of development is considered acceptable.

The proposal includes 162 (30%) affordable homes in accordance with Adur Local Plan Policy 22. 122 homes (75% of the 162 total) will be for shared ownership, and 40 (25%) for affordable rent. Policy 22 of the Adur Local Plan sets out a District wide objective to achieve a tenure mix for affordable housing of 75% social or affordable rent and 25% shared ownership. While the policy's objective mix is not being delivered on the site, the mix has been justified by evidence on the scheme's viability. The affordable housing offer is considered to be suitable and in accordance with the plan as a whole.

The applicants have submitted detailed highways evidence to support the scheme in the form of a Transport Assessment. This has been evaluated and challenged by West Sussex County Council and Highways England. The Transport Assessment assesses the effects of the development on local highways and junctions in Shoreham and assesses the effect of the development in combination with other planned developments identified in the Local Plan in accordance with the Shoreham Harbour Transport Strategy. The assessment acknowledges that the existing high traffic volumes in Shoreham results in a number of traffic junctions operating above capacity at peak hours with and without the development. The County Council highlights that the NPPF states that,

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'.

The County Council have concluded that the proposed development would not result in a severe impact so long the proposed mitigation is secured through a S106 agreement. Accordingly, no objection has been raised by statutory consultees on highway grounds.

In design terms the proposal has received support from the Coastal Design Panel who concluded *“there are many things to commend in this design, with the disposition of spaces, building massing and approach to landscape working generally well. Ensuring this design sets the tone for and has influence on neighbouring developments is encouraged, especially for the river walk”*. A number of public consultation responses have commented on the height and mass of the buildings considering them inappropriate for Shoreham. The detailed consideration of the design and building heights in this report demonstrates how the scheme does not have a deleterious effect on the character of Shoreham. The quality of the public realm is commended and will provide a new accessible, attractive public open space which is a significant benefit to the scheme.

The development would redevelop a site which is currently dilapidated and in disrepair, will improve the public realm along Brighton Road, and provide substantial new housing, including affordable housing, in a sustainable location. The proposal includes a new business space designed for start-up and small and medium enterprise which is required in Shoreham. The proposal includes significant areas of public open space on the river front, a new river front promenade, and improved access to the riverfront including a viewing platform at Humphrey’s Gap. The development improves access to the river Adur. These public benefits are critical to the acceptability of this major development.

The applicants have agreed S106 contributions to the Council to contribute to the development of key infrastructure needed to support the development including highways, schools and health infrastructure as well as mitigating the impact of the development on air quality.

The regeneration of Shoreham Harbour has been a long held ambition for the District Council. A concerted effort has been led through the Shoreham Harbour Regeneration Partnership to establish a clear planning framework to guide future development. The redevelopment of these industrial sites along the Western Harbour Arm will mark the first significant development in this new residential area for Shoreham. The scheme will have a different character to other established residential areas necessitated by the high cost of developing these sites to remediate contaminated land; provide new flood defences; and deliver the high quality open space, infrastructure and river front walk expected by the Council which present a challenge to scheme affordability and viability.

The viability challenge has resulted in a higher density of development than experienced elsewhere in the Shoreham area and envisaged in the emerging JAAP. However, the studies and assessment carried out on the site confirm that there are no physical or environmental constraints that would prevent the principle of higher density development or require disproportionate development costs to provide the necessary site infrastructure.

The site is located within suitable walking distance of the services and facilities located within Shoreham including shops, ATM, post office, GP practice, primary school and community facilities. The site is well connected with a bus service immediately adjacent and Shoreham-by-Sea Station a short walk away which provides access to London, Brighton and Portsmouth. In view of the sites high sustainability credentials a higher density of development than envisaged can be justified and this accords with latest Government advice. The Housing White Paper (February 2017) highlights that there is particular scope for higher-density housing in urban location “that are well served by public transport (such as around many railway stations); that provide opportunities to replace low density uses (such as retail warehouses, lock-ups and car parks) in areas of high housing demand”

It is considered that the proposed scheme provides significant economic, social and environmental benefits which demonstrably outweigh any negative effects of the proposed development. There are no policies within the Framework which indicate that development should be restricted.

It is concluded that the proposals accord with the relevant policies of the Development Plan when read as a whole. The proposed development would contribute to the Adur Local Plan’s housing target of 3,718 homes to be delivered in the District and 1,100 homes on Western Harbour Arm by 2032.

Having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 14 of the National Planning Policy Framework, it is considered planning permission should be granted.

Proposal, Site and Surroundings

Site and Surrounding

The site is located within an area known as the Western Harbour Arm, to the south of Brighton Road, Shoreham-by-Sea. A plan is provided on the cover page of this report.

The site, which measures 2.95 hectares, is broadly rectangular. The site fronts onto and is bound to the south by Shoreham Harbour which is created by the River Adur meeting the English Channel. Brighton Road/ A259 forms part of the sites northern border, which runs east-west connecting Brighton and Worthing respectively. The sites northern border, along Brighton Road, is interrupted to exclude Kwik Fit, The Whale Car Wash and the Ham Business Centre.

The site is currently vacant and formerly within industrial use for importing aggregate/marble. The warehouse buildings that previously occupied the site have now been demolished.

The strip of land between Brighton Road and Shoreham Harbour to the east is in industrial use. To the west between Humphreys Gap and Surry Hard the land is in use as car dealerships and business premises. Beyond this is an old Parcel Force depot, currently being redeveloped (details of which are provided in section 4 of this statement), Sussex Yacht Club and associated boat yard/ moorings.

Beyond the yacht club, Brighton Road becomes the High Street for the commercial centre of Shoreham-by-Sea. At the western end of the High Street it becomes Brighton Road again and bridges the River Adur providing access to Brighton City Airport.

The land to the north of the site and immediately north of Brighton Road provides 'big box' retail uses, for B&Q and Halfords. There is also a McDonald's Restaurant. Further to the north the land is predominantly in residential use – typically two storey houses. The South Downs National Park is found further to the north beyond the boundary of Shoreham-by-Sea.

To the south of the site is the River Adur. Beyond this is spur of land known as Shoreham Beach that is predominantly in residential use. Buildings of up to six storeys front onto the southern side of the Western Harbour.

To the east of the site, the land is predominantly in business/ industrial use either side of Brighton Road and is characterised by large sheds.

Shoreham-by-Sea railway station lies approximately half a mile north east of the site. The station provides links to towns along the south coast including Brighton, Worthing and Portsmouth. A direct and frequent train service is also provided to London Victoria, which also stops at Gatwick Airport, Croydon and Clapham Junction.

In terms of the access to the road network, as mentioned above, the site is adjacent to Brighton Road, which provides an east west access corridor along the south coast. Access to the north is provided by the A283 which is located on the northern edge of Shoreham-by-Sea.

Proposal

The application proposes the redevelopment of the site for a mixture of uses. Ten buildings are proposed, which are identified on the diagram below. These buildings are surrounded by public, communal/ semi-private and private amenity space. A detailed description of each of the elements of the scheme is provided below.



The application proposes the redevelopment of the site to provide:

- Ten buildings of which seven front the River Adur and three front onto Brighton Road/ A259;
- 540 residential homes;
- Of which 162 will be affordable (30%);
- 114 will be for market rent (20%);
- 264 will be for open market sale (50%);
- The unit mix will provide 2 x studio units 167 x 1 bed, 156 x 2 bed (3 person), 175 x 2 bed (4 person) and 36 x 3 bed;
- 2,707sqm (GIA) of commercial accommodation, of which 533sqm is for A1 (retail), 105sqm for A1/A3 (retail/ café), 641sqm for A3 (restaurant), 1,340sqm B1 (office) and 88sqm yacht facility;
- 438 car parking spaces for the residential component of the scheme provided at undercroft level with 74 spaces for visitors/ the commercial component of the scheme;
- 540 long stay cycle parking spaces and an additional 28 short stay spaces;
- 19,602sqm of open space, of which 14,723 is publicly accessible and 4,879 is semi-private;
- 100 year + lifetime flood defence;
- River walkway;
- River Adur mooring jetties; and
- River Adur observation platform.

Non-Residential Use

The proposed non-residential uses comprise of retail, restaurant, office hub units, and yachting facility.

The proposed retail unit is located at the ground floor of Building H, accessed from Brighton Road. Building D and E both contain one restaurant unit at ground, Building F contains one café unit at ground. All restaurant/café units are accessed via the proposed public realm.

The proposed hub office units are located in Building G at ground and level 01. The units are accessed from Brighton Road.

Building F contains a yachting facility at ground, level accessed from the proposed public realm.

Car Parking

A total of 512 car parking spaces will be provided for the development with 74 spaces at grade and 438 spaces within an undercroft parking area, below the residential buildings. The spaces at grade will be for the commercial space/ visitors parking with the spaces within the multi-storey/ undercroft serving the residential accommodation.

Two 'car club' spaces will be provided on site. 5% of the car parking across the site will be suitable for wheelchair users and a further 5% will include electric charging points.

Servicing

Servicing for the proposed accommodation is carried out from the identified bays within the sites circulation roads. Details of the servicing for the development are provided within the submitted Transport Assessment (TA) and the Waste Management Strategy.

Cycle Parking

A total of 568 spaces for cycle parking is provided within the scheme, of which 540 spaces service the residential accommodation and located within secure stores, conveniently located next to the residential cores. In addition, 28 spaces are provided for the commercial accommodation/ visitors and are provided adjacent to the commercial units.

Flood defence/ River Walkway/ Pontoons

A key part of the proposal is to replace the existing flood defences which are in a poor state of repair and provide new defences with a 100 + year design life and that take account of the most up to date flood levels. The approach proposed would differ from the current flood defence, which consists of a concrete wall running along the river bank/ wharf. Instead it is proposed to bring the defences inland and create a flood defence cell from the buildings within the development. This has opened the opportunity for the public to directly engage with the river (as the riverside wall becomes a fence) and it is proposed to provide a public walkway/ boardwalk along the length of the site, extending out over the edge of the river. Details of this are shown in the applicant's submitted Design and Access Statement (DAS) and Landscape Strategy.

Relevant Planning History

There are two applications considered to be particularly relevant to the development of the Free Wharf site.

The Free Wharf site was previously considered by the Planning Committee in relation to planning application **AWDM/0762/13** which has not been determined. The Planning Committee resolved to approve the planning application subject to a S106 agreement but no agreement was then signed. A decision notice has not been subsequently issued and the application remains a live undetermined application. It is understood that the development did not proceed due to commercial reasons.

The scheme which the Planning Committee resolved to approve provided 3,470sqm of retail/ cafes/ restaurants and leisure uses including a Morrisons supermarket, 70 residential units and 426 car parking spaces.

It is considered that as this is a live application, that the resolution of the Committee in to approve the application remains a material consideration in the determination of this application as it could feasibly be implemented if a S106 agreement was signed by the landowner. It is particularly relevant as the retail development generates a significant number of highway trips at peak hours on the network. This application was a particular consideration for West Sussex County Council when evaluating the highways impact of the scheme.

Planning permission (ref: **AWDM/0501/12**) was granted in 2012 for the former Parcel Force depot at 79-81 Brighton Road. This scheme provides 132 units and commercial space within buildings ranging between five to seven storeys. The development is underway and due to be completed in the next few months.

The development is particularly relevant for its agreed approach to flooding issues. The development includes a new flood wall which has been constructed along the river and western site boundary behind the existing sheet pile wall at a height of 5.57 AOD. This is 300mm above the 1 in 200-year flood level. In addition, an external wall will be provided on the eastern side of the site which also forms part of the building structure along Surrey Hard. Flood gates are to be installed on the eastern flank. The existing front boundary wall is being re-aligned and strengthened with the main access to the ground level car park fitted with a demountable flood barrier. As such the "flood cell" approach has been agreed as an appropriate flood defence mechanism for Western Harbour Arm.

Planning permission (ref: **AWDM/0784/14**) was granted for the infilling of Tarmount Hard subject to a S106 agreement securing compensatory intertidal mud flats. The legal agreement has been drafted and the Council is pursuing the stopping up of the Public Right of Way.

Consultation Responses

West Sussex County Council Highways - First Response - further information required.

Access

- The site is to take vehicular access from three points along the A259 Brighton Road,
- All of these accesses are existing and have been to serve previously permitted site uses. Alterations will be required to these to serve the proposed uses.
- A Stage One RSA must be submitted and all problems raised within this resolved prior to this planning application being determined.
- There are no significant concerns with the proposed vehicle access strategy subject to further detailed information on the access of the left only central access and Traffic Regulation Order Required; information on visibility issues caused by advance stop lines for cyclists at the Humphrey's Gap entrance.

Highways Capacity

- Taking all of the uses proposed, the development is forecast to generate the following number of vehicle trips during the network peak hours,

AM Network Peak (0800-0900)			
Use	Arrivals	Departures	Total
Flats (Private)	27	68	96
Flats (Affordable)	13	44	57
Commercial Units	41	5	46
Retail Units	38	36	74
Total	119	153	272

PM Network Peak (1700-1800)			
Use	Arrivals	Departures	Total
Flats (Private)	57	31	88
Flats (Affordable)	32	19	51
Commercial Units	9	34	43
Retail Units	55	55	110
Total	153	139	292

- For retail uses, the significant majority of trips will result from traffic already on the network, either in the form of pass-by, diverted, or transferred.
- The impact of the development has been assessed for an opening year (2021) when the site will be complete. These are presented as with and without the development.

- A 2031 scenario has also been included. This aligns with the end of the Local Plan period when all development and mitigation included within this should be complete. It is acknowledged that this site forms part of the wider Shoreham Harbour draft allocation with the Adur Local Plan. As a result, the impact of the development will have been accounted for within the transport study underpinning the Local Plan.
- Other committed but as yet incomplete/unoccupied developments are factored into the future year assessments.

Junction Capacity

- Following on from the above, the capacity impacts of the development have been assessed at,
 - o A283 Old Shoreham Road/Upper Shoreham Road mini roundabout
 - o A259 Brighton Road/A283 Old Shoreham Road roundabout
 - o A259 Brighton Road/New Road/Surrey Gap crossroads
 - o A259 Brighton Road/Eastern Avenue/Humphreys Gap signalised junction
 - o Eastern Avenue/Ham Road priority junction
 - o A259 Brighton Road/Kingston Lane signalised junction
 - o A283 Old Shoreham Road/Ropetackle signalised junction
 - o A259 Brighton Road site priority junctions
- The impact of the additional vehicle movements arising from the development have considered against the National Planning Policy Framework. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The development cannot be required to mitigate pre-existing traffic problems; it can only be required to deliver mitigation to ensure the residual impacts are not severe.

A259 Brighton Road/A283 Old Shoreham Road roundabout

- The modelling forecasts the A259 High Street and A259 Norfolk Bridge arms to be close or over capacity in the AM peak. Increases of 16 seconds and 23 seconds are forecast for these two arms respectively.
- The development is not however the cause of these issues; it is apparent that there are existing capacity issues without the development.
- In the PM peak, the A259 High Street and A283 Old Shoreham Road arms to be over capacity. The development is forecast to increase delays by 36 seconds and 87 seconds respectively.
- The development is not causing these problems, these are evident in the without development scenario.
- The TA identifies that there are constraints on traffic entering and exiting the roundabout on the A259 High Street. This includes buses waiting on carriageway, vehicles loading/unloading, the operation of existing signalised pedestrian crossings, and vehicles stopping to park. The interaction of these commonly results in slow moving or traffic queuing back onto or beyond this roundabout. These are however existing issues. Whilst the traffic modelling can account for some of these issues, the model is very much looking at the operation of this junction as a standalone feature.

- Mitigation is proposed for this junction as part of the transport study supporting the Adur Local Plan. The development includes modelling work that accounts for these improvements. Comments are made on this in the 'Mitigation' section below.

A259 Brighton Road/New Road/Surrey Gap crossroads

- These junctions are forecast to work within capacity with the development in both the AM and PM peak hour.

A259 Brighton Road/Eastern Avenue/Humphreys Gap signalised junction

- Alterations are proposed to this junction as part of the development. This includes the provision of Advanced Stop Lines (ASLs) and a pedestrian phase on the A259 eastern arm.
- From the outputs provided, the additional pedestrian phase does not appear within the model.
- The model (for the with development scenario) should be revised and re-run accordingly. Reference is however made to adding in this pedestrian phase and increasing the cycle time within later sections of the TA, although none of the LinSig assessments are included.
- There is a requirement for a lead in lane to be provided to allow cyclists to access the ASL. This lane should be no less than 1.2 metres wide. Both lanes on the Eastern Avenue and A259 Brighton Road (east) are around 1 metre in width; this is rather narrow considering the possibility of cyclists having to pass the near side of high sided vehicles. No lane is provided for the Humphreys Gap arm.

Eastern Avenue/Ham Road priority junction

- This junction is forecast to work within capacity with the development in both the AM and PM peak hour.

A259 Brighton Road/Kingston Lane signalised junction

- The modelling shows some increases to delays and queues on some arms in the AM and PM peak hours. Viewed against the without development scenario, the increases are not especially significant.

A283 Old Shoreham Road/Ropetackle signalised junction

- The modelling shows some increases to delays and queues on some arms in the AM and PM peak hours. Viewed against the without development scenario, the increases are not especially significant.

A259 Brighton Road site priority junctions

- The exit only access is forecast to operate within theoretical capacity.

Eastern Avenue Level Crossing

- Potential increase in queueing at the level crossing has also been considered. The development will add to existing queues. The increases are not considered significant viewed against the current situation.

Mitigation

A259 Brighton Road/Kingston Lane signalised junction

- Works here seek to increase the traffic light cycle time (from 90 seconds to 120 seconds).
- There is seemingly limited merit to these alterations. The applicant should though submit the LinSig model to WSCC for review.

A259 Brighton Road/Eastern Avenue/Humphreys Gap signalised junction

- The cycle time is also to be altered at this junction. Again, WSCC would request copies of the LinSig model for review.

A259 Brighton Road/A283 Old Shoreham Road roundabout

- The applicant is proposing to implement the improvements as identified within the transport study supporting the Adur Local Plan. The principle of the works has been accepted through this study. A stage 1 road safety audit should be submitted.

Other Mitigation

- The Transport Study supporting the draft JAAP also includes a number of transport mitigation schemes. The cost of these is anticipated to be shared amongst those developments forming part of Western Harbour Arm regeneration area. The proposed development should therefore contribute proportionately towards these measures.
- In some instances the development is providing more than the Study requires (the works to the A259 Brighton Road/A283 Old Shoreham Road roundabout for example). This will therefore need to be accounted for as contributions are determined. Further discussions would be required in these respects.

Car Parking and Layout

- Car parking provision has been considered against the WSCC Parking Demand Calculator for the residential uses and the Supplementary Planning Guidance for the all other uses.
- For residential uses, parking has been considered on an unallocated basis. 400 spaces are forecast as necessary; 438 are provided.
- For the other uses, these are maximum standards. The developer can therefore provide less than the maximum standard subject to a lesser provision not resulting in any safety issues. An unallocated provision is intended.
- The internal layout itself is shown predominantly as shared surfaces which given the low speed, lightly trafficked nature of the site, is appropriate.
- The expectation is that all servicing will take place from within the site. Details are included of the refuse collection arrangements, but not for the servicing of the other uses in the site as well as to meet the needs of the residential uses (for example, dot.com delivery vehicles).

Accessibility

- The site is located within reasonable walking and cycling distance of Shoreham town centre. Continuous existing walking routes are available with the proposal making improved provision for crossing facilities over the A259. Shoreham train station is also within short walking distance.

- Improvements are also proposed for cyclists in the form of Advanced Stop Lines at the Humphreys Gap signalised junction and a signed and lined on-carriageway cycle route along Eastern Avenue and Ham Road into the town centre. The carriageway cycle route is supported in principle subject to the submission of detailed designs under condition.
- A length of shared surface (foot and cycles) will also be provided along the riverside frontage of the development. This will then allow connections into neighbouring sites should they come forward for development. The provision of this route accords with the requirements of the policy within the ALP for Shoreham Harbour.
- The LHA also has aspirations of providing improved cycle facilities along the A259 corridor. Again similar to the route on the riverside, the provision of a continuous cycle route is dependent on other developments coming forward. The current development is intending on providing a wide footway on the A259 frontage.
- The development also lies adjacent to the 700 bus route. This operates between Littlehampton and Brighton at a 10 minutes frequency Monday to Saturday. There is also a Sunday service of 3 buses per hour.
- Improvements are proposed to enhance facilities for passengers. This includes real time information being provided at existing suitable bus shelters.
- The bus stop on the eastbound A259 is also being relocated. The relocation of the shelter should be agreed with the maintaining authority.
- A travel plan is also proposed for the development. The measures within this are appropriate and acceptable.
- The provision and funding of two car club spaces is acknowledged, and this should be agreed with a relevant car club operator.

Second Response – further information requested

- Further technical information requested by WSCC in their first response was submitted by the applicant.
- Road Safety Audit for all highway works some further information was required to fully sign off the designs including an exception reports, and revised drawings.
- Further information required on left in only access on the eastern end of the site.
- A259 Brighton Road/Eastern Avenue/Humphreys Gap Traffic Signals - A further matter was raised in connection with the junction intervisibility zones. The LHA recognise that on certain arms, the intervisibility zones are currently substandard. The point was raised as to whether the proposal would worsen matters, and therefore if an exception to the design standard needed to be applied for. Furth info still required.
- LinSig Traffic Models submitted as requested. No issues raised.
- Servicing Plan submitted which should that all servicing would take place within the development. Condition required for a servicing management plan.
- Proposed Cycle Route to Town Centre – scheme revised to include carriageway markings with shorter sections of red surface colouring on Eastern Avenue. Some physical highway works are shown at the Ham Road/Surry Street junction to square up the junction.

Draft JAAP Transport Study Infrastructure Requirements

- A technical note has been produced outlining how the site meets the requirements within the respective policies in the Joint Area Action Plan. Although referred to, no reference is made to the estimated costs of the works as included in transport strategy that supports the policies within the JAAP.
- The TN must consequently be revised to identify the level of contributions offered towards the respective improvements identified for the Western Harbour Arm development area. The level of contribution towards the off-site improvements should be proportionate to the level of development expected in this area of Shoreham Harbour to ensure that all of the necessary mitigation is provided.
- Other mitigation was included within the TA initially submitted. For example, retiming of the A259 Brighton Road/Albion Road traffic signals. For clarity, a list of all mitigation proposed should be included.
- There has been further discussion between the LHA and the Local Planning Authority in respects of the developments proposal to include unallocated parking. There have been additional concerns raised by the Local County Councillor as to how parking for works vans belonging to future residents will be accommodated. A condition will be recommended by the LHA once all other matters have been addressed to ensure that details of parking and parking management are secured.

Third Response – No objection

Stage One RSA and Exception Report

- An Exception Report has been prepared for the revised plan for problem of narrow lead in lane to the advanced stop line on the eastern arm of the signals is acknowledged. This satisfactorily deals with this item.

Proposed Central Left In Only West Sussex County Council Highways Access

- The increased pedestrian refuge length ought to prevent right turning manoeuvres into the development, thereby making any right turning ban self-enforcing. For the purposes of planning, this matter is considered resolved.

Intervisibility at A259 Brighton Road/Eastern Avenue Traffic Signals

- The junction intervisibility zones for the existing and proposed arrangements are noted. The stop lines for the purposes of the intervisibility zones are not moving. Junction intervisibility would consequently not be affected by this proposal.

Draft JAAP Transport Study Infrastructure Requirements

- There will need to be a further discussion through the negotiation of the S106 as to what is required in order for this development to mitigate its impact and comply with current policy.

Overall Conclusion

- Subject to the Exception Report being signed off, all technical matters have now been resolved.

- Various highway improvements are required to be delivered through S106 agreement to meet the requirements of Adur Local Plan Policy 8 which requires contribution towards mitigation identified in the Shoreham Harbour Transport Strategy.
- Conditions are recommended

Highways England – first response further information requested

- Currently insufficient information provided by the applicant on which to base an informed decision
- Highways England was consulted on Transport Assessment scoping report dated June 2016. However, we note that the scoping report included with the Transport Assessment dates from August 2017. We do not appear to have been consulted upon this revision of the scoping note.

Traffic Growth

- We note that TEMPRO v7.2 has been used compared to v6.2 at scoping, resulting in lower growth factors. However, we also note that the scoping document outlined that the whole Shoreham Harbour development would be taken into account within the 2031 scenario where the TA states that it is only based on TEMPRO and 2 committed developments. As such clarification is requested on this and / or evidence that TEMPRO reflects the latest position with regard to strategic development within Adur councils emerging Local Plan.
- In correspondence, the developer also noted that use of the Shoreham Harbour Transport model would be considered to estimate local plan traffic flows within the area and thus clarification is requested on this.

TRICS / Traffic Generation

- The TRICS (private flat) trip rate appears low, especially for the PM peak, which was highlighted during scoping. It is noted that only one site in southeast England is included along with others outside southeast England while TRICS contains 4 recent sites in southeast England in either edge of town centre or suburban locations. As the private flats represent the main land use, Highways England is concerned that the trip generation of the site has been underestimated and thus requests that a scenario is considered based on the 4 southeast England sites for robustness.
- We note that the trip rates used are the same as proposed at scoping with the exception of the retail trip rates, which are lower and thus clarification is requested on this as Highways England is concerned that the trip generation of the site has been underestimated.
- We note that the trip generation is based on a floorspace of 2,146m² of commercial (office) and 820m² of retail, where the application is for 2,707sqm of commercial floorspace and thus clarification is requested on this

Distribution

- Table 29 of the TA contains rows titled “A27 westbound” and “A27”. Please can clarification be provided that the latter should read “A27 Eastbound”?

Junction Modelling

- We note that the A27 / A283 junction has not been modelled. Application of the trip distribution in Table 29 to the trips in Table 28 (which Highways England does not agree with as outlined above) shows that 53 additional trips in the AM peak and 73 in the PM peak would travel via this junction. As such, Highways

England is concerned this would have a detrimental impact on the strategic road network and requests that this junction is modelled for the 2031 end of Local Plan scenario.

Highways England – second response - No objection

- Further information was submitted by the applicant to clarify the issues raised by Highways England.
- No objection subject to the Council securing an appropriate contribution towards mitigation outlined within the Transport Strategy for Shoreham Harbour in accordance with Local Plan Policy 8.

Historic England – No objection

West Sussex County Council Archaeology – No objection

- No objection on archaeological grounds is raised to the proposals, subject to suitable archaeological mitigation measures, provided for through the use of a planning condition.
- Provision for the archaeological investigation and recording should be made, in the event of the grant of planning permission, through the use of a suitable planning condition.

West Sussex County Council Flood Risk Management – No objection

- The site appears to be mainly at low risk from surface water flooding. There are two areas (south of the site and north east corner of the site) which are showing as being at higher risk which is consistent with low lying areas (parking area and basement).
- The area of the proposed development is shown to be at low risk from groundwater flooding based on the current mapping and underlying geology.
- The proposed surface water drainage approach is in keeping with sustainable drainage principles and meets the requirements of the NPPF, NPPG and associated guidance documents.
- A suggested condition ensuring implementation of the SUDS approach.

West Sussex County Council Ecology – No objection

- No ecological objection subject to all opportunities for ecological enhancement being taken and the imposition of suitable worded condition/s to secure their implementation.
- I encourage the applicant to continue to discuss additional ecological enhancements possible both within the site and adjacent impact zone, with the appropriate authorities.

Natural England – No objection

- Statutory Nature Conservation Areas – no objection the Adur Estuary SSSI does not represent a constraint in determining this application.
- Protected Species – no objection based on standing advice.
- Local Sites – no objection.
- Sites of Special Scientific Interest Impact Risk Zones – proposal will not damage or destroy the interest features for which the Adur Estuary SSSI has been notified.

South Downs National Park Authority – No objection

- The application is 1.7 kilometres (at its closest point) to the south of the National Park Boundary.
- The development will be visible from the National Park, with far reaching views from a number of vantage points, including Southwick Hill, Mill Hill Nature Reserve and the Lancing Ring.
- The impact of the proposals on the South Downs National Park is considered to be minor, given there are only distant views from vantage points which several kilometres from the site.
- The scheme is not considered to result in a significant detrimental impact upon the setting of the National Park either in terms of visual impact or landscape character.
- Therefore the National Park Authority raises no objection.

Sussex Wildlife Trust 1st response - Object

- Object due to Environmental Statement identifying that 35,000m of Intertidal habitat will be lost or degraded during construction and 480m² will be lost or shadowed following the completion of the development.
- Not satisfied that the applicant has answered how they formally intend to deal with the matter of loss of section 41 Priority Habitat. We ask that more information is provided by the applicant.
- has considered the in combination impact on the biodiversity of the Adur Estuary SSSI
- Encourage the council to recognise the positive steps the Shoreham Harbour Joint Area Action Plan (JAAP) document is taking for the integration of biodiversity and green Infrastructure in the JAAP area.
- Seek additional areas for green walls if they approve this application in its current form.
- We ask the Council to ensure that consideration is given to interpretation that explains the relevance and importance of the chosen planting scheme.
- Seek opportunities both financial and non-financial to identify ways this development can contribute positively to maintain this valued Local Nature Reserve.
- Council to ensure the biodiversity conditions suggested in Chapter 13 of the ES are set as a minimum for this application.

Sussex Wildlife Trust 2nd response – No objection

- Sussex Wildlife Trust are pleased to see the calculations for the loss of intertidal habitat have been revised downwards.
- Any loss of this habitat will require compensation which should be resolved prior to determination.
- We recognise the comments from West Sussex County Council and Environment Agency that highlight the difficulty in identifying compensatory intertidal habitat within the estuary and we support proactive suggestions on how this can be resolved.
- Given the level of development proposed in this area, a coordinated and strategic approach to addressing matters relating to loss of habitats and

- identification of suitable and deliverable compensatory measures should be actively pursued.
- When you consider the cumulative impact of development along the Adur Estuary it is vital to recognise the precedent this application will set regarding habitat loss. Sussex Wildlife Trust wish to see the integrity of the biodiversity upheld and added to within the Adur District and that of the Shoreham Joint Area Action Plan (JAAP).

Sussex Police – No objection

- imperative that access control is implemented into the design and layout of each block to ensure control of entry is for authorised persons only.
- All additional external doors should conform to standards and would benefit from being controlled and have remote release of the primary entrance door set.
- Any easily accessible windows within the residential parts of each block should conform to PAS24:2012 specification
- The private space of residents is to be controlled with demarcation lines which can consist of defensive planting, railings or low walls.
- All internal residential doors are to conform to PAS24:2012 and fitted with a door safety chain and door viewer to enable residents to see visitors before opening the door.
- Minimum lighting specifications should include dusk to dawn switched lighting around the external entrances and internal foyers.
- Vandal resistant lighting should be installed around refuse bin storage areas.
- I note the provision of secure cycle stores within the underground parking area. These are to be enclosed within a locked galvanised weld mesh cage in order to provide security for the owners along with appropriate racks stands and anchorage points to enable residents to secure their bicycles using their own security measures and each store must be illuminated.
- External cycle storage should be located as close to the occupied buildings as possible and within 50 metres of a primary entrance door.
- Access control systems must be applied to all vehicular and pedestrian entrances to the car parks in order to prevent unauthorised access.
- External lighting throughout the development will be an important consideration and should conform to the recommendations within BS5489:2013.

Retail Commercial

- All ground floor and easily accessible windows are to conform to LPS 1175:SR
- In regard to any Cafes and Restaurants subsequently occupying the commercial units I ask that any consent for the future application for the premises is conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters / waitresses. Substantial food shall be available at all times.
- Finally, due to potential issues, concerning underground parking I recommend that the applicant seek advice from our Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.
- The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime

- and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.
- This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

Environment Agency – 1st Response

- The proposed development would have an unacceptable impact on biodiversity and nature conservation.
- Concern over whether the scheme would be granted an Environmental Permit.
- Proposal will cause a direct loss of approximately 180m² of intertidal mudflat habitat that and degradation of quality of up to 35,000m².
- The net loss and degradation of intertidal habitat would result in significant adverse impacts on one of the area's most important environmental assets. The development would therefore result in an unacceptable impact on biodiversity and make the proposals contrary to the emerging development plan and the NPPF.
- Further information required on the extent of area and mitigation proposed.
- The proposed development will require an Environmental Permit for Flood Risk Activity (FRAP), under the Environmental Permitting Regulations, before any works within 16m of the tidal River Adur commence.
- Significant concerns that the requirements for a FRAP will not be met by the proposals in the current planning application.
- Inadequate space for future maintenance and improvements to the flood defence and insufficient space for such works to the defences
- Further information required on how the development can meet the requirements of the FRAP.

Environment Agency – Following a further meeting with the Environment Agency, it is anticipated that its objection will be withdrawn and Members will be updated at the meeting.

Southern Water – No objection

- 'Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul and surface water system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework
- The developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul and surface water system.
- Suggested condition to overcome issues listed above requiring submission of a drainage strategy detailing the means of foul disposal.
- Suggests a condition to ensure that appropriate means of surface water disposal are proposed for the development.'

Environmental Health (Private Sector Housing) – No objection
Environmental Health (Acoustic)

- Content that the acoustic and ventilation scheme are sufficient.
- Requires condition to enforce the acoustic report.

Environmental Health (Air Quality) 1st Response – further information required

- Suggested that other developments anticipated within Shoreham should be included in the Air Quality Assessment as they are reasonably foreseeable.
- Paragraph 9.128 states that negligible effects on PM's occur at all off site receptors. This is incorrect, sites in Brighton show a 'slight' impact.
- There is also a 'slight' impact with regards to NO2 concentrations (annual mean) at a number of receptors within the development (Table 9.29).
- The Emissions Mitigation Calculation in Table 9.23 results in a value of £138,802.03. This is the amount that should be committed to mitigation for the development
- Other effective mitigation is also considered (e.g. contributions towards improvements to bus infrastructure along Shoreham High Street).

2nd Response – No objection

- The form of air quality mitigation needs to be agreed through S106 agreement.
- The Emissions Mitigation Calculation in Table 9.23 results in a value of £138,802.03. This is the amount that should be committed to mitigation for the development (this does not include the construction phase).
- Whilst I note the assessment refers to mitigation, I do not agree with the term 'embedded mitigation'. A travel plan would have been required irrespective of any emissions mitigation damage cost calculation, so this should not be included within the emissions cost mitigation. The mitigation value should be used to properly cost additional mitigation.
- I accept ev charge points could be included within this calculation, however I suggest that other effective mitigation is also considered (e.g. contributions towards improvements to bus infrastructure along Shoreham High Street).

Waste Collection

- No objection subject to vehicle tracking plans being secured by condition.

Technical Services (Engineering) – No objection

- The site sites in flood zone 3, small areas to the northern edge of the site and three localised areas are modelled to suffer from predicted surface water flooding; however there are no reports of the site ever suffering from flooding
- Surface water is proposed to discharge directly to the harbour, not via the public sewer system.
- The existing site is almost 100% covered in concrete and therefore is impermeable – all surface water is discharged to the River the subsoil is considered to be contaminated, and to have low permeability. I understand that the majority of the contaminated soil will be removed to construct the underground parking areas, and then the soil level will be raised to reduce the tidal flood risk.

- No flow control is required as discharging to tidal waters (as non-statutory technical standards for SuDS). Scour protection will be worked into detailed design of outfalls where necessary.
- Car parks are proposed to be served by trapped gullies discharging to pump chambers that in turn discharge to the main foul water pump station.
- foul water drainage in the car parks will pump water to the foul system; portable pumps can be used to pump out accumulated water to the surface water system and into the harbour. Low points with sump chambers are proposed in the car park areas.
- The public surface water sewer in Humphrey's Gap is to be maintained. There is a small section at the head of a SWS foul sewer in the north east of the site that will become redundant due to the proposals.
- The existing sheet piled wall is essentially replaced by a new reinforced concrete river wall supported on piling, responsibility for maintenance for which will remain with the developers.
- The EA had previously raised some concerns with regards to access for which HOP provided some further clarifications indicating points of highloaded access from the highway, adequate maintenance access along the entire boardwalk for appropriate vehicles and further maintenance behind the river wall in the majority of areas.
- Access is also possible for sea borne plant if required, although the maintenance regime envisaged for the river wall should not require such heavy duty maintenance type access under normal circumstances (although access would obviously be possible if needed eg replacement of a linkspan access way etc).

Parks Manager – No objection

- No objection to the proposed landscaping scheme subject to conditions requesting detailed planting schemes and long term maintenance of green spaces.

Sport England – No objection

- The population of the proposed development is estimated to be 1188 . This additional population will generate additional demand for sports facilities.
- If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.
- Sport England's Sports Facilities Calculator indicates that contributions towards sports facilities are due for

Coastal West Sussex Design Panel – comments

Summary

- There are many things to commend in this design, with the disposition of spaces, building massing and approach to landscape working generally well. Ensuring this design sets the tone for and has influence on neighbouring developments is encouraged, especially for the river walk.

- More articulation and activity on key frontages is encouraged, and a more comprehensive landscape strategy that includes landscape on building frontages should be developed through conditions.

Site context

- This is a large site in an area with extensive development potential.
- The waterside is set to become a new east-west link for pedestrians and cyclists to the town centre beyond.
- This scheme offers an opportunity to set standards for the redevelopment in the wider area, so there is a responsibility on the design team to consider how their design can influence adjacent sites as they come forward.
- It is important to consider in particular how the boardwalk along the river edge will work as a continuous route beyond the site.

Layout and public realm

- The Panel generally supports the approach to landscape and public realm.
- The general greening of the area and the routes through it are an important improvement over previous iterations of the scheme shown to the Panel.
- There is scope for more differentiation between the public spaces shown, so that each has its own character.
- The steps and ramps shown will need handrails, and the detailing of this should be addressed with the design now, rather than it being an add-on later that could detract from the design.
- The Panel is concerned by the extent of blank frontage along the ground floor of the buildings framing key spaces. More active uses would help to animate these spaces.
- The approach to the river frontage, with a cantilever for part of the boardwalk that allows the ecology of the river to be maintained, is supported.

Architecture and detailing

- The massing shown in this iteration of the scheme is an improvement on the one previously reviewed, with a better relationship with the waterside.
- The development will create a new high point within the wider area, visible in long views from the north.
- The north elevation would benefit from more articulation, as its present form will appear bulky and massive.
- A colonnade at ground level would improve the relationship between this, the building and the street edge and reduce its dominance.
- Utilising effective planting along this street and façade, which might include the introduction of climbers, would help in greening the street, and would reinforce the wider landscape scheme for the site.
- The use of local materials for the surfaces is supported, but the new approach to materials for the rest of the scheme would reduce its distinctiveness in comparison with previous iterations of the design.
- Materials used should be authentic.
- Broadening the colour palette on this important gateway site would also improve both the role of the scheme in the wider area and the references to coastal typologies.

Adur District Council - Planning Policy

- The Submission Adur Local Plan 2016 has been subject to Examination and found sound subject to Main Modifications. Adoption is anticipated in December 2017. Therefore the policies within the plan are likely to be given considerable weight by the decision-maker.
- The site lies within the Built Up Area Boundary, and therefore development is acceptable in principle. The site also lies within the Shoreham Harbour Regeneration Area (Policy 8 of the emerging Adur Local Plan) Character Area 7 Western Harbour Arm. The proposal appears broadly consistent with the area priorities, which include achieving a mixed-use area consisting of B1/ C3 uses and a comprehensive flood defence solution integrated with a publicly accessible riverside route for pedestrians and cyclists
- This proposal of 540 new dwellings would make a considerable contribution to the overall figure of 1,100 new dwellings in Policies 3 and 8 of the Adur Local Plan 2017, and therefore a significant contribution to meeting the overall delivery target within the Local Plan, and is therefore welcomed in principle.
- Main Modification (MM29) has been applied to the Adur Local Plan, which updates the mix of private sector housing sought in the Adur Local Plan area. This seeks a higher proportion of 3 and 4 bed properties, and fewer 2 bed properties, than the proposal. However it should be noted that this mix relates to the *whole* of the Adur area, whereas paragraph 4.29 of the Adur Local Plan states that smaller dwellings should be focused in and around town centres and Shoreham Harbour.
- Policy 22 seeks 25% of affordable dwellings to be of intermediate tenure, and 75% social/ affordable rented. Main Modification 31 updates the Adur Local Plan with regards to the dwellings mix which should be sought for social/ affordable rent and intermediate properties.
- Policy 4 of the Adur Local Plan seeks approximately 16,000sqm at Shoreham Harbour (Adur section). This is reiterated by Policy 8 (Shoreham Harbour Regeneration Area, which reiterates that this should include an element of B1. Given the mix of uses proposed, which includes 1,435sqm GEA of B1 uses, there are no policy objections in this respect.
- Policy 11 relates to Shoreham-by-Sea. This seeks to ensure that development respects the setting of the historic town centre and does not have an adverse impact on views of St Mary de Haura. In addition, the policy seeks the protection of the riverside setting of the Adur, improvement of public access and opening up of views alongside the river through opportunities arising from new development, and the need to ensure that new development alongside the river respects its location and character. New and improved access to the water is also sought. This proposal appears to respond relatively well to its waterside location, with the provision of a riverside walkway, and provision of mooring pontoons and observation platform making a positive contribution to accessibility and public use of the waterside environment.

Shoreham Harbour Regeneration Partnership – No objection

- Broadly consistent with the Area Priorities for Character Area 7 – Western Harbour Arm, in both the ALP and JAAP. The partnership therefore supports the proposed development in principle.

- The developer has submitted an Energy Strategy and Sustainability Statement. This document addresses many of the requested information. Some further information is required.
- The developer has allocated plant room space for future connection to a District Heat Network. The partnership has previously referred the developer to the London Heat Manual to determine the amount of plant room space required. A development of this size will require a minimum of 6m² for heat exchangers, which appears to have been included. Additional space will be required for metering equipment, valves etc. The Council's district heating consultants have suggested total plant room space of 13.5m² for each phase will be required. I therefore suggest that a condition is included to secure sufficient plant room space for later connection. This will need to be agreed in writing by the Council.
- ALP Policies 4 and 8 seek a minimum of 16,000m² employment space within Shoreham of which 12,000m² should be on Western Harbour Arm. The employment space should be predominantly B1a office space with ancillary retail, leisure, and food and drink. The proposal includes approximately 2,700m², of which 1,340m² is B1 office space. Whilst this will make a valuable contribution to the overall provision of employment generating floorspace, it is lower than would be expected from a site of this size.
- The proposal seeks to deliver 540 dwellings with the following approximate mix: 33 % - 1 bed (including studios); 60% - 2 bed; 7% - 3 bed. This mix is considered compliant with the policy
- ALP Policy SH8 requires development to contribute to measures identified in the Shoreham Harbour Transport Strategy. These include the delivery of a waterfront route for pedestrians and cyclists and improvement to the A259 to accommodate cycling facilities. The proposal seeks to deliver the waterfront route.
- The approach to the A259 is less satisfactory as there does not appear to be provision for a segregated cycle route here
- The proposal includes a landscaping plan which will significantly enhance the green infrastructure in the area. I suggest that the detailed landscape strategy should provide further detail. In particular, this should include creating habitats such as vegetated shingle, intertidal, coastal grassland; and the use of green infrastructure to mitigate air pollution
- Appropriate planting alongside Brighton Road, and as green walls on the lower parts of buildings could have an impact here.
- the proposal includes an improved public realm, and a number of features which will encourage outdoor activity, such as the waterfront route.
- Various conditions are suggested to safeguard the proposed heat network.

Comments on Consultation Responses:

The responses from consultees have resulted in a number of additional bits of information being submitted to the Council and various pieces of clarification for the submitted Environmental Statement. This additional information has been published on the Council's website as they were received, and provided to consultees for further detailed responses.

A number of consultees have identified that detailed information should be agreed and implemented through a suitably worded condition. Where these meet the test in

paragraph 206 of the NPPF, they have been included in the list of proposed conditions included at the foot of this report.

The issues raised by consultees have informed the Planning Consideration section of the report below, and have been considered when making the Officer's recommendation.

It is noted that the Sport England response requests a tariff based contribution for sports facilities. It should be noted that this has not been based on an assessment of open space facilities in the area and it does not offer any conclusions on whether capacity exists within existing play facilities to cater.

Representations

Representations Objecting to the Application –

A total of 118 letters of objection were received. The table below summarises the objections by type. The most typical comment is that the scheme represents overdevelopment and that there is insufficient infrastructure to support the scheme. Of the 84 objections, there are 67 references to this. Concern about highways and parking ranks as the second highest mentioned comment with 56 comments relating to this. The third most frequent comment was that the building was too big/tall, with 39 respondents stating this.

Nature of Objection	Count
Overdevelopment/Insufficient Infrastructure	67
Concerned about highway access and parking	56
Too big/tall	39
Loss of general amenity	11
Concerned about privacy/light/noise	13
Lack of slipway	10
Lack of trees and landscaping	6
Great design	3
Lack of affordable housing	2
Much needed extra housing	1
Consideration to green areas	1
Concerned about global warming	1

Overdevelopment/insufficient infrastructure

This group is made of people referring to the scheme as “overdevelopment” or concerns about the capacity of existing services and infrastructure. These can be summarised:

-The development is too big.

-The existing infrastructure is under pressure already, and it is difficult to see this improving with more homes being built.

Many call for more ‘organic’ development of the area, meaning that services should be developed in line with housing.

Some General comments:

- ‘Great to see investment in town, but concerned that not enough thought has gone into plans for additional schools etc.’
- ‘Traffic is shocking as it is in Shoreham. Doctors are too busy to accommodate new patients’
- ‘The number of residents will overwhelm the infrastructure’
- ‘Developers should be forced to build a new school and new doctors surgery.’

Concern about highway access and parking

Residents are worried about parking overspill from the development and that roads will become “gridlocked” (in many cases people are concerned about the specific effect that an increase of traffic will have on health care and emergency services).

Some of the comments:

- ‘Will have a huge effect on traffic. It will put a strain on the Health Centre’
- ‘The lack of adequate parking will result in unauthorised parking elsewhere.’

Too big/too tall

Many comments remark that the building is too big and that it changes the nature of Shoreham. Residents generally are worried about their town changing from a ‘quaint’ village into a bigger city such as Brighton or London.

Some of the comments:

- ‘Height of the buildings are taking down the beauty of the area’
- ‘Excited to see mixed development in the area, but this is too high.’
- ‘Too big, too ugly and not suited to the town.’
- The development will ‘ruin the lovely town’
- Shoreham will become a ‘*concrete jungle*’
- ‘The building that is proposed will dramatically change the skyline of Shoreham, changing it from a quaint seaside town to the skyline of a huge city.’

Relevant Planning Policies and Guidance

National Planning Policy

The National Planning Policy Framework (NPPF) was published in March 2012. Paragraph 3 confirms that the document forms part of the overall framework of national planning policy, and is a material consideration in decisions on planning applications. The weight to be afforded to the document is that of guidance (para 13) and it does not change the status of the development plan (12).

Paragraph 11 states 'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.'

Paragraph 12 confirms the status of the NPPF by stating 'this National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.'

Paragraph 14 confirms that, at the heart of the guidance is a presumption in favour of sustainable development. For decision-taking, this shall mean:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 7 defines sustainable development identifying three dimensions of sustainability that planning should deliver - economic, social and environmental. This includes sufficient land of the right type is available in the right places at the right time, providing the supply of housing required, high quality built environments, accessible local services and protecting and enhancing the natural and historic environment.

Paragraph 17 defines 12 core planning principles. Those that relate to the appeal proposals include;

- Being plan-led empowering local people to shape their surroundings
- Support for sustainable economic development
- Securing a high quality design and a good standard of residential amenity for existing and future residents
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- Take account of the different roles and character of different areas

- Actively manage growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

In respect of housing (section 6), paragraph 47 confirms that a 5 year supply of housing land supply against requirements should be identified. It also states that either a 5% or 20% 'additional buffer' should be added but provides no specific explanation as to circumstances where these should be applied. It defines what can be described as 'developable' and 'deliverable' sites.

Section 7 of the guidance relates to good design and the built environment. It states that decisions should aim to ensure that developments will add to the overall quality of the area and respond to local character and history and reflect local identity (para 58).

Paragraph 64 guides decision makers that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

Planning Practice Guidance

The PPG was published by the Government in March 2014 and provides further guidance and detail on the application of the Framework and policies in development plans. This document streamlines the previous extensive planning guidance on issues including flood risk, green belt, local plan production, renewable energy, and use of brownfield land.

Adur Local Plan 2017

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications are determined in accordance with the provisions of the statutory Development Plan, unless material considerations such as the NPPF indicate otherwise. The relevant policies of the Development Plan are:

- Policy 2: Spatial Strategy
- Policy 3: Housing Provision
- Policy 4: Planning for Economic Growth
- Policy 8: Shoreham Harbour Regeneration
- Policy 11: Shoreham-by-Sea
- Policy 18: Sustainable Design
- Policy 19: Decentralised Energy, Stand-alone Energy Schemes and Renewable Energy
- Policy 20: Housing Mix and Quality
- Policy 22: Affordable Housing
- Policy 29: Transport and Connectivity
- Policy 30: Green Infrastructure
- Policy 31: Biodiversity

Proposed Submission Shoreham Harbour Joint Area Action Plan 2017:

- Policy CA7: Western Harbour Arm
- Policy SH1: Climate change, energy and sustainable building
- Policy SH3: Economy and employment
- Policy SH4: Housing and community
- Policy SH5: Sustainable travel
- Policy SH6: Flood risk and sustainable drainage
- Policy SH7: Natural environment, biodiversity and green infrastructure
- Policy SH8: Recreation and leisure
- Policy SH9: Place making and design quality

Weight to Be Ascribed To Relevant Plans

The Adur Local Plan 2017 (ALP 2017) was adopted by Adur District Council on 14th of December 2017. This document has recently been examined and found sound. In the absence of any changes to national planning policy or guidance, nor the publication of any Written Ministerial Statements since its examination, the Adur Local Plan is afforded full weight in the consideration of the current application.

The Shoreham Harbour Joint Area Action Plan (JAAP) has recently undergone regulation 19 “proposed submission” public consultation which concluded on the 22nd of December 2017. Paragraph 216 of the NPPF provides guidance on the weight that can be given to documents that are currently being prepared:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council has not yet reviewed the consultation responses to the Submission Draft and, therefore, one is unable to assess the extent to which there are “unresolved objections” to relevant policies following the recent consultation. It is therefore considered that while policies in the JAAP can be considered a material consideration, the plan cannot be afforded full weight.

Relevant Legislation

The Council, in determining the planning application has the following main statutory duties to perform: -

- To have regard to the provisions of the development plan, so far as material to the application, any local finance considerations so far as material to the application, and other material considerations. (Section 70(2) Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004);

In respect of sustainable development the NPPF states at paragraph 14 that,

‘at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking? for decision taking this means: approving development proposals that accord with the development plan without delay...’.

There are policies in the overall planning framework (national and local planning policies) which support the proposal and others which do not. It is necessary to assess all the policies in the whole and to come to a view as to whether in the light of the whole plan policy framework whether the proposal should be approved or refused.

PLANNING APPRAISAL

The principal planning issues in relation to this proposal are as follows:

- A. Principle of Development and the Proposed Uses
- B. Design, Form and Appearance
- C. Sustainable Transport and Highways
- D. Flood Risk & Drainage
- E. Ecology and Air Quality
- F. Impact on Amenity
- G. Financial Viability and Infrastructure
- H. Three Dimensions of Sustainability

The paragraphs below evaluate the proposed development against the requirements of the development plan in relation to each of the principle issues.

(A) Principle of Development and the Proposed Uses

The Adur Local Plan 2017 was adopted in December 2017. The Inspector’s conclusions on housing were to agree the target of 3718 new homes for Adur until 2032 as a minimum requirement. It is against this minimum housing requirement that the District’s five year housing land supply position is assessed annually. The most recent land supply position was published in the December 2017 Adur District Annual Monitoring Report which demonstrates a 6.3 year supply position (the Council’s planning policy team have identified that 4.3 years of supply can be demonstrated should the application be refused). The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

The key policy issue with the redevelopment of the Free Wharf site is unlocking the site which has been vacant for a number of years, at the same time as achieving the Adur Local Plan's objectives for the site to make a significant contribution towards meeting the identified needs for housing and employment floorspace in the District.

The Local Plan identifies the site within the Shoreham Harbour Regeneration Area (Policy 8 of the emerging Adur Local Plan) Character Area 7 Western Harbour Arm. The proposal appears broadly consistent with the area priorities, which include achieving a mixed-use area consisting of B1/ C3 uses and a comprehensive flood defence solution integrated with a publicly accessible riverside route for pedestrians and cyclists.

With regards to the overall amount of residential development proposed, Policies 3 and 8 of the Local Plan seek the delivery of 1100 new dwellings at Shoreham Harbour Western Harbour Arm. This proposal of 540 new dwellings would make a considerable contribution to this figure, and therefore a significant contribution to meeting the overall delivery target within the Local Plan. There is no objection, in principle, to the number of residential units being provided particularly if this is necessary to deliver a viable scheme and other policy requirements can physically be satisfactorily accommodated on the site

The provision of employment development on the site is supported by Policy 4: Planning for Economic Growth, which identifies the capability of the Shoreham Harbour Regeneration Area for delivering approximately 16,000sqm of new employment space. Provision of employment space on the site is also supported by Policies SH3: Economy and employment, and CA7: Western Harbour Arm, of the emerging JAAP.

The proposed development will provide 2,707sqm of employment space of which 533sqm is for A1 (retail), 105sqm for A1/A3 (retail/ café), 641sqm for A3 (restaurant), 1,340sqm B1 (office) and 88sqm D1 (yacht facility). This floorspace represents 17% of the overall target for the Western Harbour Arm, and therefore make a significant contribution towards the regeneration areas employment needs. In respect of the office space, the applicants have confirmed that the 'B1' office space should be aimed at serving the 'SME' market (small and medium sized enterprises) and create small, flexible office spaces that can be let upon easy in/out terms to assist the growth of small businesses." In relation to the proposed retail and café/ restaurant elements of the scheme, these have also been designed flexibly to offer choice to the market to enable the applicant to select appropriate occupants for the scheme.

The proposed commercial floorspace could be sub-divided to provide a number of smaller units and the applicant has expressed a desire to encourage uses that would not impact on the vitality and viability of the nearby town centre. The proposals are not of a size and scale to detract from Shoreham's main retail centre and will not impact on existing, committed and planned investment or impact on the town centre vitality and viability in line with the requirements of paragraph 26 of the National Planning Policy Framework.

Overall, the principle of mixed use development, and mix of residential, retail and employment uses is acceptable and in keeping with the development principles set out in the Adur Local Plan policies, and the emerging JAAP.

Affordable Housing

Adur Local Plan Policy 22 requires a provision of 30% on-site affordable housing for sites of 11 or more dwellings. For this proposal of 540 dwellings this would equate to 162 affordable units. Policy 22 of the Adur Local Plan further sets out a District wide objective to achieve a tenure mix for affordable housing of 75% social or affordable rent and 25% intermediate tenure. For this scheme this would equate to approximately 122 rented units and 40 intermediate units.

The applicants have proposed the following tenure mix for the development:

Tenure	Number of Units	Percentage
Open market sale	264	50%
Private rent	114	20%
Shared ownership	122	22% (75% of affordable)
Affordable rent	40	8% (25% of affordable)
Total	540	100%

Policy 21 advises that the target of 30% and preferred tenure mix should be applied flexibly where it is considered to be justified in light of various criteria including, among others: the costs relating to the development, in particular financial viability of developing the site (using an open book viability model); the extent to which affordable housing would prejudice other planning objectives and the need to achieve a successful housing development.

For the Western Harbour Arm the need to apply the policy flexibly is prescient due to the recognised abnormal development costs associated with these sites. The Adur Local Plan 2017's "Whole Plan Viability Assessment" (January 2017) identifies that *"The delivery of a few of the brownfield sites may require landowners to be realistic about value reductions to take account of abnormal development costs and the Western Harbour Arm may need to progress in an improving economic climate when sale values have improved or marginal reductions in developer return are accepted to make the whole scheme deliverable"*.

The Whole Plan Viability report also highlighted that,

“The negative viability of the residential element of the Shoreham Harbour scheme was offset to some extent by the positive viability of the commercial elements of the scheme. However it was also evident that the burden of site specific infrastructure and abnormal development cost rendered the application of the proposed CIL rates unviable overall and some relaxation to planning obligation contributions or affordable housing may also need to be considered to enable delivery of the scheme”

A viability assessment was submitted with the application to justify the proposed tenure mix. This identifies that the developer’s return (profit) is significantly below what would be expected in normal circumstances. The assessment demonstrates the abnormal costs of developing the site due to the amount of public realm being delivered and the cost of flood defence infrastructure. Officers received specialist consultancy advice for an independent review of this evidence. Following extensive discussion and adjustment of financial variables between the Council’s consultants and the applicants, the Council has been advised that the applicant’s assessment presented an accurate representation of the scheme’s viability. The level of developer profit arising from the site is significantly below what a commercial developer (the applicant, Southern Housing, is a registered social landlord) would require before investing.

As Members will be aware the accepted profit margin for schemes to be regarded as viable is 18–20% depending on the economic conditions prevailing at the time. In this case the viability case is clear with a profit margin of circa 12% only achievable if the applicant secures additional public funding. An application for Housing Infrastructure Funding (£10 million bid) was submitted last year by the Council on behalf of the applicant and the decision on this bid is not due until February (having been delayed by the Government for the last two months).

The viability assessment also assumes a significant portion of the scheme’s viability is dependent on grant funding from the Homes and Communities Agency (HCA). The applicants have been working with the HCA to attempt to gain additional grant in order to increase the proportion of affordable rent units. Recent announcements from Government have been encouraging in this regard including:

1. The recent government budget announced funding to deliver rented tenure.
2. The proposed rent settlement proposed amended the previous rent caps which reduce the level of grant that is required on a per unit basis.

To ensure that these changes can be reflected in the development, it is considered that a review of viability should be required through the S106 to ensure that further affordable rent tenure units can be secured if viable.

In conclusion, it is considered that, given the challenging nature of developing the site, achieving the overall target of 30% affordable housing is a significant benefit to the scheme. While the proposed tenure mix is not in accordance with the preferred mix in Adur Local Plan Policy 21, the policy encourages a flexible approach based on individual development’s circumstances. Given the submitted viability evidence, and the overall nature of the scheme (including the cost of public open space and flood

defences), the proposed tenure mix is considered acceptable and will ensure the overall successful development of the site.

(B) Design, Form and Appearance

Adur Local Plan Policy 15, “Quality of the Built Environment and Public Realm”, sets out that the Council expects development to be of high architectural quality and respect and enhance the site and prevailing character of the area. It then goes on to set out more details in terms of expectations for achieving a high standard of design. Of note is the requirement to:

“Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development. Include a layout and design which take account of the potential users of the site.”

Consistent with Policy 15 of the Local Plan, Objective 9 of the JAAP promotes high design quality and to improve townscape. More specifically for the WHA, Objective 9 also identifies the need to maximise the waterfront setting, whilst respecting local character and form. The Objective also notes the need to protect and enhance the area’s historic assets.

There is a significant level of detailed guidance relating to design, form and typology within sections 4.7.65 to 4.7.72 of the JAAP. It identifies Free Wharf as a ‘deeper’ site with the potential to provide ‘horseshoes’ of flatted development, with employment floorspace on lower storeys fronting Brighton Road. It notes the potential for residential to maximise views of the river.

In relation to height, paragraph 4.7.68 notes that buildings of up to 5 storeys are appropriate fronting onto Brighton Road and the River Adur, with the potential to step up away from the frontages.

Paragraph 4.7.69 references the Western Harbour Tall Buildings Capacity Study (2017) which notes a number of significant views and heritage assets that should be maintained as they contribute to the character of Shoreham.

The application was reviewed by the Coastal Design Review Panel at a meeting on 29th of November 2017. The review panel comments are summarised in the consultation response comments section above. As a result of these comments the applicants submitted revised plans to improve the frontage along the A259 and other internal parts of the site primarily around buildings G, G1 and H and amend some of the materials and introduce a colonnade. The amendments result in a significant increase in planting and landscaping around these buildings. The comments set out below are based on these substitute plans.

Materials and Appearance

Good design will take the opportunities available for improving the character and quality of an area and respond to local character and history (NPPF paragraphs 58 and 64).

Brighton Road, the A259, is a busy main arterial route into Shoreham from the east. Within the vicinity of the application site Brighton Road is characterised by industrial sheds, areas of open storage, large retail units to the east while the area to the west of the site transitions from low level commercial uses to residential and retail uses as one approaches the town centre. Many of the streets running north from Brighton Road, including Eastern Avenue, are characterised by rows of smaller domestic buildings of two or three storeys.

The proposed river front buildings have a palate of materials chosen to ensure that they weather well with manageable maintenance costs. The development proposes to clad the buildings using a ceramic brick slip system with colours ranging from buff and pinky-red to match nearby brick buildings, to grey and blue-grey to contrast with the white. Ground floor commercial uses and residential entrance halls are clad in curtain walling, allowing light in and views out. Large timber baulks are used extensively to screen car parks, plant rooms, cycle stores and other ancillary ground floor uses. Riverside windows will be powder coated aluminium frames.

The form of the roadside buildings G, G1 and H is different to the riverside buildings but are also clad in brick slips. The colour palate is predominantly a white brick with horizontal bands of black and dark blue brick slips. Buildings G, G1 and H have ground floor commercial units facing Brighton Road, clad in glass curtain walling giving plenty of light in the space and prominence to passing traffic

It is considered that the palates of materials proposed are of a common and characteristic tone to those found within Shoreham. It is noted that the use of metal detailing and glazed balconies are non-traditional materials in this area but their tone and limited use relates well to the brick, presenting a contemporary appearance whilst preserving the surrounding character.

Layout

The scheme consists of 6 riverside buildings (A to F) and 3 road side buildings (G, G1 & H) which are arranged in blocks to give river views from as many of the flats as possible.

The proposed development looks integrate with wider Shoreham by improving the town's connection to the river Adur in this area, creating a new route along the river edge, and developing large areas of publically accessible open space that can be used by all residents. A new east west route through the centre of the site provides vehicular and pedestrian access to the building which the applicants have labelled "the lane".

The proposal takes advantage of its location next to the river by providing views and access for both the public and residents. The scheme takes advantage of its southerly aspect and creates public realm, shared garden and balconies are provided with river views. The development has a simple legible sequence of routes, views and spaces which are landscaped and will be attractive for passers-by, and those using the café and restaurants in buildings D & E. Entrances to the residential buildings are located

along “the lane” which is well proportioned, accessible, well lit, and enjoys passive surveillance. The vehicular routes are pedestrian friendly and will encourage low vehicle speeds.

The public realm is well defined and landscaped, and overlooked by commercial and residential buildings. Shared residents gardens are generally raised on podiums, and are clearly separated from the public realm and overlooked by residential accommodation to ensure safety.

Bulk, Mass and Scale

Section 6.3 of the submitted Design and Access Statement, sets out the approach to the shape and massing for the submitted scheme.

The proposal consists of six residential building set at right angles to the river to provide views to the water for residents, and to permit glimpses through to the river from Brighton Road. In terms of shape the buildings are fairly orthogonally shaped bar the drum shaped penthouses.

The scheme also proposes three roadside buildings which are the most visible aspect of the scheme from Brighton Road. The roadside elevations are 5 storeys high, rising to 6 and 7 storeys towards the centre of the site, away from the road. The roadside buildings bring some definition and containment to Brighton Road, and to the Ham open space.

The scheme’s bulk and massing is affected by the Council’s policy objectives set out in the Joint Area Action Plan which require improved linkages to the river, a riverside walk and significant public realm and to deliver the required flood defence solution. While large areas of open space, landscaping, and public realm break up the buildings’ bulk, and design features such as different colour bricks will help distinguish each of the buildings it is recognised that the proposal is for significantly large buildings of a mass and scale that is not evident elsewhere in Shoreham.

While the bulk and mass of the buildings will be substantial the architecture introduces a number of elements to the design to ensure a more human scale. The architect’s use of different materials at ground floor level, the extensive landscaping and use of familiar building elements (seating, doors, stairs, handrails etc), the buildings’ terracing effect as they step up towards the centre of the site and the presence of commercial uses will help to ensure a “human scale” to the development.

It is considered that while the bulk and massing of the building are significant, the design’s detailing and efforts to introduce a human scale to the development will lead to a successful and attractive development that can be supported.

Landscaping

Policy 15: Quality of the Built Environment and Public Realm sets out the emerging Local Plan’s expectations for landscape and public realm. It states:

“Opportunities will be taken to improve the public realm through new development, transport schemes or regeneration schemes. These will aim to improve the quality, accessibility and legibility of public streets and spaces.”

Policy SH8: Recreation and Leisure and Policy SH9: Place making and design quality of the JAAP, provides more detailed guidance for development in the WHA. Policy SH8 states:

“Development proposals will be required to provide high quality multifunctional public open space / green infrastructure on site. The type and quantity of open space will be determined by the scale and type of development, the identified needs of the area local standards and the Shoreham Harbour Green Infrastructure Strategy.”

Policy SH9 states:

Waterfront development schemes are encouraged to incorporate features that improve public access, views and experience of the marine environment. This may be externally in the form of landscaped viewing areas and/or internally as an integral part of building design.

The proposals deliver a significant amount of landscaping and public realm (14,723sqm), with the approach explained in detail within the submitted Design and Access Statement and Landscape Strategy.

The Landscape Strategy identifies the key points arising from the Shoreham Harbour Streetscape Guide and sets out how the proposals have been designed to take account of its various elements. The general approach is to create a strategy around various character areas. Key elements of the scheme include:

- Creation of public realm along the river front, which includes a boardwalk for pedestrians and cyclists;
- Areas of public realm along and either side of Humphreys Gap;
- A large plaza area between Blocks D and E;
- East-west ‘lanes’ through the middle of the development allowing servicing of the buildings by vehicle, as well as providing pedestrian routes; and
- Increased street frontage onto Brighton Road, as a result of setting the buildings back and incorporating landscaping, where possible.

Policy SH8 also notes the requirement, where feasible, to improve access to the river through the provision of moorings, floating pontoons/ docks, slipways and inlets.

Following discussions with the Shoreham Port Authority and Environment Agency, the scheme incorporates two moorings for leisure boats and a public viewing deck at the end of Humphreys Gap. The provision of these facilities is subject to obtaining the necessary approval from the Environment Agency, Shoreham Port and Marine Management Organisation.

These facilities will provide significant leisure opportunities at this point in the river in accordance with the requirements of Policy SH8. To support the use of the moorings

a 93sqm yacht facility is provided at the base of building F. The applicants are not proposing to transfer these areas of land over to the Council but will retain them as publically accessible, private open space.

The Coastal Design Panel has both supported the design quality of the public realm and the landscaping and public open space proposals are considered to be a significant public benefit of the scheme. Furthermore, the development will set the standard for subsequent developments along the Western Harbour Arm.

Suitability of Tall Buildings

The application proposes a series of tall buildings which range in height from four to nine storeys across the site. The height of the buildings varies, but is lower at the river front and steps up towards the centre of the site. The river frontages vary in height from 4 storeys to 6 storeys. The highest parts of these buildings are the relatively small penthouse floors which vary from 7 storeys to 9 storeys and are set back to reduce the overall visual impact.

The design approach of stepping the building height away from the road and river frontages accords with the emerging policies of the JAAP and ensures a more human scale along the public/street frontages. The figure below shows an illustrative cross section of the site in Figure 1 below:

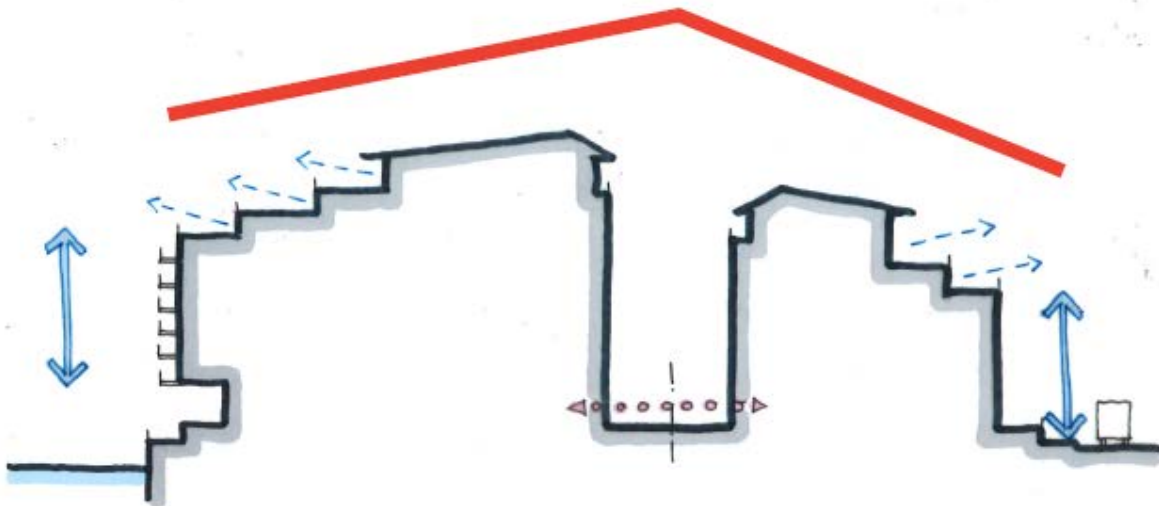


Figure1: Site Cross Section: Building Height

The detailed storeys and heights of each building are set out in Table 1 below.

Table 1 Building Heights and Storeys

Building	Frontage Height (Storeys)	Centre Height (Storeys)	Frontage Height (m)	Centre Height (m)
A	4 (river side)	7	19.5	30.2
B	6 (river side)	8	25.7	33.7
C	5 (river side)	9	22.6	36.3

D	5 (river side)	9	22.6	36.3
E	6 (river side)	9	25.7	36.3
F	5 (river side)	8	22.6	33.7
G	6 (road side)	7	25.7	30.6
G1	6 (road side)	8	25.7	33.7
H	5 (road side)	7	22.6	30.2

The most relevant planning policy relating to tall buildings is contained in the Proposed Submission Joint Area Action Plan 2017. Policy CA7 (6) identifies that “buildings of up to five storeys are generally considered acceptable on the Brighton Road and River Adur frontages. Away from these frontages, greater storey heights may be acceptable within deeper sites”. Policy CA7 (7) identifies that:

Taller buildings may be considered in the centre of the allocation (western portion of site WH3, site WH4 and eastern portion of site WH5). Proposals will be required to demonstrate an appropriate response and high quality design in relation to the following elements:

- *Scale and height*
- *Architectural detailing*
- *Materials*
- *Public realm and open space*
- *Public transport accessibility*
- *Views into and out of the area, including assessment of glimpse views, local views and long views in relation to the waterfront, local landmarks, the South Downs National Park, conservation areas, and historic assets*
- *Microclimate impacts including wind, daylight and sunlight effects, air pollution and urban heat island effects*

A large number of responses object to the principle of buildings of this height on the riverfront on the grounds that it is contrary to the character of Shoreham and would set an unwanted precedent for future development along Western Harbour Arm. The Council commissioned the “Shoreham Western Harbour Arm Tall Buildings Capacity Study” in 2017 to assess the suitability of tall buildings at Western Harbour Arm, and their potential effect on the character of Shoreham.

This study considered the natural and built context of Shoreham and identified key landscape, townscape and heritage assets that contribute to the town’s character. In order to protect these important landscape, visual and heritage features the study identified a number of design objectives that should be considered when evaluating the appropriateness of planning applications proposing tall buildings. The relevant design objectives for the site are:

- The prominence of St Mary de Haura Church to be retained in views from the northwest, west, and south primarily by ensuring that it continues to be seen on the skyline, and where tall buildings are seen above the skyline they are set back from the tower; (as assessed from photoviewpoint (PVP) locations 8 and 15 to 19)
- The historic estuarine charm of Shoreham-by-Sea Conservation Area to be retained in views from the west and south primarily by ensuring that new buildings

are of an appropriate scale and adequately set back from the Conservation Area; (as assessed from PVP locations 8 and 16)

- The retention of glimpsed views to the South Downs from Shoreham Beach; (PVP 12, 13, and 14) and
- The character of views across Shoreham from the South Downs, to the north, and from Shoreham beach, to the south, to be protected. (PVP 12 to 14 and 20 to 21)

Having assessed these key views, the study identified different “height zones” along Western Harbour Arm where buildings lower than identified threshold heights are unlikely to have a significant impact on the design objectives.

For the application site the study identified that the western portion of the site (where buildings A, B, C and D are situated) is in a height zone where development below 18m tall is unlikely to have a significant impact on the design objectives and therefore would not likely affect the character of Shoreham adversely. As buildings A, B, C, and D range between 30m and 36m tall they should be assessed against the identified design objectives in the tall buildings study.

On the eastern portion of the site (where buildings E, F, G, G1 and H are positioned) developments below 45m tall were assessed as being unlikely to have a deleterious impact on the design objectives and on the character of Shoreham. The proposed development buildings E – H range between 29 – 36m in height. Based on the analysis provided by the Tall Buildings Capacity Study it is considered that no further assessment on their impact is required as they are significantly below the threshold

The study states that taller buildings may be acceptable within individual height zones as long as the design objectives are addressed, subject to site specific testing.

The table below sets out the conclusions of the applicant’s Landscape and Visual Impact Assessment which was submitted as part of the Environmental Statement accompanying the application. The assessment looks at the landscape impact rather than assessing the effect of the development on the Tall Building Study’s Design Objectives, nonetheless it is a useful tool for reviewing the development’s impact on key views. Table 2 summarises the views which contribute to the Design Objectives and the applicant’s assessment of the development’s effect.

Table 2

Receptor / Location	Tall Buildings Study View Number	Applicant’s Visual Impact Assessment Number / Effect
Adur Ferry Bridge	8	View 10 Moderate negative
Shoreham Beach Foreshore south of Old Fort Road/the Burrells Junction	12	Application site not visible – not assessed
Old Fort Junction with Winterton Way	13	Application site not visible – not assessed
Shoreham Beach high	14	Awaited from applicant.

water mark south of Old Fort road/shingle road junction		
Brighton Road (A259) roundabout west of Norfolk Bridge	15	View 14 No effect
Brighton Road (A259) on Norfolk Bridge	16	Application site not visible – not assessed
Old Shoreham Toll Bridge	17	Application site not visible – not assessed
Hoe Court	18	View 16 Moderate/ Neutral
Lancing College	19	View 15 Major Negative
Mill Hill Nature Reserve	20	View 17 Moderate/ Neutral
Monarch's Way south-east of Thunders Barrow	21	View 19 Minor Negative

The majority of views assessed show a minor negative or moderate to neutral impact arising from the proposed development allowing one to conclude that the proposed development will not run contrary to the relevant design objectives identified in the tall buildings study.

The Applicant's Visual Impact Assessment View 15 (Lancing College) identifies a major negative effect arising from the development in landscape terms. This view is relevant in considering whether the development meets the design objective which seeks to protect the prominence of St Mary de Haura Church from long-range views. The representative view including the proposed development is shown in Figure 2 below.

The submitted landscape assessment at paragraph 7.157 identifies that “due to the Proposed Development extending beyond the horizon, and being the only built form, with the exception of the church tower to do so, along with the prominence the Proposed Development is likely to have from this location, in respect of its extent and distinct visual qualities, the effects are considered to be negative”.

However, in assessing the relevant representative view it is apparent that in view of the distance between the tall buildings and the church tower, they remain visually separate. It is therefore considered that while the overall effect on the landscape is negative, that the proposal, by maintaining the church tower's prominence from the majority of key view points and the separation involved ensures that the tall building study's design objective is met.

It is considered that the proposed development is of a high quality design, in suitable proximity to public transport and would not affect local and long views or have any significant microclimate effects (as detailed elsewhere in this report) and therefore

meets the criteria set out in the Proposed Submission Joint Area Action Plan Policy CA7(7).

Conclusion on Design, Form and Appearance

Overall, your Officers support the design of the scheme. The position, form, detailing and choice of materials are appropriate in this location and respond well to the mix of modern and traditional influences in the area. It is not considered that the proposed development will have an adverse impact on views of St Mary de Haura church given the distance between the development and the church, and as the church remains recognisably distinguishable as the focal point of Shoreham-by-Sea in long range views from the South Downs and south and western banks of the river Adur.

In terms of building height, constraining new development to being no taller than a certain height or that of neighbouring properties would not allow for variety and sustainable, higher density re-development of brownfield land as supported by Adur Local Plan's Spatial Strategy in section 2 of the plan. Western Harbour Arm is identified as a location for change within the plan, and is likely to see further tall buildings in the future; proposals in the short term should not be limited to lower heights solely because they are a progenitor of this trend.

(C) Sustainable Transport and Highways;

A large number of representations have been received regarding the existing vehicular congestion on the A259 in the vicinity of the site and raising concern about the impact of additional traffic. A number of respondents have raised concerns about the level of parking being provided for residents.

Paragraph 32 of the NPPF sets out national policy guidance that planning decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.*

The NPPF's policy at paragraph 32 sets a high threshold when assessing the highways impact of the development requiring the development itself to result in a severe impact on the highways network. The impact of the additional vehicle movements arising from the development have considered against the National Planning Policy Framework. The development cannot be required to mitigate pre-existing traffic problems; it can only be required to deliver mitigation to ensure the residual impacts are not severe.

Adur Local Plan Policy 8 on Shoreham Harbour identifies that “*A Transport Strategy for Shoreham Harbour has been produced to mitigate impacts on the highway network and to promote sustainable travel behaviours. Development in this location should contribute to the delivery of measures identified in the Transport Strategy.*” All developments in this area are therefore required to contribute to the improvements identified in this strategy to mitigate development along Western Harbour Arm as a whole.

The applicants submitted Transport Assessment accompanying the application which sets out the highways issues arising from the development and setting out the various initiatives to mitigate the impact of the development, including those identified within the Adur Local Plan 2017 and the Shoreham Harbour Transport Study.

The Transport Assessment includes a junction capacity assessment based on a 2021 date which is the predicted completion year for the Free Wharf Development. A summary of the key results are set out below:

- *The A259 / Norfolk Bridge roundabout is forecast to operate over capacity in 2021 with and without the development. Traffic associated with the development is forecast to increase delay and queue lengths on the A259 in the AM peak and A259 and A283 in the PM peak;*
- *The A259 / Eastern Avenue / Humphreys Gap traffic signal junction will operate over capacity with and without the development in 2021;*
- *The A283 / Ropetackle traffic signal junction will operate within capacity in 2021 but it is anticipated that queue lengths from the A283 northbound approach will extend back to the A259 / Norfolk Bridge roundabout with and without the development;*
- *The central and eastern proposed site access junctions are forecast to operate well within capacity during each peak hour with minimal queueing and delay.*

The Proposed Submission Joint Area Action Plan Policy “CA7: Western Harbour Arm” and “SH5: Sustainable Travel” set out key highways infrastructure improvements that are required to support development at Western Harbour Arm.

As a result of the issues identified above, the following highways improvements have been negotiated and can be secured through a S106 agreement to meet these policies:

- New Waterfront route for pedestrians and cyclists between Shoreham Town Centre and Kingston Beach (delivered by developers)
- Development Contribution for improvements to A259 Brighton Road/ Norfolk Bridge / A283 Old Shoreham Road Roundabout - improvement scheme identified in the Adur Local Plan and Shoreham Harbour Transport Study to increase the diameter of the roundabout increase the width of the A259 on the approach from Shoreham High Street to increase traffic flow through the junction
- Improvements to cycling facilities along the A259 and Ham Road
- Improved pedestrian and cycle crossing points - Improved pedestrian and cycle crossing points including new 2.5m refuge island on the A259 located between the

two existing bus stops, north along Eastern Avenue and west along Ham Road and Eastern Avenue towards the town centre. (delivered by developers)

- Improved pedestrian and cycle crossing points - New signalised pedestrian crossing on the eastern approach to the A259/Eastern Road/ Humphrey's Gap junction (delivered by developers)
- Bus Stop Improvements - A259 westbound bus stop improvements including relocating the bus stop further west to provide the relocated informal crossing facility and improved bus stop facilities with real time passenger information.
- A condition requiring a Travel Plan to encourage sustainable transport choices

West Sussex County Council as Local Highway Authority, and Highways England have considered the proposals and their consultation responses are summarised earlier in the report. They acknowledge that the existing traffic volumes in Shoreham results in a number of traffic junctions operating above design capacity with and without the development.

As described above, the NPPF sets a high threshold requiring the development itself to cause a 'severe' effect. Subject to securing mitigation the proposed development is not assessed to have a severe effect. Mitigation is being offered which is in line with the Transport Strategy for Shoreham Harbour as required by Adur Local Plan Policy 7. Therefore, subject to recommended conditions and securing mitigation through a S106 agreement the Highways Authority have identified that the proposals have adequately identified opportunities to encourage sustainable transport modes; that safe and suitable access can be achieved; and that the residual cumulative impacts are not severe after improvement work has been undertaken on the transport network. A total contribution of £658,422 has been offered to address off site transport mitigation.

Car Parking

Car parking provision has been considered against the respective WSCC standards, namely the Parking Demand Calculator for the residential uses and the Supplementary Planning Guidance for the all other uses.

The Residential Parking Demand Calculator has been developed based on assessment of parking levels in actual completed developments. This analysis is then applied to population forecast and house type in the development to identify the amount of parking required for a new development. As such, the parking demand calculator provides an evidence based tool to establish demand, which is useful in this instance as the character of the development differs from that normally experienced in Shoreham. For residential uses, parking has been considered on an unallocated basis. 400 spaces are forecast as necessary in the calculator; 438 are provided. As such the minimum standards required are exceeded by the development.

Two car club spaces will be provided on site. 5% of the car parking across the site will be suitable for wheelchair users and a further 5% will include electric charging points. The approach is considered acceptable.

For the commercial uses, these are maximum standards. The developer can therefore provide less than the maximum standard subject to a lesser provision not resulting in any safety issues. Again, an unallocated provision is intended of 74 spaces. An unallocated approach increases the flexibility of these given that some of the uses would have different peak times. No objection is raised on the amount of parking made available for the commercial development.

(D) Flood Risk & Drainage

The applicant's submitted Flood Risk Assessment and Drainage Strategy Report identifies that the site is located mainly within Flood Zone 3 with the primary flood risk in this zone shown to be from tidal sources. Other sources of flooding have been assessed in this report and are considered to be low or very low. The proposals for the Free Wharf site for residential and commercial use is deemed appropriate development for the Flood Zone according to the principles set out in the NPPF.

Ground levels at the site are to be raised above the predicted 1 in 200 year tidal flood event with finished floor levels of commercial and residential properties set at or above the required levels as outlined in the SPD. Inter-tidal habitat is to be introduced to the site in conjunction with improved flood defence infrastructure on the quayside reach.

Proposed levels across the development provide access and egress to the site at ground level which is linked to the off-site area to the north east which is shown on the EA's Flood Map for Planning to be within the low risk Flood Zone 1. A means of evacuation of the site and access for emergency vehicles is therefore established above the predicted flood level parameter.

Existing drainage infrastructure and potential off-site connections have been identified and a Sewer Requisition application (S98) is underway with Southern Water to determine the extent of network upgrades required to serve the development. Surface water is proposed to discharge directly to the harbour, in accordance with current SuDS guidance.

The use of proprietary pollution control measures is considered compliant with EA guidance and the SuDS manual in terms of water quantity and quality. The site is located outside of any SPZ with no proposed discharge to ground. Therefore no additional pollution control measures are required in this regard. Further demonstration of the discharge quality will be discussed in assessments associated with the Marine Licencing and Water Framework Directive compliance, as required by the EA and the Marine Management Organisation. 6.6 Maintenance requirements of SuDS elements during construction and operation phases have been identified in this report and should be developed in line with the detailed design to be included in the Operation and Maintenance and Health and Safety Manuals provided to the Client upon completion of the project.

The drainage strategy and flood risk assessment has been considered by the Adur District Council's Engineering Services Team, the Environment Agency and the County Council as Lead Flood Risk Authority. The Environment Agency initial response identified some concerns about the availability and suitability of future access to flood defence wall to ensure their future upkeep and maintenance.

However, following the submission of additional information by the applicants they are comfortable that suitable arrangements are in place.

As such, in the absence of an objection from any of the flood risk consultees, it is considered that the proposed development of the Free Wharf site is appropriate and does not increase the flood risk at the site or to neighbouring or downstream properties. Furthermore, through the principles of surface water management and flood risk management identified in this report, flood risk is considered to be reduced over the existing conditions at the site. It has been shown that the proposals can be successfully implemented and managed to provide comfort and safety to residents in regard to flood risk for the lifetime of the development.

(E) Ecology and Air Quality

Ecology / Biodiversity

Adur Local Plan Policy 7 and Policy SH7: Natural environment, biodiversity and green infrastructure of the JAAP, sets out the Council's expectations, which require development proposals to '*conserve, protect and enhance existing biodiversity and to create appropriate habitats*'.

Chapter 13 of the submitted Environmental Statement considers the various ecology issues associated with the proposed development.

Consultation responses received from the Environment Agency, Royal Society for the Protection of Birds, and Sussex Wildlife Trust all initially objected to the scheme based on information in the Environmental Statement that identified that approximately 35,000 square metres of inter-tidal mudflat habitat would be lost by the application. The applicants recognised an error in their calculations and submitted revised information that reduced significantly the estimated amount of habitat being lost.

The applicants have identified that the following inter-tidal mudflat habitat will now be lost as a result of

- Jetties and Platforms – 2m²
- New sheet piled flood wall on the eastern part of the site 38m²

The applicants acknowledge that the net loss of intertidal mudflat habitat of 40 m² cannot feasibly be offset with like for like habitat in the local area. However, they suggest mitigation through the implementation of a Construction Environmental Management Plan and the provision of 1,180 m² intertidal terraces would reduce residual biodiversity impacts and result in an overall net gain of habitat at the application site, albeit of different habitat. Further onsite mitigation is delivered through the development including the amenity roofs with biodiverse planting, as well as integral nest boxes are included within the proposed development. The applicants consider that the new jetties would potentially provide bird roosting opportunities, particularly in the winter months.

The revised information has been submitted to the consultees for their consideration. Each have considered the revised information and no objection as been raised subject to suitable conditions to secure mitigation.

In terms of the planning balance, the loss of inter tidal mudflat habitat is considered to be a negative effect on the development. However, it is a relatively minor loss (40m²) and alternative mitigation can be secured. It is understood that the EA would remove its objection to the scheme if a financial contribution could be secured to investigate off site compensatory provision. Members will be updated at the meeting.

Air Quality

Policy 35: Pollution and Contamination of the adopted Adur Local Plan 2017 and Policy CA7, Western Harbour Arm of the JAAP set out the need for air quality assessments to support development proposals where necessary. In addition, paragraphs 2.4.10 to 2.4.11 and 3.7.21 to 3.7.24 of the JAAP confirm that there is an Air Quality Management Area (AQMA) in Shoreham between Norfolk Bridge and Surry Street.

Whilst this AQMA lies to the west of the development, the Council's Scoping Opinion for the EIA, confirmed that an Air Quality Assessment (AQA) is required given the sites proximity to it and surrounding sensitive receptors.

The Air Quality Assessment chapter of the applicant's Environmental Statement considers the impact of the development in terms of construction traffic and post construction. In relation to the construction phase, the Environmental Statement concludes that for both dust and traffic emissions the development would result in a "Slight Adverse" impact, that would not give rise to significant effects on air quality.

In relation to the completed development the report concludes:

"The assessment concluded that the completed proposed development together with the cumulative developments would result in at worst a "Slight Adverse" effect on local air quality and at identified receptors and would not give rise to a significant effect on air quality."

The Council's Environmental Health Team reviewed the submitted Environmental Statement and identified some issues for clarification and a number of errors in the report. Following further information and clarification from the applicant the Environmental Health Officer have concluded that the proposed development would have an adverse effect on the Shoreham Town Centre Air Quality Management Area. As a result of this mitigation is required to the value of £138,802.03 in addition to existing committed actions from the developer including electric vehicle charging points. This contribution will be secured through the S106 agreement.

(F) Impact on Amenity – privacy, overshadowing, daylight and sunlight, solar glare, and energy and sustainability;

Residential Amenity for Neighbouring Homes

The impacts of the development outside the site would mainly come from increased levels of activity, overshadowing and possible noise from the new commercial uses. The increased activity levels in the area might improve the perception of security in the area, especially after dark, and the changes to the public realm and traffic movements would improve conditions for pedestrians and cyclists.

In respect of privacy, the nearest properties that are affected by the proposal are located on Shoreham Beach across the river which ensures a separation significantly in excess of the normal 21 metres expected between properties.

Daylight and Sunlight

Proposed Submission JAAP Policies SH9: Place making and design quality and CA7: Western Harbour Arm set out the need for development proposals to achieve high quality design standards in relation to daylight and sunlight both in respect of surrounding residential properties and also in relation to the proposed development.

Chapter 11 of the Environmental Statement considers issues relevant to Daylight, Sunlight, Overshadowing and Solar Glare

- Impact on Surrounding Properties

Paragraph 11.29 identifies the surrounding properties that could be impacted by the proposed development:

- 2 – 12 Dolphin Road
- North Point, Shoreham Beach
- St Nicholas Place, Shoreham Beach,
- St Mary's Place, Shoreham Beach.

Paragraphs 11.92 and 11.93 conclude:

"The... results indicate that there would be no noticeable change in levels of daylight or sunlight to all buildings included within this assessment as a result of the proposed development.

With no noticeable alterations in the VSC or NSC to these properties the effect of the proposed development on the surrounding residential neighbour's daylight and sunlight is considered Negligible."

Impact on Surrounding Amenity Areas

The Environmental Statement identifies Ham Park to the north of the site, on the opposite side of Brighton Road/ A259 as the only surrounding amenity area that requires consideration. Paragraph 11.94 and 11.95 conclude:

"The overshadowing results for the one external amenity area ... have shown that Area 1 [Ham Park] would have 2 hours of sunlight across 99.3% of its area on the 21st of March and is therefore well in excess of the BRE suggested 50%.

The impact of the proposed development on Area 1's amenity area is considered Negligible."

It is therefore considered that the development would not have a deleterious effect on the Ham Park open space or negatively affect users enjoyment of it.

Overshadowing of Proposed Amenity Spaces

There are various amenity areas within the proposed development that may be overshadowed that have been assessed as part of the Environmental Statement. Paragraphs 11.96 and 11.97 conclude:

"As part of the proposed development there would be newly created external amenity spaces relevant for assessment. This has shown that all 25 amenity areas would

experience direct sunlight across more than 50% of their area for 2 hours or more on the 21st of March.

*The impact of the proposed development to the internal amenity areas identified as A1 – H1 is considered **Negligible**.*”

It is therefore considered that the proposed development delivers sufficient quality amenity space for use by residents to ensure their use.

Solar Glare

Paragraphs 11.101 to 11.103 consider the impact of solar glare from the proposed development on drivers using the surrounding highway network. This concludes the impacts will be negligible.

Chapter 11 of the ES has considered the daylight and sunlight, overshadowing and solar glare issues associated with the development, which concludes:

“Due to careful design of the proposed development, there are no impacts to any neighbouring residential properties, amenity spaces or road users that require any mitigation measures.

Daylight for Proposed Accommodation

An assessment on the level of daylight that will be received by the proposed accommodation has been undertaken and the details of which are set out within the submitted Internal Daylight and Sunlight Report. This concludes:

“This report considers the daylight and sunlight levels within the proposed residential units. The assessment has been undertaken using the ADF and APSH tests set out within the BRE guidance ‘Site layout planning for daylight and sunlight: a guide to good practice’ (BRE, 2011) and the British Standard document BS8206 pt2.

The results of these tests have shown an excellent rate of compliance with regard to internal daylight with 91% of the habitable rooms seeing levels in excess of the suggested levels. Where this is not the case, rooms are overhung by balconies and as such a trade-off for the benefits of private external amenity space has been made.

As is common for a balconied scheme the sunlight levels are lower at the window face. An assessment of the lowest floor of residential accommodation has shown that 96 (74%) of the 130 living rooms would see the suggested levels. The rooms which see levels below those suggested are generally only marginally so. These rooms have windows which are overhung by balconies which provide the apartments with external private amenity space.

Daylight and sunlight has been a key consideration throughout the design of this scheme and as such that the levels of amenity within the future units are in line with the suggestions of the BRE guidance.”

Given the contents of the assessment and overall high degree of compliance with BRE Standards, it is considered the proposals accords with policies SH9 and CA7 of the emerging JAAP.

Wind Microclimate

The emerging Local Plan and JAAP do not have any specific policies in relation to wind microclimate, although section 5.9 of the JAAP does note that wind impacts could be a side effect of taller buildings. It was however raised during pre-application discussions and identified as a requirement for consideration during the scoping of the Environmental Assessment. The applicants have therefore given detailed consideration to the issue in the design of the scheme, and a Wind Microclimate chapter included within the ES.

The Environmental Statement considers the impact of the development in relation to wind and associated implications for pedestrians and those using balconies. It

identifies that in certain locations around the development, mitigation measures are required as part of the landscaping scheme to achieve suitable/ comfortable levels for pedestrians. These mitigation measures include, planting, louvres and pergolas. With the recommended mitigation in place, the chapter concludes:

“With the implementation of the landscaping scheme and the wind mitigation measures there would be no significant environmental effects of the proposed development.”

Subject to the inclusion of suitable conditions to ensure that the mitigation measures are implemented and maintained it is considered that the proposed development achieves good levels of wind microclimate and no concerns are raised in planning terms.

Sustainability and Renewably Energy

Policy 19: Sustainable Design and Policy 20: Decentralised Energy, Stand-alone Energy Schemes and Renewable Energy set out the emerging Local Plan’s policies for sustainability and energy. Policy 19 seeks to achieve water efficiency standard of 111 litres per person per day and BREEAM Very Good for non-residential floorspace. Policy 20 requires an assessment of opportunities for low carbon energy, renewable energy and residual heat/ cooling for both domestic and non-domestic developments. This includes opportunities for providing or creating new heating/ cooling networks, the feasibility of connecting to existing heating/ cooling/ CHP networks and opportunities for expansion. It also notes the requirement for developments in the areas identified in the Shoreham Harbour Heat Network Study to connect to district heating networks where they exist. Finally, the policy requires all new major development to incorporate renewable/ low carbon energy production equipment to provide at least 10% of predicted energy requirements.

These policies are re-enforced within the JAAP at Objective 1 and Policy SH1, which provide further details on the Council’s expectations for development projects. This includes the potential for developments to achieve zero carbon and sets out how they can contribute towards Shoreham Port Authority’s objective of becoming a hub for renewable energy generation.

The policy then goes onto set out its requirements in relation to heating and cooling and the sustainable use of water.

All the policies referenced are subject to them being viable to deliver.

Details of the developments compliance with the above policies is set out within the submitted Energy Strategy, which confirms the scheme would achieve a carbon reduction of 3% compared to Building Regulations 2013, Part L. The development would also incorporate the following design features:

- High Efficiency Condensing Boilers.
- Combined Heat and Power Plant.
- Centralise plant with insulated distribution.
- Variable speed pumps.
- Instantaneous hot water production to reduce storage losses;
- Heat recovery on ventilation systems; and
- Low energy lighting

In addition to the above, an off-site connection to the proposed Shoreham Harbour District Heating Network is being explored and connections will be incorporated in the design for future connection to the network. The consultation response from the

Shoreham Harbour Regeneration Partnership sets out a number of proposed conditions to ensure that the scheme can be connected at a later date. These requested conditions are included in the list of conditions at the foot of this report.

(G) Financial Viability and Infrastructure

As detailed in the “Representations” section above, concern has been raised over the effect of the development on local infrastructure particularly in terms of highways, health facilities and primary school places. Furthermore, a representation from the Shoreham Slipways Group have requested a contribution towards a new public slipway of £100,000.

Planning obligation arrangements were modified by the Community Infrastructure Levy Regulations 2010 as amended (‘the CIL Regulations’). The Regulations introduce statutory restrictions on the use of planning obligations to clarify their proper purpose, and make provision for planning obligations to work alongside any Community Infrastructure Levy (‘CIL’) arrangements which local planning authorities may elect to adopt.

Regulation 122 states that it is unlawful for a planning obligation to constitute a reason to grant planning permission when determining a planning application if the obligation does not meet all the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

The applicant and Officer’s agree that the following S106 contributions can meet the tests set out in Regulation 122 and are therefore justified:

	Item	Cost (£)
A	Education – Primary	366,655
B	Education – Secondary	394,600
C	Education – 6 th Form	18,050
D	Fire & Rescue	11,515
E	Highways Mitigation	658,422
F	Travel Plan	Provided by developers
G	Air Quality Mitigation	138,802
H	Health – Primary Care Facilities*	485,368
I	Children’s Play Areas	Public open space provided on site in lieu
J	Public Open Space	Public open space provided on site in lieu
K	Allotments	Public open space provided on site in lieu
L	Sports Halls	217,731
M	Swimming Pools	240,157
N	3G Pitches	34,260
O	Indoor Bowls	38,174
	Total	2,603,734
	*A full justification is still awaited from the Clinical Commissioning Group for this requested contribution.	

The applicant submitted a Financial Viability Assessment with the application which was independently assessed by the independent consultants Dixon Searle on behalf of the District Council. Following the submission of further information and modelling Dixon Searle have concluded that it would not be financially viable to provide any of the financial contributions identified, and 30% affordable housing (with 25% affordable rented).

Nevertheless, the applicant is committed to the project and, as indicated earlier, subject to the delivery of additional public subsidy would be prepared to implement the scheme notwithstanding a low profit margin. Furthermore, the applicant recognises there is a need to mitigate the impact of the scheme and has agreed to meet the development contributions A-H listed above.

The Council's viability consultants have advised that given the extended construction period it would be appropriate to carry out a review of viability during and after the construction to assess if the viability situation improves and additional contributions can be afforded. Should the viability assessment review conclude that additional payments are achievable then items L – O will become payable.

Shoreham Slipways Group

The Adur Local Plan Policy 11 "Shoreham-by-Sea" sets out that:

The setting of the River Adur will be protected and opportunities taken through new development and other measures to improve public access to and along the river (where consistent with this aim) and open up views to it. New development adjacent to the river must respect its location and character. Sites on the waterfront will provide new and improved access to the water including a new waterside cycle and walkway, and slipways where appropriate, in conjunction with flood defence works where necessary.

It is considered that the proposed development that the applicants have improved river access by providing a new waterside cycle and walkway, viewing platform, and pontoons along the river front. Shoreham Slipways Group have requested that a public slipway is delivered on the site. If this is not delivered on site, they have requested that a contribution of £100,000 is made towards a public slipway in Shoreham.

While the aspiration for a new slipway is supported by your Officers, it is not considered that the slipway meets the tests set out in S122 of the CIL Regulations. A slipway is not considered necessary to make the development acceptable on planning grounds (sufficient efforts have been made to improve access to the water). It is not directly related to the development as future residents of the development are unlikely to use the slipway as there is no space provided for them to store watercraft. A sum of £100,000 is not considered to be reasonably related in scale and kind to the development.

However, should Members disagree, and consider that a slipway does meet the tests of S122, the current viability situation will require one of the contributions listed in A – H in the table above to be reduced to accommodate this contribution.

(H) Three Dimensions of Sustainability

The NPPF was adopted in 2012, and at its heart is the presumption in favour of sustainable development, which should be seen as a “golden thread” (paragraph 14) running through both plan-making and decision-taking. For decision taking this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, or policies within the NPPF which indicate development should be restricted.

As is set out above, it is considered that the application scheme accords with the relevant policies of the development plan when read as a whole (see Principle of Development above). As such, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, and paragraph 14 of the Framework, planning permission should be granted without delay. On this basis there is no need for the “planning balance” exercise required in Paragraph 14 of the Framework.

Paragraph 7 of the Framework Nonetheless, it is considered that the proposed development would generate significant economic, social and environmental benefits and that there are no adverse impacts that would significantly and demonstrably outweigh the benefit. The applicant’s Environmental Statement includes a chapter on the Socio Economic impacts of the developments which identifies the following benefits arising from the development:

Economic Benefits

- The creation of 224 gross construction jobs annually in Adur District for the duration of the development
- The creation of 130 – 171 jobs through the A1, A3 and B1 space and contribute to the areas Gross Value Add for Adur District.
- The creation of other jobs in supply chain and wider construction related activities; Lead to additional household expenditure in the local area as a result of the increased living and working populations

Social Benefits

- The delivery of 540 new homes in a District with an identified need for over 5,600. Having regard to the objective at paragraph 47 of the Framework to “boost significantly the supply of housing”; this is a benefit to which significant weight should be afforded.
- The delivery of 162 affordable housing units in a District with a strong demand for such housing.
- Delivery of suitable public open space, the reservation of land for the expansion of a cyclepath on the A250, and the provision of a river front walk.
- Providing development in a sustainable location in a settlement with a suitable range of facilities to support future residents.

Environmental Benefits

Protecting and enhancing the natural, built and historic environment by developing on a site with no specific environmental or heritage designations, and in a way that will cause no unacceptable harm to the wider landscape and significance of heritage assets or their setting.

- The provision of suitable flood defences across the site which will contribute to the overall flood defence scheme for the site.

- The proposal will deliver a range of measures to improve and provide net gains to biodiversity including.
- Suitable drainage measures will provide environmental benefits as well as slow the flow of water from the site, reducing the surface flooding risk for the site and surrounding areas.

Conclusion

In coming to a recommendation it is necessary to assess the application in light of the whole plan policy framework both locally and nationally, and come to a view as to whether the proposals contribute to the proper planning and sustainable development of the area.

The proposals have been the subject of extensive public consultation exercise both before and during the consideration of these applications. A large number of consultation responses have been received from members of the public.

As is recognised by the Coastal Design Panel, in design terms there is a lot to be supported within this application. Your Officers consider it to be a well-executed and a functional high-performing development. However for many the concern will remain, that for all its architectural attributes, it is simply too tall, dense and of the wrong design for its location.

It is important to recognise the high cost of developing these sites to remediate contaminated land; provide new flood defences; and deliver the high quality open space, infrastructure, and river front walk expected by the Council. This presents a considerable challenge to scheme affordability and viability for developers and this was accepted by the Council in preparing the necessary viability evidence to support the recently adopted Local Plan. The net result of this is a higher density of development than experienced elsewhere in the Shoreham area and development of a different character and scale to other established residential areas.

Nevertheless, the separation of the site from the historic town centre and current condition of the land provides an opportunity to create a new distinctive waterfront development to enhance the area and provide much needed new homes, jobs and public realm enhancements. The provision of 162 affordable apartments is a significant benefit given the acute housing need within the District.

The regeneration of Shoreham Harbour has been a long held ambition for Adur District Council. A concerted effort has been led through the Shoreham Harbour Regeneration Project to develop a planning framework for the area. The redevelopment of these industrial sites along the Western Harbour Arm will mark the first significant development in this new residential area for Shoreham.

The studies and assessment carried out on the site confirm that there are no physical or environmental constraints that would prevent residential development or lead to an unacceptable effect in economic, social or environmental terms (the three dimensions to sustainability set out in paragraph 7 of the National Planning Policy Framework).

It is recognised that there is existing highways congestion in Shoreham-by-Sea, and other infrastructure is also under stress. However, suitable contributions have been identified to mitigate the effect of the development, and no objection has been raised by any of the statutory consultees.

The application site is in a sustainable location, located within suitable walking distance of the services and facilities located within Shoreham including shops, ATM, post office, GP practice, primary school and community facilities. The site is well connected with a bus service immediately adjacent, and Shoreham-by-Sea Station a short walk away which provides access to London, Brighton and Portsmouth. The need to address the current housing crisis has prompted the Government to support higher densities and taller buildings in highly sustainable locations such as this.

It is considered that the proposed scheme provides significant economic, social and environmental benefits which demonstrably outweigh any negative effects of the proposed development. There are no policies within the Framework which indicate that development should be restricted.

It is considered that the proposal accords with the relevant policies of the Development Plan when read as a whole. The proposed development would make a significant contribution to the Local Plan's allocation of 3,718 homes to be delivered in the District and 1,100 homes on Western Harbour Arm.

Having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 14 of the National Planning Policy Framework, it is recommended that planning permission should be granted.

Recommendation

To GRANT permission conditionally subject to a S106 agreement being agreed by 25th of March 2018. In the event that the S106 legal agreement has not been completed within this timescale or an extension of time has not been agreed by both sides then,

The Head of Planning and Development shall have delegated authority to REFUSE planning permission on the basis that it has not been possible to secure an agreement, within an appropriate timescale, the necessary planning obligations to ensure acceptable development and mitigate some of the harmful effects of the proposal.

Conditions

01. The development hereby approved shall be carried out in accordance with the following approved plans and reports:

2052-00-BR-0102-P01 Amendments to Planning Submission

2052-00-DR-0003-P02 Site Wide Block Plan

2052-00-DR-0004-P02 Indicative Plan of Potential Development of Kwik Fit and Ham Business Centre Sites

2052-00-DR-0110-P02 Site Wide Ground Floor General Arrangement Plan

2052-00-DR-0111-P02 Site Wide Level 01 General Arrangement Plan
2052-00-DR-0112-P02 Site Wide Level 02 General Arrangement Plan
2052-00-DR-0113-P02 Site Wide Level 03 General Arrangement Plan
2052-00-DR-0114-P02 Site Wide Level 04 General Arrangement Plan
2052-00-DR-0115-P02 Site Wide Level 05 General Arrangement Plan
2052-00-DR-0116-P02 Site Wide Level 06 General Arrangement Plan
2052-00-DR-0117-P02 Site Wide Level 07 General Arrangement Plan
2052-00-DR-0118-P02 Site Wide Level 08 General Arrangement Plan
2052-00-DR-0119-P02 Site Wide Roof General Arrangement Plan
2052-00-DR-0600-P02 Site Wide Elevations Riverfront and Roadside
2052-00-DR-0601-P02 Site Wide Elevations Mid Site
2052-00-DR-0602-P02 Site Wide Elevations Building A
2052-00-DR-0603-P02 Site Wide Elevations Building B & H
2052-00-DR-0604-P02 Site Wide Elevations Building D & H
2052-00-DR-0605-P02 Site Wide Elevations Buildings E & G1
2052-00-DR-0606-P02 Site Wide Elevations Buildings F & G
2052-00-DR-1614-P02 Building G Part North Elevation Bay Study 15
2052-00-DR-1615-P02 Building H Part North Elevation Bay Study 16
2052-41-DR-0110-P02 Building G & G1 Ground Floor GA Plan
2052-41-DR-0111-P02 Building G & G1 Level 01 Floor GA Plan
2052-41-DR-0118-P02 Building G & G1 Roof GA Plan
2052-41-DR-0600-P02 Building G & G1 North & South GA Elevations
2052-41-DR-0601-P02 Building G & G1 East & West GA Elevations
2052-42-DR-0110-P02 Building H Ground Floor GA Plan
2052-42-DR-0111-P02 Building H Level 01 Floor GA Plan
2052-42-DR-0117-P02 Building H Roof GA Plan
2052-42-DR-0600-P02 Building H GA Elevations
2639-RE-05 Landscape Strategy Addendum
2639-SK-10K Combined Landscape Masterplan with changes noted

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the Adur District Plan 2017.

02. The development hereby permitted shall begin before the expiration of five years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

03. No part of the development shall be first occupied until such time as the vehicular accesses, including the provision of advanced stop lines at the A259 Eastern Avenue traffic signals, has been constructed in accordance with the details indicatively shown on drawing number 5910-GA-002 revision I.

Reason: In the interests of road safety

04. No part of the development shall be first occupied until the car parking spaces serving that respective part of the development has been constructed in

accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

05. No part of the development shall be first occupied until details of accommodation arrangements for the parking of all trade and service vehicles relating to both residents, commercial businesses and property maintenance activities within the site have been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be adhered to in perpetuity.

Reason: In the interests of road safety

06. No part of the development shall be first occupied until a cycle route to Shoreham town centre as indicatively shown on drawing number 5910-GA-005B revision C has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

07. No part of the development shall be first occupied until cycle parking serving that respective part of the development have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

08. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

09. Demolition and construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 09.00 hours to 14.030 hours on Saturday. There will be no construction on Sundays or Bank Holidays.

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: To safeguard the residential amenity of the area in accordance with Policy 19 of the Adur Local Plan

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

Reason: To encourage and promote sustainable transport.

11. No part of the development shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries associated with the residential and commercial uses. Once occupied servicing shall be carried out only in accordance with the approved plan.

Reason: To safeguard the operation of the public highway.

12. Prior to the basement car parking being brought into use, a plan shall be submitted to and approved by the Local Planning Authority detailing measures to incorporate facilities for charging plug-in and other ultra-low emission vehicles that will be provided in the public and private parking areas. The approved plans shall be implemented thereafter.

Reason: In accordance with Paragraph 34 of the National Planning Policy Framework.

13. No work except demolition shall take place until the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
 - a. particulars and samples of the materials to be used on all external faces of the building;
 - b. details of all elevations to show typical details of all external components including details of drainage;
 - c. details of the balconies and wind mitigation measures including details of drainage;
 - d. details of ground floor elevations including entrances;

- e. details of escape doors, gates, doors bin storage entrance and bicycle storage entrance;
- f. details of soffits, hand rails and balustrades;
- g. details of ground level surfaces including materials to be used;
- h. details of external lighting attached to the building including anticollision lights, lighting to the soffits and lighting to pedestrian routes;
- i. details of plant and ductwork to serve the commercial uses;
- j. details of ventilation and air-conditioning for the commercial uses;

Reason: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the policy 19 of the Adur Local Plan 2017.

14. External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To safeguard the residential amenities of the local area in accordance with Policy 19 of the Adur Local Plan.

15. The commitments in the approved Energy Strategy and Sustainability Statement Revision 1 dated 29th March 2017 shall be installed prior to the first occupation of the development and shall be implemented in accordance with the approved strategy and retained as operational thereafter.

Reason: To ensure that the development incorporates renewable energy and contributes to meeting targets to reduce carbon dioxide emissions as set out in the approved Energy and Renewables Statement.

16. Prior to any of part of the development coming into use the communal waste and recycling areas as shown on the approved plans will be available for use by residents and arrangements made for waste collection and clearance.

Reason: In the interests of Highway safety and neighbour amenity.

17. Prior to the commencement of any development above ground level, details of the landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Details of materials
- b) Street furniture and lighting
- c) Planters, tree pits and planting
- d) A timetable for the implementation of the hard and soft landscaping,
- e) A maintenance plan to ensure establishment of the soft landscaping.

Development shall thereafter be carried out, and the planting maintained, in accordance with the approved details and timetable.

Reason: To protect and enhance the character of the site and the area and to ensure that its appearance is satisfactory.

18. No work except demolition shall take place 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, the recommendations of the NPPF and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and 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.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy 36 of the Adur Local Plan 2017.

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

- Finished floor levels are set no lower than 5.5m above Ordnance Datum (AOD) for commercial development and 6.0m AOD for residential.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/ phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: The site is located partially within Flood Zones 3 and 2, according to our Flood Map. These indicate a high (0.5% AEP1) and medium (0.1% AEP) probability of tidal flooding, respectively. The 0.5% AEP (1 in 200 year) tidal flood level, including an allowance for climate change, is shown as 5.25m AOD. Furthermore, due to the close proximity of the site to the foreshore the site in a severe storm scenario will be vulnerable to overtopping, white water flooding and windblown debris. The above condition is therefore required in order to reduce the risk of flooding to the proposed development and future occupants.

20. No works except demolition shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing, by the Local Planning Authority in consultation with Southern Water. The development will then be carried out to comply with the agreed scheme.

Reason: To ensure that the proposed development is satisfactorily drained.

21. No work except demolition shall take place until an investigation and risk assessment has been undertaken to establish if the site is contaminated and to determine the potential for pollution in accordance with the requirements of

DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 34 of the Adur Local Plan. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

22. No work except demolition shall take place until details of any foundation design using penetrative methods shall be provided to the LPA to show that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

23. Notwithstanding the provision of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any change of use of the following components of the scheme:

Building D - Restaurant ([A3](#)) 281 m² GIA

Building E - Restaurant ([A3](#)) 365 m² GIA

Building F - Restaurant ([A3](#)) 105 m² GIA; Yacht Facility (D1) 88 m² GIA

Building G&G1 - Office (B1) 1,326 m² GIA

Building H - Retail (A1/A2/A3/A4) 541 m² GIA

to any use other than Use Classes as detailed in the Town & Country Planning (Use Classes) Order 2010 (or any Order revoking or re-enacting that Order with or without modification).

Reason: In order that the Local Planning Authority can retain control over further uses which it considers could be harmful to the vitality and viability of the designated centres in accordance with adopted Adur Local Plan 2017.

24. The commercial units shall only be open for trade between the hours of 07.00 and 23.00 Monday to Saturday and 09:00 to 18:00 on Sunday. Any unit greater than 280 sq.m will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays.

Reason: To comply with Adur Local Plan Policy 16, and in accordance with the NPPF.

25. The proposed commercial units sharing a party element with residential premises shall be designed and constructed to provide resistance to the transmission of sound. The sound insulation shall be sufficient to ensure that NR25 is not exceeded in the proposed residential premises due to noise from the neighbouring commercial premises and shall be permanently maintained thereafter.

A test shall be carried out after completion but prior to occupation to show the criterion above have been met and the results shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of the building in accordance with the following policy of the Local Plan Policy 16.

26. Deliveries to the commercial units shall only be made between the hours of 07.00 and 20.00 Monday to Saturday and 09.00 to 18.00 on Sundays.

Reason: To safeguard the residential amenity of the area in accordance with the Adur Local Plan.

27. No work except demolition shall take place until the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:

- Details which identify the supply of all space heating and hot water in the buildings by a centralised, communal wet system
- Details which identify and safeguard plant room space for the future installation of heat interface equipment, and/or other plant, required for future connection to a future heat network
- Details of a safeguarded pipe run into, through, and out of the site to connect the plant rooms with the proposed heat network
- A strategy to facilitate the connection of the network to the development; and

- A strategy to facilitate access to the site and plant rooms for the heat network developer to carry out works required to connect the site to the Shoreham Heat Network, lay underground infrastructure within the roads, footpaths, open space and public areas of the development, and carry out repair and maintenance work to any heat network infrastructure

Reason: To enable the delivery and operation of the planned Shoreham Heat Network having regard to Policies 8 and 19 of the Adur Local Plan and Policy SH1 of the Proposed Submission Shoreham Harbour Joint Area Action Plan.

28. The development will be required to meet the optional water efficiency requirement of 110 litres per person per day as set out in Part G2 of the Building Regulations. No development shall commence until details of the developers approach to meeting this requirement have been submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with Policy 18 of the Adur Local Plan and Policy SH1 of the Proposed Submission Shoreham Harbour Joint Area Action Plan.

29. An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification (written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing before the commencement of building works.

Reason: To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works.

Policy: NPPF 135, 141; Adur Local Plan 2017 Policy 16.

Informatives

- Section 278 Agreement of the 1980 Highways Act - Works within the Highway 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 (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- A Flood Risk Management Plan from the Environment Agency
- Consent from the Marine Management Organisation is required.

Application Number: AWDM/1754/17

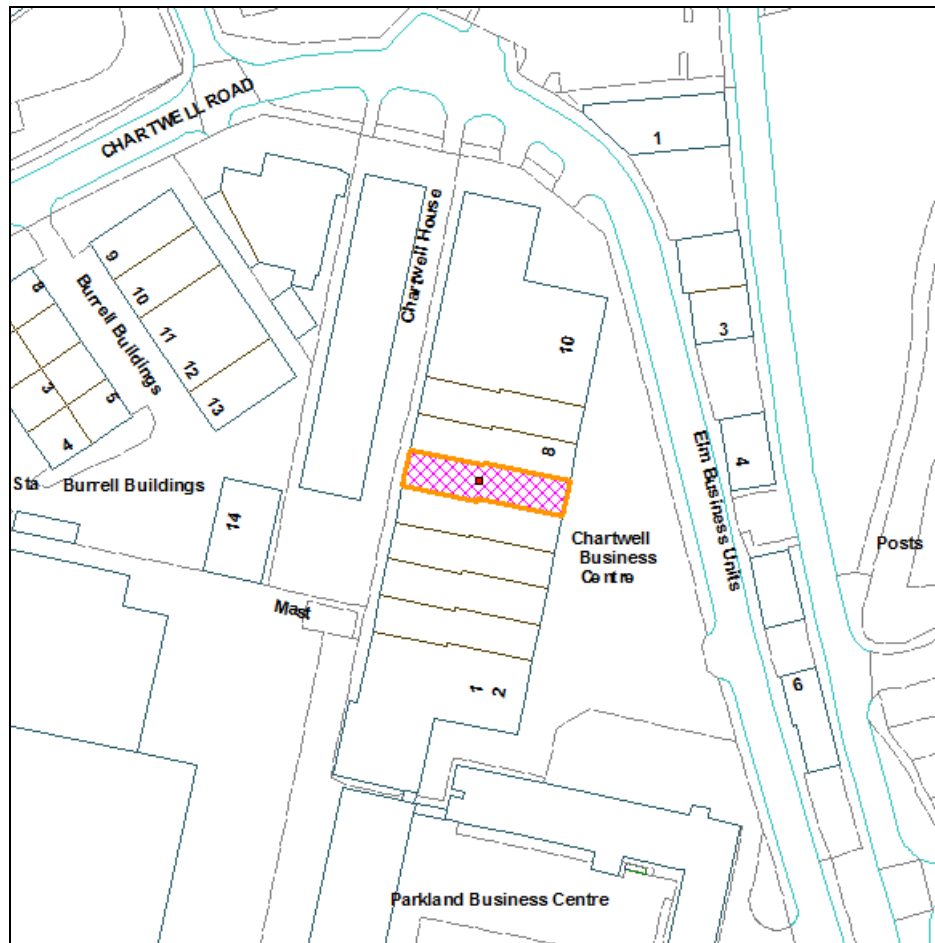
Recommendation – APPROVE

Site: Unit 7 Chartwell Business Centre, 42 Chartwell Road, Lancing Business Park, Lancing

Proposal: Continuation of change of use from Use Class B1/B8 (Business/Storage or Distribution) to gym Use Class D2 (Assembly and Leisure).

Applicant: Mr Neil Donohue
Case
Officer: Peter Barnett

Ward: Churchill



Not to Scale

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Proposal, Site and Surroundings

The application seeks permission for a permanent change of use from business to leisure use (Class D2), specifically for use as a gym. Temporary permission for 3 years only was granted in 2014, by Members contrary to the Officer's recommendation, to enable the Local Planning Authority to review the circumstances as permission would not normally be granted for such development in this location and was only permitted exceptionally contrary to planning policies which seek to protect employment uses.

The applicants consider that the gym is now an established and integral part of the Lancing Business Park which contributes positively and enhances the other employment space.

There are 10 units in the Chartwell Business Centre, 4 of which are now in gym/leisure use.

The application is a Departure from the Adur Local Plan and has been advertised as such.

Relevant Planning History

AWDM/1028/14 – Change of use from Use Class B1/B8 (Business/Storage or Distribution) to gym (Use Class D2 Assembly and Leisure) – 3 year temporary permission granted until 24 November 2017.

AWDM/1644/14 – Unit 9 - Change of use from Class B2 Industrial to gymnastics facilities (D2) – this was an expansion of an existing gym (Wickers Gym) who also occupy Unit 10. Permission was granted by Members contrary to the Officer's recommendation.

AWDM/0157/15 – Unit 6 - Change of use from Use Class B1/B8 (Business/Storage or Distribution) to Use Class D2 (Assembly and Leisure) - Permission was granted by Members contrary to the Officer's recommendation.

Consultations

West Sussex County Council: The **Highway** Officer has no objection. The last application approved this use based on a car parking demand survey using a combination of TRICS data and manual counts which revealed the business park could accept the proposed increase in parking associated with the use.

As the site has now been operating here since 2015 with no recorded issues, therefore WSCC do not raise any objection.

Adur & Worthing Councils: The **Environmental Health** Officer has no objection to continued use as they have received no complaints

The **Planning Policy** Officer advises that the proposal is contrary to Policy 25 of the Adur Local Plan. However, this needs to be balanced against other material considerations. It is understood from the supporting information that the gym is well established and employs 10 permanent staff and 6 – 8 sub contract trainers who use the gym as they cannot find facilities elsewhere. Therefore the gym provides an employment use and supports the local economy. It is also acknowledged that the gym provides apprenticeships and work experience opportunities for students at Northbrook College and other schools in the area offering vocational training. This is considered to be of a social benefit to the local community.

Lancing Business Park is experiencing a number of vacant units and therefore due regard must be had to paragraph 22 of the NPPF.

On this basis, whilst the proposal is contrary to the Adur Local Plan, it is considered, that this objection is outweighed by the economic and social benefits associated with the gym and therefore this is a significant material consideration in favour of the proposal in accordance with paragraph 14 of the NPPF. Given that there are vacant units at Lancing Business Park; weight is afforded to paragraph 22 of the NPPF.

Lancing Parish Council: To be reported

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan (2017) Policy 25
Adur Employment Land Review (2014)
National Planning Policy Framework (March 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The site is located within Lancing Business Park which is subject Policy 25 of the Adur Local Plan also protects Lancing Business Park for B1, B2 and B8 uses with no flexibility for other uses unless

“It can be satisfactorily demonstrated that the site or premises is/are genuinely redundant and that no effective demand exists or is likely to exist in the future to use the land or buildings of B class uses. This should include the length of time the property has remained vacant, the attempts made to sell/let it, and the demand for the size and type of employment premises in the area.”

One of the key objectives of the NPPF is to secure and support economic growth. It states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and land allocations should be regularly reviewed. The Adur Employment Land Review (2014) found that existing employment areas in Adur are reasonably well occupied and any loss of employment land to other uses is likely to have a detrimental impact on the economy in the longer term. There is a limited amount of employment floorspace in Adur and the retention of existing business units for B1, B2 and B8 purposes is considered to be essential to sustaining economic growth.

Despite the strong policy protection for such sites, a material consideration in this case is the fact that the non- business use is existing and was supported by Members of the Planning Committee. Since permission was granted, two further permissions for similar uses have been granted in adjoining premises. The gym appears to be a successful venture which provides some employment (10 permanent staff and 6-8 sub-contract trainers) and has run private classes for other employers and employees on the Business Park as well as schools in the Worthing and Adur area.

It is noted that there are currently two empty units within the Business Centre (Units 4 and 5). The Chartwell Business Centre was formed in 2007 by subdividing a larger building into smaller units. The site represents a small proportion of the overall business floor space at Lancing Business Park and the applicants argue that it is better to have a let unit than an empty one.

While the use is contrary to policy 25 in the Local Plan, it is considered that sufficient grounds for supporting the use have been put forward by the applicant. The Council considered that such a use was acceptable in 2014 and since then the business has become established. It is clearly not desirable to require an existing business to cease trading and, in light of other permanent permissions nearby for similar uses, it is considered, on balance, that permission can be granted here. A permanent permission for the gym use does not preclude the unit being put back to a B-class use in the future and it is recommended that the permission is restricted to a gym use within Class D2 only.

Accessibility and parking

The applicants previously submitted a car parking demand survey using a combination of TRICS data and manual counts which revealed the business park could accept the proposed increase in parking associated with the use. Since 2014 the use has operated without complaint and there are no highway objections to its continued use.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only as a gymnasium within Use Class D2 as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification. On cessation of the use hereby permitted, the premises shall be restored to their former use (Class B1/B2/B8).

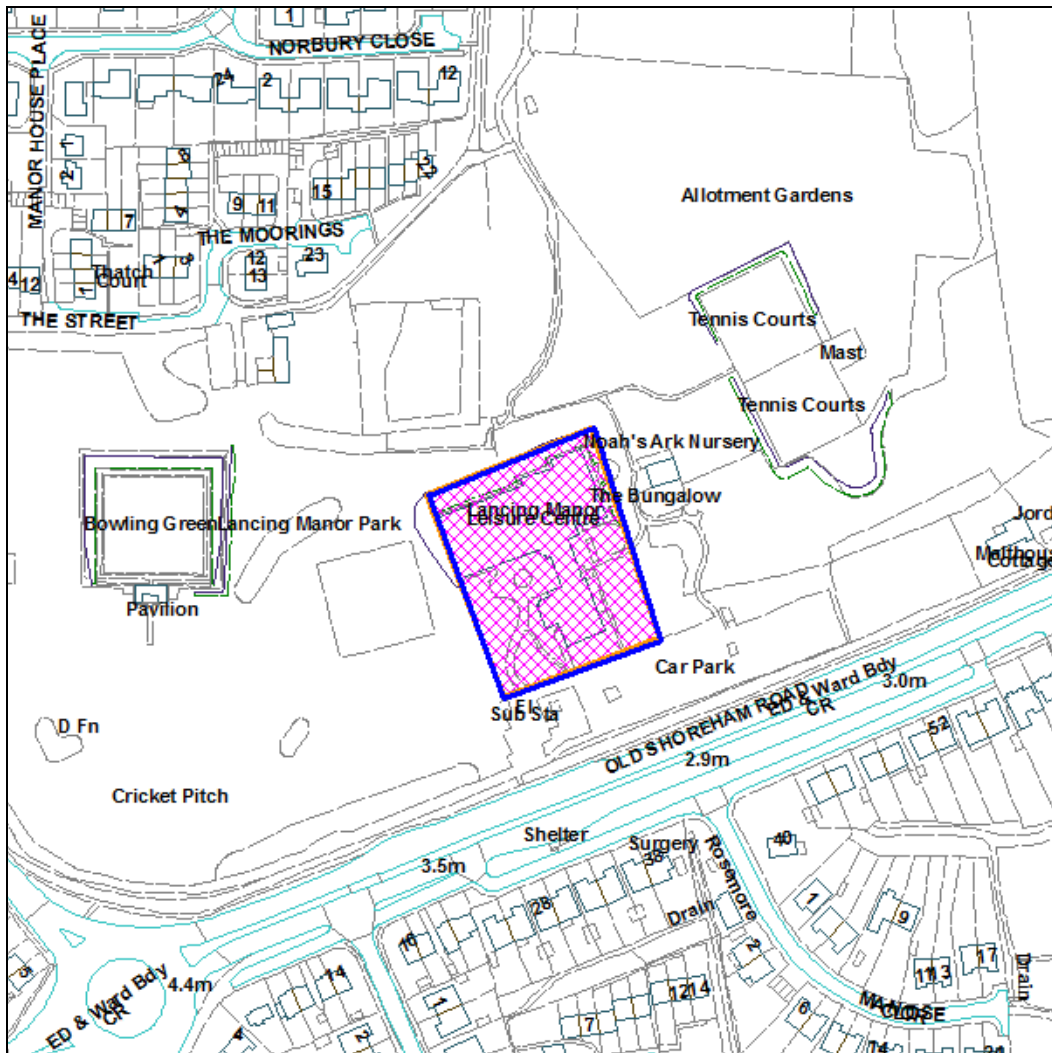
Application Number: AWDM/1861/17 Recommendation – APPROVE

Site: Leisure Centre Lancing Manor, Manor Road, Lancing

Proposal: Replacement curtain wall glazing from white aluminium to black aluminium and new entrance doors to east and west elevations.

Applicant: Adur and Worthing Councils Ward: Manor
Technical Services

Case Officer: M O'Keeffe



Not to Scale

Proposal, Site and Surroundings

The application relates to Lancing Leisure Centre which is on the east side of Manor Road and north side of the A27 Old Shoreham Road. The site is Council owned and run for general public leisure uses. The site is set well back from both adjoining roads within Lancing Manor Park.

Planning permission is sought to replace the curtain walling on both the east and west sides of the entrance lobby. The existing walling is aluminium silver and aluminium powder coated black is proposed. White aluminium doors on both elevations are to be replaced with black aluminium doors.

Applicant's Supporting Statement

'The proposed development involves removing the existing silver finish aluminium curtain wall glazing to the East and West elevations of the entrance lobby. The proposed new Technal curtain wall glazing system will closely match the existing layout using a new powder coated aluminium system with all visible frame sections powder coated finish RAL 9011 Black.

Additionally the existing white powder coated entrance doors to the East and West elevations will be upgraded. The new door sets will consist of one large main DDA complaint operating door with a smaller slave door sized to fit the existing openings. The proposed new doors will be from the Comar 7 high performance aluminium range and will be powder coated finish RAL 9011 Black.'

Consultations

Lancing Parish Council: No objections

Representations

None received.

Relevant Planning Policies and Guidance

Adur Local Plan (2017) Policies 2,15 and 33
National Planning Policy Framework (March 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The principle of development can be agreed as it upgrades an existing public leisure centre. Issues of concern are limited to visual appearance and disability access.

Visual amenity

The entrance lobby is in the centre of the building between two wider buildings. It is not visible from either adjoining roads. The use of black frames instead of silver will not be apparent. Windows in the more southerly part of the building are already dark brown or black framed. The window arrangement is virtually identical to at present other than on the west side more vertical glazing bars are proposed at the northern end. The door design on both elevations is changed but acceptable.

Accessibility

The proposed entrance doors are assymetrical and have two openings, one wider than the other. They are designed to be DDA compliant to improve access for people with mobility difficulties or those with buggies.

Recommendation

APPROVE

Subject to Conditions:-

3. Approved Plans
4. Standard 3 year time limit

Informative

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.

**Local Government Act 1972
Background Papers:**

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
 - to promote a clean, green and sustainable environment
 - to support and improve the local economy
 - to work in partnerships to promote health and wellbeing in our communities
 - to ensure value for money and low Council Tax

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.