



ADUR DISTRICT  
C O U N C I L

29 May 2020

<b>Adur Planning Committee</b>	
<b>Date:</b>	<b>8 June 2020</b>
<b>Time:</b>	<b>7.00 pm</b>
<b>Venue:</b>	<b>Not Applicable - held by video conference</b>

**Committee Membership:** Councillors Carol Albury (Chair), Pat Beresford (Vice-Chairman), David Balfe, Stephen Chipp, Brian Coomber, Lee Cowen, Joss Loader and Paul Mansfield

**NOTE:**

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk) before noon on Friday 5 June 2020.

**Agenda**

**Part A**

**1. Substitute Members**

Any substitute members should declare their substitution.

**2. Declarations of Interest**

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

### **3. Public Question Time**

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services – [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

(Note: Public Question Time will last for a maximum of 30 minutes)

### **4. Confirmation of Minutes**

To approve the minutes of the Planning Committee meetings of the Committee held on Monday 11 May 2020, which have been emailed to Members.

### **5. Items Raised Under Urgency Provisions**

To consider any items the Chair of the meeting considers urgent.

### **6. Planning Applications (Pages 1 - 66)**

To consider the reports by the Director for the Economy, attached as Item 6.

## **Part B - Not for publication - Exempt Information Reports**

#### **Recording of this meeting**

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer	Louise Mathie Senior Lawyer

01903 221006 heather.kingston@worthing.gov.uk	01903 221050 Louise.mathie@adur-worthing.gov.uk
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**Duration of the Meeting:** Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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## ADUR DISTRICT COUNCIL

Planning Committee  
8 June 2020  
Agenda Item 6  
Ward: ALL

Key Decision: Yes / No

### Report by the Director for Economy

#### Planning Applications

1

Application Number: **AWDM/0204/20**

**Recommendation – Delegate to  
Head of Planning &  
Development for Approval  
subject to S106 agreement and  
planning conditions**

**Site: Kingston Wharf, Brighton Road, Shoreham-by-Sea**

**Proposal: Mixed-use redevelopment comprised of three blocks of residential dwellings (4 to 8 storeys) and mixed-use business centre (office, storage and cafe uses) - incorporating riverside walk, landscaping and ancillary car and cycle parking.**

Application Number: AWDM/0204/20

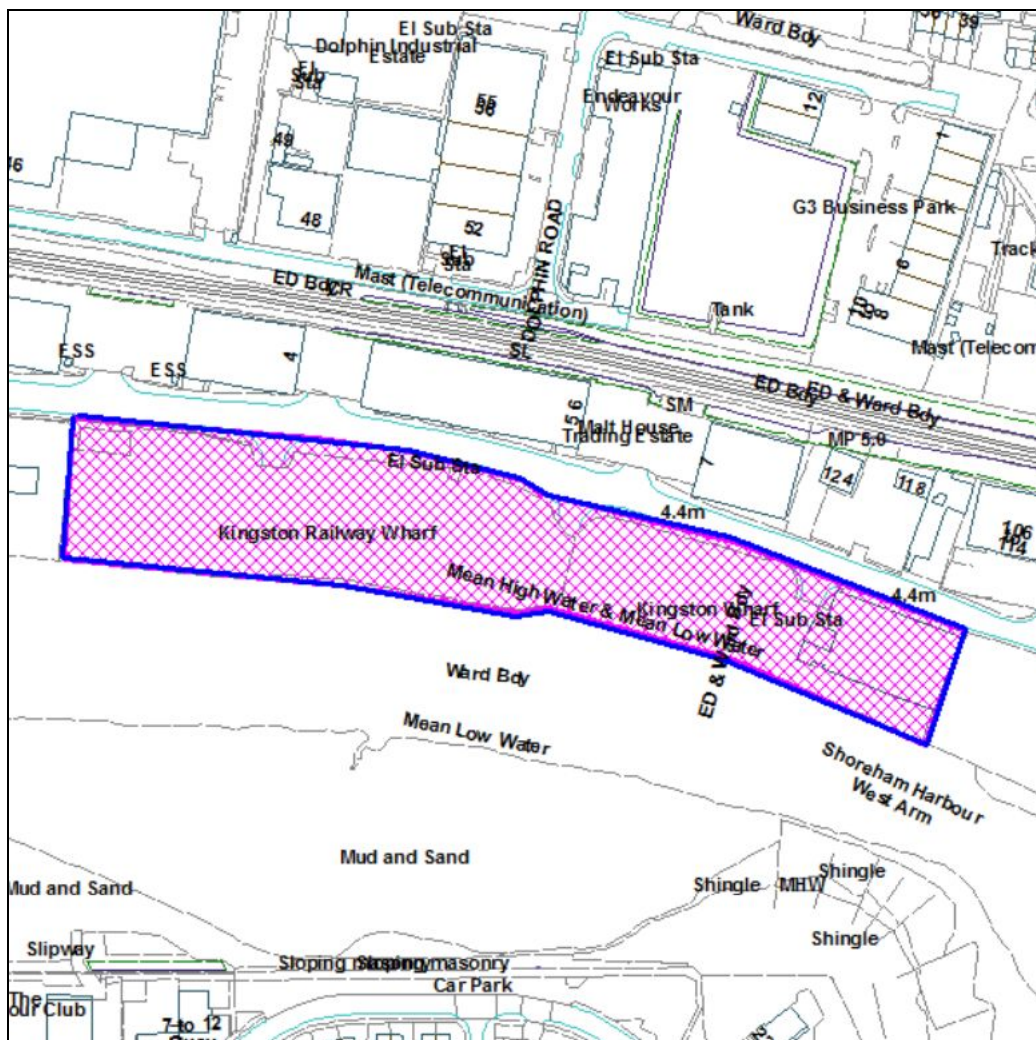
Recommendation – Delegate to Head of Planning for Approval subject to S106 agreement and planning conditions

Site: Kingston Wharf, Brighton Road, Shoreham-By-Sea

Proposal: Mixed-use redevelopment comprised of three blocks of residential dwellings (4 to 8 storeys) and mixed-use business centre (office, storage and cafe uses) - incorporating riverside walk, landscaping and ancillary car and cycle parking.

Applicant: Hyde New Build Limited  
Case Officer: Stephen Cantwell

Ward: St Mary's



Not to Scale

## Site and Surroundings

The site is located within the Western Harbour Arm of Shoreham Harbour, a wider site allocation within the Adur Local Plan 2017 (Adur Local Plan Policy 8) which allows for 1100 new dwellings and 1200sqm employment floorspace over the plan period to 2032.

The application site extends to some 1.6 hectares and comprises brownfield land previously occupied by a builder's merchant and aggregate-bagging plant. Structures remaining on site comprise a large warehouse approximately 9-10m in height at the far eastern end and a small structure further west.

The site is broadly rectangular approx. 350m in length x 47m-52m in depth it is largely level with minor variations of around 1m (3.5m to 4.5m AOD). Most of the site is hard surfaced. The southern border is with the River Adur formed by sheet piling, and the A259 Brighton Road runs along the northern boundary, with a roadside footpath of varying width. To the north of this are commercial units with Victo-Edwardian terraced houses further east, facing Kingston Village Green and beach. To the south across the river is the northern side of Shoreham Beach with the Harbour Social Club and the Adur Sailing Club alongside residential flats and houses.

To the west of the site is a large industrial waste and scrap metal yard 'EMR Shoreham'. To the east is the former Howard Kent Removals site which has been cleared.



The historic C19th Shoreham Fort, which is a Scheduled Monument, lies across the harbour approx. 550m away. The Grade II listed Kingston Buci Lighthouse is approximately 120m to the east in Brighton Road, and beyond the railway line to the north is the Kingston Buci Conservation Area. Shoreham Conservation Area is approximately 1km to the west.

In respect of ecological designations, the site is of relatively low ecological value with the nearest nationally designated site is the Adur Estuary to the west which is

designated as a Site of Special Scientific Interest (SSSI) for the presence of tidal mudflats and saltmarsh habitat. In terms of landscape designations, the South Downs National Park is located approx. 1.57km away to the north beyond the A27. The site is within Flood Zone 3.

## Proposal

Full planning permission is sought for a mixed-use development including 255 residential units of 1, 2 and 3 bedrooms with a semi-basement parking level alongside a mixed-use commercial 'enterprise' centre on the western part of the site with surface car parking and landscaping.

The commercial element of the scheme would provide for approximately:

- 2,276m<sup>2</sup> office floorspace (Use Class B1(a))
- 1,927m<sup>2</sup> flexible business floorspace (Use Classes B1 or B8)
- 4,188m<sup>2</sup> self-storage floorspace (Use Class B8)
- 99m<sup>2</sup> café floorspace (Use Class A3)

Off road parking provision would be made for approx. 286 cars of which 79 shared parking spaces are allocated to the commercial element of the scheme and 207 spaces for the residential element and as well as 155 residential cycle spaces. The residential parking would be provided at basement level.

The proposal would comprise three 4-8 storey residential buildings and the 5/6 storey enterprise centre with intervening planted spaces and at the commercial site, a surface levels car park and forecourt. Public realm includes a riverside walk for pedestrians and cyclists, with a seating area. Land at the site is also to be safeguarded and dedicated for the future provision of a dedicated cycle-way along the A259.



The site is currently served by three accesses onto Brighton Road each benefiting from a ghost right hand turn lane. The vehicular access strategy is based on the retention of two of the existing accesses, with one serving the residential development and one serving the commercial element, with the third access being stopped up. For servicing, a new service bay measuring 12.0m x 2.5m would be provided to the A259. A new Puffin crossing would be provided on Brighton Road adjacent to the proposed residential development to facilitate pedestrian movement across Brighton Road.



Further detail of the proposed commercial, residential and other infrastructure components of the scheme including associated flood defence works/mitigation are discussed further below. The proposal would include flood protection and sustainable energy measures.

### **Relevant Planning History:**

**EIAOPINION/0003/19** EIA Screening Opinion for Redevelopment of the site comprising 255 residential apartments (Class C3) and a mixed use Enterprise Centre comprising Class B1 Offices, Class B8 Self Storage Units and an A3. **Decision** EIA Not Required. 29.01.2020

### **Consultation Responses**

The following responses include summaries by officers with full responses being available for viewing on the Councils website:

#### ***West Sussex County Council:***

##### ***Highways*** – Further information required

The proposal would provide appropriate contributions to local highway improvement schemes. The general access arrangements for the scheme, in terms of vehicular, pedestrian and cycle, emergency and refuse servicing are acceptable. In terms of trip generation and distribution the impact is acceptable. In respect of Junction Modelling for the Brighton Road/Kingston Lane/Albion Street signalised junction, the junction would continue to operate within capacity. In addition, the level of car and cycle parking provision proposed is acceptable. However, further clarification is required in respect of:

- Confirmation of RSA on site accesses in the interim no cycleway provision;
- Confirmation of visibility splays onto the cycle lane;
- Junction Modelling of site accesses;
- Confirmation of 'interim' pedestrian and cycle access prior to adjoining sites coming forward;
- EV charging points to be provided in line with WSCC guidance;
- Clarification over large car vehicle tracking;
- Consideration of provision of further cycle parking for the residential units and details of visitor cycle parking;
- Designers response to be provided in line with (GG119) standard requirements;
- Provide offsite mitigation costings; and
- Modifications to the travel plans.

##### ***WSCC Strategic Planning*** – Comments

New Service Infrastructure would be required to mitigate the impact of the proposal. In summary, it would equate to:

Education (primary)	-	£124,115
Education (secondary)	-	£133,582
Education (six form)	-	£31,292
Libraries	-	£53,040
Waste	-	£0.00
Fire and Rescue	-	£4097
No of Fire Hydrants	-	Planning Condition
TAD	-	£729,103
<b>Total</b>	<b>=</b>	<b>£1075,230</b>

**Education:** Primary/secondary/further secondary schools within the catchment area of the proposal would not have sufficient capacity to meet the need for school places generated by the proposed dwellings. Financial contributions would therefore be sought towards additional provision based on the estimated additional population that would be generated by the proposal, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings).

The financial contribution would be formula based requiring a contribution based on per additional school place generated by the scheme (which would be dependent on the final housing and tenure mix) and would be secured via legal agreement. For the financial year 2020/2021 the contribution would equate to £18,933 per additional Primary school place, £28,528 per Secondary School Place and £30,939 per Further Secondary Place subject to indexation.

As set out in the Adur Local Plan 2017, the primary contributions generated by this proposal shall either be spent on expansion of existing schools, including Shoreham Academy and Shoreham Academy Sixth Form or other innovative solutions to address the need.

**Libraries:** The existing Shoreham Library does not have sufficient capacity to accommodate the additional need generated by the proposed dwellings and therefore a financial contribution would be required towards the provision of additional floor space/facilities at the library. The contribution would be formula based plus indexation and secured via legal agreement. The current formula would equate to each library space in sq.m per 1000 population x library cost multiplier (for the financial year 2020/2021 are [30/35 sq.m] and £5,549 per sq.m respectively).

**Fire and Rescue:** Financial contributions would be required to mitigate the impact of the proposal on local fire and rescue infrastructure. The contributions would be formula based on additional population created x the estimated costs of additional fire and rescue infrastructure per head (for 2020/21 it is £15).

**Total Access Demand (Contribution):** This is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road

infrastructure. The final contribution would go towards local highways improvement schemes.

***West Sussex Fire and Rescue (Water and Access Supplies)*** – No objection

The nearest fire hydrant to the application site is 200 metres away. The supply of water for fire-fighting for domestic premises should be within 175 metres and therefore request planning conditions to secure additional fire hydrant or stored water supply with appropriate means of access.

***Archeologist*** - No objection

In summary, there are no surviving (known) archaeological sites within the site area. It is possible that archaeological features or finds, presently unknown, may exist within buried sand and gravel foreshore deposits. However geo-environmental investigation of the site has not shown any clear deposits of probable archaeological interest; and owing to soil contamination, there is a hazard for archaeological investigation on-site and in the laboratory. Overall, archaeological mitigation works are not considered necessary.

***Lead Drainage Officer*** – Further information

The LLFA does not consider that the development would have an unacceptable risk of flooding with the site or increase flood risk elsewhere. However, comments are provided in relation to the proposed land raising within the site (to achieve the required level of flood protection), the need to ensure sustainable drainage measures are included within the basement car parking to avoid the release of potential contaminants to the environment, appropriate ‘over the wall’ surface water drainage should be provided, the need to ensure the effects of groundwater levels upon attenuation storage should be fully considered and an appropriate emergency evacuation plan should be provided to demonstrates safe access and egress in the event of flooding.

***Police*** – No objection

The developer is advised to incorporate ‘Secured by Design’ principles for both residential and commercial development to adopt crime prevention measures within the scheme. It is also welcomed that the scheme reflects the attributes of safe, sustainable places set out in Safer Places (Crime Prevention document). Among the detailed guidance given on several internal and external crime and safety matters, the following are of particular interest to this planning consideration and possible use of planning conditions:

- Basement Car Park: An automated controlled vehicle gate to control vehicle access into the basement and controlled access from the basement into the core stairwells / lifts / residential areas will also be necessary.

- Secure Access Control Systems: Appropriate access control systems are implemented into the design and layout to ensure control of entry is for authorised persons only.
- Design of Children's Play areas: Appropriate design, with safe and accessible routes for users to come and go as well as appropriate boundary treatment to define private and public space.

***Environmental Health Officer (Air Quality)*** – No objection

Subject to legal agreement and conditions to secure a contribution of £88,280 to towards mitigating the impact on air quality, details of the mitigation measures include those necessary to mitigate the impact from the use of energy plant on air quality and the implementation of construction management plan.

***Environmental Health Officer (Noise and Contamination)*** – No objection.

*Noise*

Noise mitigation measures are needed on residential units affected by road/traffic noise. It is also recommended that a Mechanical Ventilation and Heat Recovery (MVHR) system be fitted in all units that require windows to be kept closed to achieve the internal noise levels. MVHR with a summer bypass will help control thermal comfort in these homes. Details of plant or extraction on these units would also be required.

It is also noted the thoroughfares between the residential blocks are corridors for traffic noise therefore a wall or other barrier along the northern boundary between these spaces would help reduce noise in these areas making this open space more usable.

*Contamination*

Ground contamination has been identified and further testing and risk assessments are necessary, including where appropriate, a remediation plan and subsequent validation report.

The details of above matters can be secured via planning condition.

***Environmental Health (Private Sector Housing)*** – Further information required

Further information requested to ensure all aspects of the development comply with the Housing Act 2004. This is to ensure the layout of the property is acceptable prior to commencing the development and avoid the need for changes later.

***District Fire Safety Officer*** - Further information required

Whilst the layout is acceptable further information sought in respect of fire safety measures.

[**Officer note:** Further information in respect of sprinkler systems received and updated comments are awaited from the Private Sector Housing Officer & Fire Safety Officers]

***Drainage Engineer*** – No objection

In terms of Flood Risk, according to EA flood mapping, the application site is within Flood Zone 3 (High Risk), some areas are at medium risk of surface water flooding (Flood Zone 2). Residential floor levels are proposed to be above the 1 in 200 year tidal flood level. Safe access and egress is therefore required.

Planning conditions, to minimise the risk of flooding, are therefore recommended to secure details of the surface water drainage strategy, including potential for an "over the wall" drainage solution to be provided which would remove tide locking effects, as well as associated maintenance and management strategy, and certification to ensure the scheme has been implemented correctly.

***Housing Officer*** - Awaited

***Parks & Open Spaces Officer*** – Awaited

**Adur District Conservation Area Group – *Objection***

The application should be supported by an Environmental Impact Assessment (EIA) for the following reasons:

- ***Drainage*** - groundwater could be a major issue as the site is within an area as identified by the Council's groundwater flood risk map. This issue has affected the Free Wharf Development which required an EA water extraction license to enable drying of the site for the construction work required. If this proposal requires the same mitigation, an EIA assessment is required.
- ***Sewerage*** - a main sewer runs under the sites. Taking into account the situation at the Free Wharf Site, has Southern Water been approached for an EIA Report?
- ***Environment/Heritage:*** Lack of capacity within the A.259 to accommodate the proposed level of traffic generation and new cycle lanes. The additional traffic would harm the local air quality which needs to be assessed through EIA. In light of the council's climate emergency, this Kingston Wharf proposal should be designed to be carbon neutral in consultation with the Councils Sustainability Officer.

- *Infrastructure:* Provision should be made for social infrastructure required e.g. healthcare (GP) to meet the needs of future residents through consultation with the NHS.
- *General Comments:* Design does not harmonise with the surroundings and is inappropriate in its context eroding the character of the area. For example, the commercial building at the western end of the proposal which although is given the grand description of “enterprise centre” resembles a bland concrete block where little or no attention has been made to soften the impact of this unsightly edifice.
- The artist’s impression of the proposed landscaping is to be applauded but soft landscaping would not be sustainable in the long term in the southern/northern area of the A.259 due to wind, sea air and air pollution as was experienced in the 1980’s when commercial properties along this road had flower beds, small trees & shrubs planted in front of their buildings where it took one year for all of them to die. Alternative options are therefore required to soften the overall development which is hardly awe inspiring in design.
- The design does not blend in and respect the seafront characteristics of both Shoreham & Southwick which are immediately adjacent, on the contrary, as with the Parcel Force Site, it dominates the area & is overbearing. There is a need to increase housing but this needs to be done with care & good design which the proposal fails to achieve.

***Southern Water*** – awaited

***Southeast Power Networks*** – Comments

The proposed development is in close proximity to their infrastructure (sub-station) and guidance is provided for such circumstances including reference to ensuring safe distances are maintained to preserve the amenity of future occupiers e.g. from noise and vibration emitted by transformers, ensuring access is maintained for servicing and ensuring works by the developers close to such infrastructure are done safely, amongst other guidance.

***Environment Agency*** – No objection

Following the receipt of additional information, raise no objections subject to conditions to ensure the proposal is implemented in accordance with the revised Flood Risk Assessment which details finished floor levels, measures to ensure plant room apparatus on lower floors are protected, improved flood defences, maintenance of a water front access route (min 4m in width), as well other specific conditions to ensure the mitigation of ground contamination, restrictions on drainage systems for the infiltration of surface water into the ground and restrictions on piling/penetrative ground construction.

### *Sequential Test*

The LPA is advised to ensure the proposal meets relevant policy and guidance in relation to sequential testing that seeks to direct development to areas in lower flood risk.

### *Flood Defence Improvement Works*

The applicant is advised on completion of the flood defence improvement works, operation and maintenance of the flood defence will continue to rest with the riparian owner. A plan for the maintenance of the on-site flood defences over the lifetime of the development should also be provided.

### *Emergency Evacuation Plan*

As set out in the FRA, any emergency evacuation plan (which will also need to be approved by the LPA emergency planning team) should be provided in visible parts of the buildings.

### *Surface water*

Whilst the EA do not comment on surface water discharge rates, or preferred SuDS systems, in principle they support the potential implementation of 'over the wall' drainage, highlighted in Sections 3.12 and 3.13 of the FRA.

### *Intertidal habitat*

It is noted that the applicant advises *"that all the river wall construction works are all effectively occurring behind the existing river wall, such that there is no loss of mudflat, or significant harm occurring to the habitat as a result of these works"*, as such this approach is acceptable.

### *Other matters*

Informative guidance is also provided for the applicant in relation to works close to the River Adur and 'Dewatering' which will require separate EA permits. In relation to the disposal of waste, guidance is provided on relevant waste management legislation.

### **Marine Management Organisation – Comments**

Advice is provided on the need for a licence from the Marine Management Organisation (MMO) where works such construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influences. Advice is also provided that a wildlife licence is also required for activities that would affect a UK or European protected marine species. Reference is also made to inshore marines and marine policy statements being a material consideration to decision making.

***South Downs National Park*** – No objection

Although the application site is located outside of the National Park, the Council has a statutory duty to the impact on The National Park when making its determination. Due to distance and urban context it is unlikely to have an adverse impact on the setting and special qualities of the National Park.

***Natural England*** – No objection

The proposal would not have any significant adverse impacts on statutorily protected nature conservation sites, any sites of Special Scientific Interest (SSSI) and associated impact risk zones or landscapes.

***Sussex Wildlife Trust*** – Comments

Encouraged to see Preliminary Ecological Appraisal (PEA) but it should include wider consideration of impact of off-site biodiversity at Shoreham Beach and Widewater Lagoon LNR. The supporting documentation should include more references to relevant planning policy.

In Conclusion, we understand there are no changes to the tidal wall and that there will be no loss of intertidal mud habitat. The application has presented a Landscape Statement and PEA, which shows the importance of integrating biodiversity but this could be improved in the overall submission to ensure clear net gains in biodiversity that are reflective of local biodiversity.

Whilst we acknowledge the Green Infrastructure Strategy has not been completed for the adopted JAAP area, we encourage the council to ensure that GI and the multifunctional benefits it can provide in terms of air quality, carbon sequestration, biodiversity, connectivity and function, SUDs and health and wellbeing are clearly delivered as part of this application.

***Historic England*** – Refer to advice from your specialist conservation and archaeological advisers.

***Shoreham Harbour Authority*** – No objection

The lighting impact assessment is acceptable and proposal shall be carried out in accordance with its recommendations including:

- All content of the assessment to be adhered to;
- Post completion testing of the lighting to ensure the development adheres to the lighting design and that suggested impacts are not exceeded;
- An obligation in the S106 agreement requiring restriction within the unit leases prohibiting amendments to the lighting design, and restricting any other (temporary or otherwise) lighting on the balconies of the eastern block; and



- Port approval of construction methodology to ensure lighting does not impact navigational safety during construction.

### **Highways England – No objection**

Having reviewed the application information, Highways England offers no objection to the application subject to the Council securing an appropriate contribution towards mitigation outlined within the Transport Strategy for Shoreham Harbour in accordance with Adopted Local Plan Policy 8 (Shoreham Harbour Regeneration Area).

**Neighbour Representations** – 10 letters of objection received from Church Green, Harbour Way, Brighton Road, Buckingham Road, Southdown Road, Gordon Road, Manor Road, Slonk Hill Road and Gosport Court raising the following concerns:

- Excessive height (8-storeys) which is out of scale with the surrounding built form and in conflict with the provisions of the Western Harbour Arm Development Documents which suggest up to a maximum of 5-storey height. Reference is made to the power station as a precedent of scale is inappropriate given residential development clearly has different environmental characteristics e.g. potential for overlooking, traffic generation, etc.
- Overdevelopment – whilst housing need is recognised, this is an excessive level of density for the application site;
- Inappropriate bland design and form for both the residential and commercial elements of the scheme (including scale and external materials) that does not respond to local heritage, character of this south-coastal location and context and would not harmonise with the surroundings – the design approach is not appropriate for this riverside location contrary to the draft JAAP 2016 which showed low rise wharf style buildings with heritage details suitable for waterfront development. In addition, the surrounds to the proposed café should be high quality to allow for this location to be a destination for public visitors – the proposal fails to achieve this;
- Character and appearance of the area – the development would harm the overall character and appearance of the area including from on views from Shoreham Beach;
- Proposal would set a precedent, in terms of height, for future developments within the Western Harbour Arm;
- Proposed storage use, for which there is no significant local demand, should be replaced with additional housing development which provides greater benefit;
- Inappropriate use of land to put a storage building in a prime waterfront location, this type of storage should go to alternative locations e.g. industrial parks, which would then allow this scheme to provide a high quality living and office space that benefits from this water front development. In addition, the commercial goods traffic associated with the storage use would detract from the quality and recreational value of this waterfront location;
- Adverse impact on the neighbouring residential amenity by way of loss of outlook, overshadowing and overbearing impact;

- Adverse impact on the local highways infrastructure from increased traffic generation, increased on-street parking demand and lack of mitigation measures to off-set the highways impact;
- Harm to nearby heritage assets including harm to the setting of the Kingston Lighthouse House detracting from the experience of its visitors and harm to the setting of the Shoreham on Sea Conservation area where the development would be visible from;
- Lack of local infrastructure to support the proposed development including health care (GPs) and school places – this amount of development should be directed to locations with more adequate infrastructure in place;
- Similar proposals rejected on the site in 2008 and those reasons are equally applicable to this proposal;

#### Other comments

- Planned housing using derelict brownfield in this location adjacent to the waterside is considered acceptable in principle;
- The provision of storage facilities would support occupiers of modern apartment schemes which have limited storage space;
- Planning conditions should be imposed to restrict development to a maximum height of 3-storeys;
- A revised design approach for the storage building and other commercial building should be considered e.g. to more closely match the residential design approach, or alternative ultra-modern approaches to create some civic pride as a potential visitor attraction;
- Proposal would devalue nearby properties; and
- Proposal would lead a loss of views from nearby residential properties.

#### **Relevant Planning Policies and Guidance**

Adur Local Plan (2017):

Policies 2, 3, 4, 8, 11, 15, 16, 17, 18, 20, 21, 22 & 28, 29, 30, 34 and 36

Shoreham Harbour Joint Area Action Plan (2019)

Policies CA7, SH1, SH3, SH4, SH5, SH6, SH7, SH8, SH9, SH10

Joint West Sussex Minerals Local Plan (2018)

Policy M10

South Inshore and South Offshore Marine Plan (2018)

Policy S-PS-1

#### **Other Supplementary Planning Documents, Guidance and Evidence Documents**

The Shoreham Harbour Transport Strategy (October 2016)

Shoreham Harbour Flood Risk Management Guide (2015)

Shoreham Harbour Heat Network Study (2015)

The Shoreham Harbour Streetscape Guide (2012)

Planning Contributions for Infrastructure Provision SPD (ADC)  
Development Control Standards: Space around New Dwellings & Flats (ADC)

The Provision of Service Infrastructure Related to New Development in West Sussex  
– Part 1 (WSCC)

Guidance on Parking at New Developments, May 2019 (WSCC, August 2019)

National Planning Policy Framework or NPPF (CLG 2019)

Planning Practice Guidance (CLG 2014-present)

Technical Housing Standards – Nationally Described Space Standard (CLG 2015)

### *Adur Local Plan (2017)*

In accordance with NPPF, Adur Local Plan Policy 1 supports the principle of development which is sustainable in terms of meeting economic social and environmental objectives, including: the right types of development with provision of infrastructure; sufficient number and type of homes in well-designed environments and the protection and enhancement of existing built environments, minimising energy needs and pollution and adapting to climate change.

Policy 2 identifies Shoreham Harbour as a focus for development to facilitate regeneration through delivery of a mixture of uses including housing which will be delivered through a Joint Area Action Plan (JAAP). Policy 3 identifies a minimum district housing requirement over the Plan period of 3,718 new homes (an average of 177 new homes a year) with a minimum of 1,100 of these new homes being delivered as part of the Shoreham Harbour Regeneration Area Western Arm (within Adur).

Policy 4 seeks the provision of 41,000m<sup>2</sup> of new employment generating floor space of which 16000m<sup>2</sup> should be provided with the Shoreham Harbour Regeneration Area falling (within Adur). Policy 8, considered in more detail further below, requires proposals to be determined in accordance with the JAAP and identifies key priorities for the Western Harbour Arm which include its comprehensive redevelopment to become an exemplar sustainable, mixed-use area and set outs a range of applicable environmental criteria to achieve this.

Policy 11 is an area-specific policy for development in the town of Shoreham-by-Sea that seeks to ensure that the role of Shoreham town centre is maintained and enhanced by new development proposals. It seeks to improve public access to and along the River Adur.

### *Shoreham Harbour Joint Area Action Plan, 2019 (JAAP)*

The JAAP was approved in October 2019 and the current proposal is the first development to be determined since then.

It contains topic-based policies SH1-9 which shape standards of development, such as high quality design, flood defence, sustainability, transport, employment, spaces

and nature. The application site falls within the 'Western Harbour Arm' (WHA) of the wider regeneration area and is also subject of the area based policy CA7.

Policy CA7 largely addresses the objectives identified in Adur Local Plan Policy 8. It re-affirms support for the delivery of a minimum of 12,000sqm of new employment generating floor space in WHA and a minimum of 1,100 new homes. It identifies the need for developments to provide a riverside path through the WHA, and make provision for a segregated roadside cycle-path in Brighton Road; also linkage of new development to the future Shoreham Harbour District Heat Network. The site is part of land parcel WH2, where the indicative layout shows a series of north-south aligned blocks and residential density should be at a minimum of 100 dwellings/ha, mainly comprising flats. More detailed points are considered under the individual subheadings in the Planning Assessment section below.

#### *South Inshore and South Offshore Marine Plan (July 2018)*

Policy S-PS-1 of the Marine Plan seeks to ensure that development for coastal and port areas does not harm protected marine environments. There are two located approximately 10km to the east and south west.

#### National Planning Policy Framework (2019)

The Framework describes the overarching objectives, with sustainable development contributing towards net gains across economic, social and environmental objectives and indicates, amongst other guidance, that decision-makers should approve proposals that accord with an up-to-date development plan without delay (para 11), Government objectives of significantly boosting the supply of new homes (para 59), supports for the development of homes suitable for first time buyers and renters (para 71) planning decisions should support economic growth (para 80) and proposals should make efficient use of land and deliver development that meets identified housing needs (para 122) and ensures provision of appropriate infrastructure.

### **Approach to decision making**

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.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local

planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Similarly Section 72 subsection (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a comparable requirement relating to Conservation areas and provides “In the exercise, with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

## **Publicity**

The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the display of site notices, notification letters sent to neighbours, and a notice being displayed in local newspapers.

## **Environmental Screening**

The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which concluded that the proposed development is not “EIA development” and therefore an Environmental Statement is not required. This conclusion does not override the need to consider matter of environmental importance such as air quality, energy, impact, appearance and impact on existing neighbour and future residents, which are relevant considerations in the determination of this application and considered in the planning assessment below.

## **Planning Assessment**

### ***Principle of Development***

#### Land Uses

A regeneration objective for the Western Harbour Arm (WHA) is to secure high-density mixed-use redevelopment.

The proposals would provide 255 flats at a density of 159 dwellings/ha, which performs well against the target of at least 100/ha and a significant contribution towards the 1,100 new homes minimum target set out in policies 3 and 8 of the Local Plan and in the JAAP, whilst also making a substantial contribution to the Districts overall housing delivery target and maintaining a 5-year housing land supply.

The proposed commercial floor space of 8,490sqm would also make a further substantial contribution towards the target of 12,000sqm of employment land which would also boost the supply of such land to meet wider needs across the District. The

proposal offers the advantage of mixed employment use, and to a degree interconnected commercial uses, which are discussed further below.

The redevelopment of the site for a mix of residential and employment along with provisions for cycling and district heating accords with the land use requirement of the Local Plan and JAPP and the mixed-use approach to sustainable development supported by the NPPF.

### Sustainability & Energy

In accordance with the provisions of Adur Local Plan Policies 18, 19, 28 and to reduce carbon emissions for all major developments, proposals should incorporate renewable and low carbon energy production equipment to meet at least 10% of predicted energy requirements. In this regard, the proposal would ensure:

- Residential Internal water use to be less than 110 litres/person/day;
- Commercial water use to meet BREEAM 'Very Good' Standards as a minimum;
- The incorporation of electric vehicle charging points;

In addition, in accordance with the JAPP Policy SH1, the proposal would make provision for the following:

- Provision of a communal heating system with provision for connection to the future district heating network;
- Several arrays of roof-mounted low-glare solar panels;
- Heating and cooling based on the heating and cooling hierarchy (e.g. mechanical ventilation and heat recovery system, linked to noise insulation);
- Water use will be less than Building Regulations Part G requirements;

### Energy and District Heating System

The proposal would make provision for a future connection to the Shoreham Harbour District Heating Scheme. The provision made would be in the form of communal heating system (rather than individual gas boilers or electric heating) which would be linked to the district system when it is constructed. The proposed basement would contain plant rooms to connect the underground pipe infrastructure which would eventually be located along the site frontage. A s106 legal agreement can require future access to the district heating system when installed.

The overall approach for the proposal has been to adopt and follow the national energy hierarchy (Lean, Clean, and Green): The following other passive and active design measures are estimated to contribute to a 6.2% reduction in CO2 emissions by:

- Building orientation and layout to maximise internal daylighting, passive solar gain, and (away from the road frontage), natural ventilation

- Thermal comfort managed through building mass, low-e glazing, internal blinds
- Energy efficient building fabric
- LED internal & external lighting
- Balanced mechanical ventilation with heat recovery system (MVHR)
- Air Source Heat Pump (ASHP) system for heating & cooling within the commercial B1 spaces
- Commercial unit to achieve BREEAM 'Excellent' rating
- 58 no residential and 22 no commercial. car charging points
- 100% cabling for future EV charging points
- 22 no. 'Active' and 57 no. 'Passive' commercial EV charging points
- Car club with residents' initial membership.

Subject to planning conditions to secure the final details of the above measures, the proposal would accord with the sustainability objectives of Adur Local Plan Policies 18, 19, 28, Shoreham Harbour Joint Area Action Plan Policy SH1 and the NPPF.

### ***Housing Mix and Need***

#### Mix of Homes

The Adur Local Plan Policy 20 seeks a range of dwelling types including flats and family-sized homes of 2 and 3 bedrooms. All should meet the optional higher Building Regulations Standard M4 (2) for Accessible and Adaptable dwellings and an amount to meet Standard M4 (3) Category 3: Wheelchair Accessible Standards, dependent on identified need. Thirty percent of all homes in major developments should be affordable housing, with a preferred mix of tenure 75% social/affordable rented housing and 25% intermediate housing.

The JAPP (Policy CA7) sets a minimum density requirement of 100 dwellings/ha for the Western Harbour Arm, much higher than the general 35/ha across other parts of the District. In order to achieve this it envisages predominantly flatted development. The proposed flats for Kingston Wharf equate to 159/ha. A Housing Needs Assessment (Adur Objectively Assessed Needs) was updated in 2016, which identifies the mix of home sizes needed according to tenure; market or affordable housing.

Table 1 below summarises the proposed size mix of all flats on the left. All flats are intended to be affordable and therefore there is no figure for market housing. To the right it shows the size mix within each type of the two affordable tenures; social rented and intermediate/shared ownership. The need percentages in the darker shaded columns show the extent to which the proposals provide more or less of the estimated need for each of the flat sizes for the two tenure types.

**Table 1. Housing Mix by Tenure Compared With Identified Need 2016\***

	All Flats		Social Rented		Intermediate		
	No.	no.	%	need	no.	%	need
<b>1 bed</b>	87	21	23 %	(-7%)	66	40%	(+22.5%)
<b>2 bed</b>	149	58	63 %	(+23%)	91	56%	(-3.5)
<b>3 bed</b>	19	13	14 %	(-11%)	6	4%	(-23.5%)
<b>Total</b>	<b>255</b>	<b>92</b>			<b>163</b>		

\* Compared with average percentages of estimated need in Adur Objectively Assessed Needs, 2016

In two areas the proposal is very close to the identified need mix with 2-bed intermediate homes and 1-bed both within 7% of need. Given the high density approach required by Policy, comparatively few 3-bed homes can be accommodated, but the high proportion of 2 bedroom rented homes is a welcome provision for small households in the rental sector. The commensurately higher proportion of one bedroom flats provides access to the least costly unit size to a greater number of people who wish to enter the property ownership market through shared equity.

Most flats (95%) are to be constructed to Building Regulations Standards M4 (2) for Accessible and Adaptable dwellings, which is a minor shortfall below the policy target of all homes. All flats meet requirements of the Nationally Described Internal Space Standards 2016. Confirmation is awaited as to the precise proportion of homes designed for M4 (3) Wheelchair Accessible Standards. In communal areas corridor widths and gradients all appear to provide for disability access requirements; and a planning condition can be used to ensure the use of level thresholds.

#### Affordable Homes

Although the applicant intends to deliver 100% affordable housing the application seeks only a policy compliant 30% and this can be secured by way of a legal agreement. Once granted permission the applicant intends to utilise affordable housing grant to deliver the remaining 70% as affordable housing. The applicant has entered into a strategic partnership with Homes England which enables access to affordable housing grants to deliver the remaining 70% as affordable housing. Hyde Housing has submitted a Memorandum of Understanding to the Council setting out its commitment to deliver this additional affordable housing post planning.

It is also important to stress that the planning application states that the rent levels would be 'social' rather than 'affordable' levels, i.e. based on a national formula which takes into account local income levels rather than a standard 80% of market rent levels.



Whilst, the absence of market housing from the proposal does not achieve the mixed provision sought by policies for major housing developments, there is a mix of affordable types within it; 92 flats would be social rented and 163 would be intermediate (shared ownership). Uptake of the recently completed flats at the former Parcelforce site at the western end of Shoreham Harbour indicates the need for both types. The detailed design quality of the proposed buildings and their outdoor spaces is considered to make the development tenure-blind and not readily distinguishable from market-led development.

The 30% of affordable homes to be secured through s106 legal agreement would comprise 75% social rented housing and 25% intermediate housing, in accordance with Local Plan Policy 21. The size mix within these two tenures would be based on the 2016 needs assessment.

The accommodation provides for a good standard of accommodation with 203 flats having dual or triple aspect and of the fairly small amount of single aspect apartments, (52), none have a north aspect and will benefit from the riverside environment to the south.

### ***Commercial Development***

The commercial element of the proposal is a five storey *Enterprise Centre* building of 8,490sqm floor space comprising the following uses are shown in **Figure 1** below:

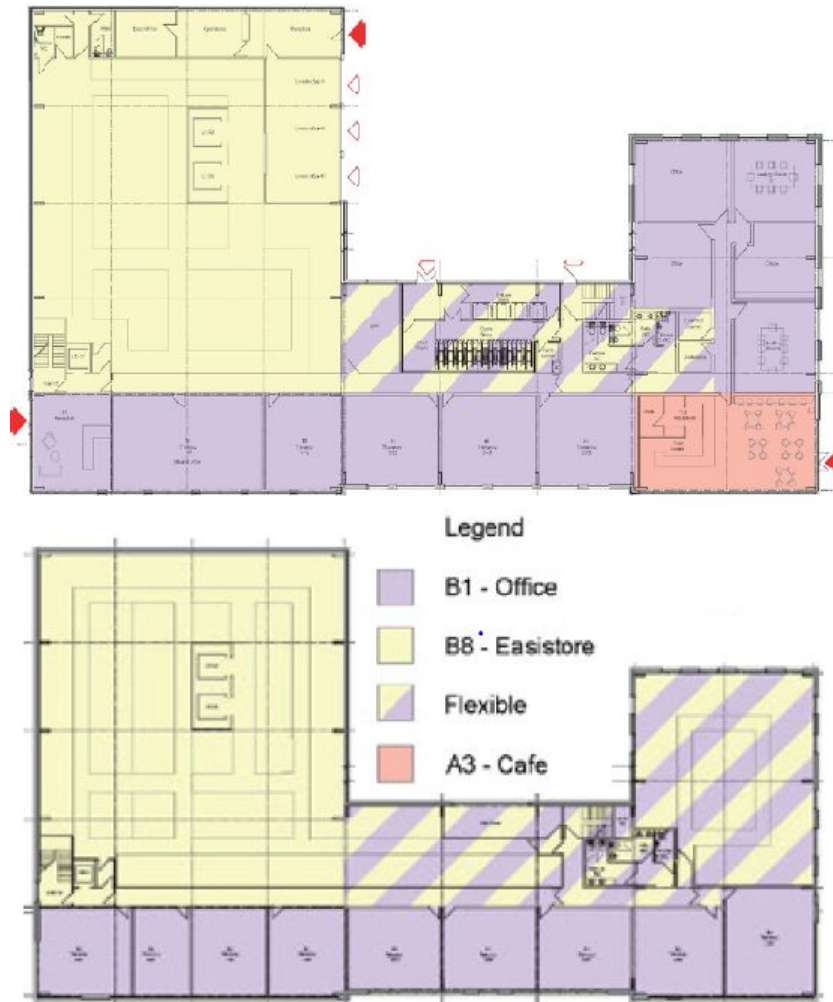
- 2,276sqm office floor space (Use Class B1(a))
- 1,927sqm flexible business floorspace (Use Classes B1 or B8)
- 4,188sqm self-storage floorspace (Use Class B8)
- 99sqm café floor space (Use Class A3)

Before assessing the commercial proposals, the following is a summary of the approach described in the Local Plan and JAPP.

At a District-wide level, the Local Plan identified the issue of diversifying the economy to provide more future opportunities for businesses to locate or expand in Adur. The Adur part of the Shoreham Harbour Regeneration Area is one of three strategic sites allocated under Policy 4 of the Local Plan in response to an employment review in 2016; the others are Shoreham Airport and New Monks Farm. The former of these is referred to for a mix of B1, B2 & B8 uses (Policy 7); the latter is more generally for 'employment generating floorspace (Policy 5).

In Policy 8 the allocation for Shoreham Harbour Regeneration refers to a specific inclusion of B1 uses as part of its employment generating floorspace. The preceding Employment Land Review, 2016 had noted a strong demand but small supply of office space and that the Western Harbour Arm in the Regeneration Area was one of three areas where future accommodation could meet this need, in line with the Council's objectives to encourage jobs in a range of sectors including digital & creative IT; environmental, engineering & low-carbon business; finance & business services and

health and medical services. The associated Local Plan text to Policy 8 (2.100) describes uses such as office space, restaurants, cafes, leisure, entertainment and tourism-related uses.



**Figure 1: Enterprise Building showing uses**  
(Ground Floor – lower image, upper floors top image)

The more recent JAPP considers the Western Harbour Arm (containing the Kingston Wharf site) within the Regeneration Area in greater detail. Its Policy CA7 confirms the quantum of a minimum of 12,000sqm of new employment generating floor-space, predominantly of use class B1a. Its associated text states that this should be predominantly high quality office space (B1a). It also encourages a range of commercial spaces in smaller format units. Employment space should be of modern, high quality design with an emphasis on studio style or office-based flexible workspace that could accommodate a comparatively higher number of jobs per unit of floor-space than the former industrial uses. Where appropriate, major developments should include floorspace suitable for environmental and digital media technologies, for which the area is being promoted as a hub through the Greater Brighton City Deal.

The JAPP Strategy, Objective 3 acknowledges that there are needs for both B1 (a/b) and B8 uses in Adur District and that there is loss of employment land in the Regeneration area. However, future provisions will support the objectives of the Brighton & Hove and Adur Employment Land Studies of quality workshop and industrial space for creative & High-Tech businesses and an opportunity to deliver small, affordable, start-up office space. It also encourages initiatives to secure apprenticeships, training and new job opportunities for the local area as part of new proposals.

## Proposal

The proposed mixed commercial use is described as a hub and amalgam of B8 self-storage facilities and B1 (office) flexible, serviced office suites and floorspace. Fifty percent of the space would be dedicated storage space, twenty seven percent dedicated B1 office space and the remaining 23 % could be used for either of these, according to demand. The café (99sqm) is for all users.

The applicant states that serviced office suites have proven attractive to small and medium-sized enterprises (SMEs) and Start-up businesses, with variation in size and type of unit giving maximum flexibility allowing for internal movement and growth as businesses develop (evidence, examples).

The applicant adds that businesses will be developed and fostered in an exciting and diverse work environment with break out spaces, where many different companies and characters thrive on the community spirit, developing and improving new products and services, all with the aim of giving them a competitive advantage and a platform for growth. At the applicant's four other sites in Kent and eastern Sussex, existing business customers are from a broad mix of sectors

- **Creative:** Magazine Publisher, Photographic Studios, Artist Studio, Interior Designers, Digital, Web Design, Printers);
- **Knowledge:** Accountants; I.T. Server Hub, I.T. related businesses);
- **Service and construction:** Gas /Electric (Smart-Meter installer; Fibre Optic Cable installer, Electricians, Plumbers, Builders);
- **Retailers and distributors:** Audio-Visual Equipment; Clothing Importer / Distributor; Medical Samples; Medical Imaging Supplier; Marine Navigation Supplier, Mail Order);
- **Leisure:** Dance Studios, Artists Galleries, Gym uses); and
- **Light industrial:** high end Joinery, Jewellery production, Model makers)

It concludes that typically, these businesses, which may be introduced to the facility through the self-storage opportunity, will rent affordable space before outgrowing facilities and moving to more traditional commercial floorspace. The proposed spaces are as follows:

## B1 Use

The applicant states that a full range of spaces and sizes are intended, from hot-desking and single workstations to large suites to accommodate larger organisations; from 200 ft<sup>2</sup> (19sqm) for 1 - 3 people up to 800 ft<sup>2</sup> (75sqm) to accommodate 8 – 12 people. All facilities will be let on flexible, competitive, short term licences. Office spaces are spread over 5 floors and are described as adaptable. Alongside offices are said to be workshops, studio creative spaces and multi-purpose utility spaces intended for diverse use

Examination of the plans shows the B1 area at ground floor level to comprise eight offices of 42sqm – 48sqm along two sides of the building, accessed via a shared reception and lift at its south west rear corner and internal spine corridor. Two eight person meeting rooms are shown on the ground floor. All rooms have windows, with those at the corner having dual aspects. A gym, cycle store with shower and plant room are also shown each with an external service door in the central section of the building with two external doors. On the four floors above are nine offices of similar size range, concentrated along the south riverside wall of the building rather than the L shaped configuration of the ground floor.

## B8 Use

The B8 storage use is arranged over 6 floors of the building's west wing. The plans show three tall loading doors are shown on the eastern side of the wing, with a reception and two staff/operations offices along the northern wall, facing Brighton Road. The main internal space is largely undivided on the plans, but two central goods lifts to upper floors, it is without windows. The ground floor space of 460sqm increases to 672sqm for 1st – 4th floors and 840sqm at 5th floor

## Flexible Space

This would be located on two sides of the building with intervening toilets and internal stairwell. It comprises the northern side of the central section (154sqm/floor) and the eastern wing (238sqm) over each of the four upper floors, although the ground floor of the central section is also shown as flexible, (which would therefore redeploy some or all of the cycle store gym and plant room). The eastern wing has windows on each side but there are none in the upper four floors of the central section.

## Economic Impact

An accompanying Economic Impact Statement suggests that the fully occupied development could provide 375 gross full time-equivalent (FTE) jobs, including 51 in the storage units; 161 in the office accommodation; 136 in the managed workspace and 4 in the café, although various employment leakage factors reduce this to 229 jobs net. These are based on nationally used rates of 70sqm per job for storage and a higher rate of 12sqm for offices/managed workspace.

The statement estimates a net local spend by these employees of around £2.07 m per year. During the build period, (including the proposed housing), the overall commercial and housing development will generate 963 construction-years of employment and £845,000 each year in local spending by those engaged. In the longer term the enterprise centre would yield annual business rates of £172,000.

## Consideration

Policies promote employment-generating development. They acknowledge employment needs including B8 storage development in the Borough, whilst placing some emphasis on B1a office development within the Western Harbour Arm (WHA) to produce job rate which help in offsetting the loss of employment land to residential as part of regeneration. Provisions for a range of sectors including creative, media and others are highlighted and a range of commercial spaces in smaller format units, flexible workspace, studios and quality workshops are encouraged.

The current proposal for 8,500sqm is 70% of the minimum employment floorspace target envisaged for WHA and as such it can make a vital contribution in addition to the 2,700sqm (22%) already approved at Free Wharf. The proposed B1a component has particular policy support. An important consideration is the extent to which the other component uses are also consistent and produce the outcomes envisaged by policies.

In terms of employment generation, the B1 component would be likely to produce a much greater number of jobs (just under 6x) than the B8 component for each unit of floorspace. Accordingly, whilst recognising the sizeable amount of proposed floorspace for both uses, it is important that the prospects of a good B1 representation are strong and assured, particularly because the proposal could otherwise lead to an outcome of 73% B8 use by comparison with 27% B1.

The proposals for the storage space appear clearly defined, well accessed via a visible reception and efficiently arranged. Likewise the office space is orderly with natural light albeit accessed by a long internal corridor due to the placing of the entrance in a rather tucked location to the rear, rather than a more central and prominent position. The internal layout of the flexible space appears to be capable of various configurations suiting storage or similarly sized offices with space for an internal corridor. However the central section, upper floors (4 x 154sqm) are window-less, and although it is north facing, this would appear to limit its practical potential as office space, calling somewhat into question the flexibility of this 600sqm. This represents a potential difference of approximately 41 jobs.

By comparison with policies it is currently unclear how, aside from the riverside location, the proposals will provide high quality space; how the emphasis on smaller format and studio style space has been met; how the space is physically flexible; as well as the flexible leases mentioned and the attributes which make it attractive to the range of sectors promoted by policies, including environmental, digital and creative businesses. The synergies between storage and business space needs referred to by

the applicant indicate a positive link between storage and other employment uses but these linkages are in some cases little explained and with some potential inconsistencies.

For instance, among the range of users referred to at other sites are photographic and artist studios and light industries producing joinery, models and jeweler, whose needs in terms of the size and quality of space, light and access to it may be very different to those of a mail order business or accountants. How the proposed spaces and their physical attributes can satisfy their needs could be more clearly explained and examples given. The extent to which users need storage only, such as the cable installers, electricians and plumbers referred to, or also need other business space is also unclear. Some listed uses such as dance studios, galleries and non-ancillary gyms are also outside the B1 use class for which permission is sought, although they may have the potential to add vitality as part of a broader mix but would require further planning permission.

The application also refers to spaces as small as 19sqm, but the smallest B1 space shown in the proposal is much larger at 42sqm. The break-out spaces which offer the potential for cross-fertilization and innovation between businesses are not evident in the proposed floorplans, although the riverside café and terrace is well placed, as envisaged in the JAPP and provides opportunity for informal meeting and integration with the wider public using the riverside walkway.

More generally the single access point at the rear corner makes for a long access corridor for transporting materials by studio users and the absence of other accesses, perhaps a proportion of individual ones, appears to be a missed opportunity to provide a direct interface to business customers and casual visitors and something of the outward dynamism which is suggested by the applicant's list.

These points are considered of importance in achieving a balance and mix of uses in accordance with policies. It is hoped that clarifications and some amendments will be made and an update will be given.

In terms of the mixture of uses, the applicant has agreed that the flexible space would only be used for B8 purposes after a period of marketing first for B1 uses and has agreed that this could form part of a legal agreement. The mix of the uses would also be subject of a planning permission to reflect the maximum percentages proposed by this application.

On the matter of hours of use, the application states normal business and weekend hours, but online information indicates that 24 hour access is offered at the applicant's other sites. Clarification has also been sought on this matter.

## Layout, Design & Appearance



**Fig. 2: Elevations: Roadside (upper) Riverside (lower)**

Policies SH9 & CA7 of the JAPP refer to the design of new development. It should be of high quality, using suitable scale in relation to local context at a minimum density of 100 dwellings/ha. Buildings up to five storeys are considered acceptable on frontages or taller on deeper sites, such as land parcels further west (WH3, 4 & 5), including Free Wharf. Development should reflect the character of the marine environment and be sensitive to views of the surrounding landscape, views of the waterfront and historic features; the setting of Kingston Buci lighthouse must be considered for development of over 3 storeys. Views from the coast at Shoreham Beach to the South Downs must be retained.

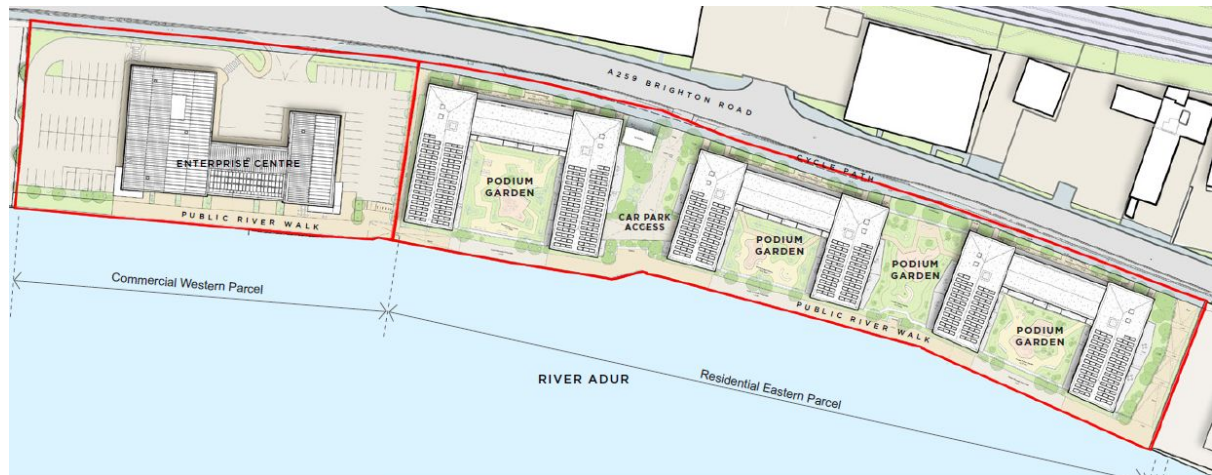
Development should respect and connect with surrounding areas. Massing, design and detailing should be acceptable. Set-backs from the road frontage and river are required for the provision of pedestrian and cycle routes along each and to prevent a canyoning effect. Development should consider privacy, overlooking, outlook, overshadowing, sunlight and daylight, with well-defined internal spaces to meet the Council's standards.

Buildings and a secure and legible public realm should have well-defined purposes. A successful and safe place will be easy to get to, visible and easy to move through. Buildings and spaces can attract people and be animated with water front uses, public and work spaces and cafes and increased access to the water such as moorings and pontoons. Consideration should be given to comfort, image and sociability. Major development should include well-related public art, which may comprise architectural details, public realm elements, sculpture, water features, street furniture, lighting effects and landscaping.

Policy SH8 adds that the provision of multi-functional open space is seen as essential in creating a pleasant harbourside environment. Development should provide on-site open space with regard to the needs arising from the scale and type of development, although provision towards appropriate off-site provision will be considered where it is

not possible to meet this. Under the emerging Shoreham Harbour Green Infrastructure Strategy open space, green corridors and other landscaping should also provide net gains in biodiversity, such as new vegetated shingle, drainage related habitat and bat and bird boxes. It should mitigate biodiversity impacts including indirect ones. Planting must be salt tolerant and suitable for coastal environments, trees must be hardy and securely supported against high winds.

## Layout



**Fig 3: Site Layout**

The proposed layout places the residential development at the eastern side of the site and the commercial building at the western end. This allows the two existing accesses to serve the uses separately. The position of the commercial building and the car parks around it keeps a view-line between Shoreham Beach and the South Downs, clear of built development. The building also serves as a buffer against noise from the existing metal recycling business EMR, immediately to the west, with the proposed storage use occupying the proposed west wing, shielding most of the other proposed businesses in the east wing and flexible space, the café and terrace at the south east corner of the building and the proposed flats beyond.

In accordance with policies, the buildings are set back from the pavement and riverside, providing for cycle and footpaths of requisite widths along both frontages. A seating area is proposed at the central kink in the riverbank against the backdrop of new path-side planting.

U-shaped residential blocks (A, B C from left to right) are evenly spaced apart and slightly staggered to allow skyline views between road and river. They provide privacy from the busy street and riverside views to over 80% of flats. Well defined shared podiums overlooked by individual terraces and balconies, have planting, seating and informal play features, with railings along their outer edges providing security but visual connection.



Figure 3 shows that these podiums are set approximately 1.3m above the height of the riverside footpath providing the required level of flood defence. Their edges contain louvered openings for cross ventilation of the basement car park below; these are screened by planted margins along the road and river-facing facades. Figure 3 also shows that tree planting is within planters and tree pits which will require effective on-going maintenance to ensure that they attain stature and billow-out in front of and between buildings at the roadside edge as part of the green infrastructure envisaged by the JAPP and Design Panel.

Below the riverside walk is space which may be used for the storage and release of surface water from building roofs into the river below through non-return valves as part of the Over-The-Wall drainage solution. The roof parapets themselves conceal arrays of solar panels.



**Fig 4: Cross Section**

Footpath connections between road and riverside are along the eastern and westernmost boundaries of the site and between the tree-lined western edge of block A and the commercial car park.

## Size and Mass

The zoomed-in images at Fig.4 below give the dimensions the tallest of the residential blocks and those of the commercial building. The residential development ranges between 14.4m at the four story linking 'ribbons' along the site frontage, and just under 28m for the tallest block at eight storeys which are set at right angles to the street; other blocks are 7 and 6 storeys.

The five storeys of the proposed commercial building at 20.3m, equates to a six storey residential building. By comparison, the existing Stamco building at the eastern end of the site is between 9-10m in height.

In each case building widths are close to 60m and (not shown here) the depth of each residential block is approximately 40m. The deepest part of the commercial building is slightly less, at approximately 36m.



**Fig 5: Building Dimensions**

In terms of height and massing, the proposal is very different to its surrounding, largely industrial riverside context. Existing buildings are appreciably lower than the proposed although their footprints are in some cases similar. The proposal is also taller than most, perhaps all of the residential development along the northern edge of Shoreham Beach. The nearest precedent is at Free Wharf, approximately 1km to the west where heights of up to nine storeys were approved in 2018, and which is located close to the dense urban grain of the Shoreham Centre.

Although it is slightly lower and less dense than Free Wharf, its impact on the appearance and character of the site and its surroundings would be profound and transformative. Transformation is inherent in regeneration, and it is important to understand the impacts of the particular design approach, along with the underlying reasons for it. Noting the JAPP policies, the applicant refers to the following in explanation of the size and height of the proposed buildings:

- The site is longer but less deep than other sites along the Western Harbour Arm, achieving densities of at least 100 dwellings/ha requires larger buildings,
- Land take for the 4m waterfront walk to the south and roadside cycle path have further limited the developable area of the site,
- Costs associated with flood defence and remediation of historic contamination are significant,
- Financial viability considerations necessitate the use of taller buildings to achieve viability and policy-compliance,
- The scale and massing (which included buildings taller than now proposed) was supported in pre-application advice from the Design South East (DSE) Panel,
- The high density form allows for improved permeability between the site, riverfront and the surrounding area – both in terms of visual and functional connectivity
- The proposed density of 159 dwellings/ha compares with 183 dwellings/ha approved for Free Wharf

The applicant adds that the Visual Impact Assessment undertaken as part of the application concludes that all townscape effects would mainly be beneficial with some neutral impacts. In terms of site layout the applicant adds that the need to separate the residential part of the scheme from the adjacent EMR depot use to the west is well served by the proposed commercial building and storage use.

In consideration of the applicant's reference to the Tall Buildings Study of 2017 this document examined a series of viewpoints of the WHA and the potential impact of different building heights within it. Two of its viewpoints were on the north side of Shoreham Beach facing east towards the site and lighthouse and from Kingston Village Green to the east facing the lighthouse with the site in the background.

From Shoreham Beach the Study noted the dominant presence of existing warehouses of approximately 12m height, with glimpses of the Downs and with views

to the listed Kingston Buci Lighthouse. It observed that new buildings will comprise large horizontal and increasing vertical extents and it recommended that their heights be limited for a distance of 260m from the eastern edge of the WHA area, to ensure they are not overbearing.

From one of the viewpoints, it recommended that buildings should step up towards the centre of the WHA area in order to achieve integration and retain the emphasis of the river. Alternatively it could be accepted that views of the lighthouse are lost from these viewpoints but retained further west on Shoreham Beach. The Study also referred to the importance of a view of the South Downs across the western end of Kingston Wharf

At Kingston Village Green, facing west, the Study noted the importance of the lighthouse combined with the terraced houses in Brighton Road. In order for the lighthouse to remain its dominance and for it to remain above the skyline for 50% of its height, the Study recommended that heights be limited to 4 storeys (12m) within 170m of the edge of WHA and up to 6 storeys (18m) within 260m. Assessment should be made of the profile, form and design of new buildings. Beyond the 260m distance new roofs should not sit above the roofline of terraced houses such as to have a significant negative effect.

The height recommendations of the Study are reflected in the JAPP, which adopts the approach that five storeys can be accepted, even though approximately the eastern 64m of the site is within the area where four storeys was suggested by the Study. It also recognises that development may be taller, although it does not refer to the 6 storey suggested height which would otherwise affect a further 70m of the site. The JAPP safeguards the view of the Downs at the western side of the site but for the remainder, it's more flexible approach allows for consideration of profile, form and design of new buildings in assessing suitable designs.

#### Visual Assessment

The applicant's Townscape and Visual Impact Assessment (TVIA) assessed the WHA as having no factors which underpin scenic quality, rarity or which are representative of a particular townscape type or historic value. By contrast the harbour mouth with lighthouse, fort, museum and lifeboat station is a dynamic, interesting landscape for visitors.

**(Please note:** the following TVIA images have been submitted to *show massing* from a series of views using black and white montages, they do not show the architectural texture and detail of the development which can be seen in other images).



**Fig 6. Kingston Village Green: Existing & Proposed (from TVIA)**

From Kingston Village Green the TVIA observes that the proposed 6 storey block with others stepping up behind it, would sit comfortably at the end of the street making a distinctive addition to the middle distance, creating a medium change in scale. The prominence of the lighthouse is not diminished and the influence of riverside industrial elements is slightly reduced. The proposed design is of high quality and sits in equilibrium with the wider field of view. Therefore the impact is of moderate or major benefit.



**Fig 7. From Shoreham Beach: Existing & Proposed (from TVIA)**

From Shoreham Beach the assessment (Figure 7) refers to the use of the ribbon and block U-shaped forms which allow light and views with an important view of the Downs retained to within the western part of the site (outside the left hand side of the images).

The stepping of heights from the centre towards the east flows towards the harbour, lifeboat station and lighthouse. The landscaped courtyards and setting of the development would also be on view, which together with the high quality architecture the overall townscape impact categorises the impact as moderate-major beneficial. In wider visual terms to neighbours, the variety of townscape elements and riverside activity together with the design quality is likely to have medium impact on visitors and residents and with the 165m intervening distance it is not considered to be overbearing or oppressive.



**Fig 8. From Brighton Road West: Existing & Proposed (from TVIA)**

The comparative TVIA view above concludes that the impact in Brighton Road would be of moderate to major townscape benefit. The series of new blocks, ribbons and gaps provide a new sense of rhythm in a hitherto poor-quality streetscape. Their proportions and windows borrow from Victorian houses, just out of view in this image and is of high quality architectural design, supplanting poor quality industrial forms and yards. This is also a benefit to angled views received by residential neighbours. The wider footway and roadside vegetation including trees presents a much improved environment for pedestrians.

The applicant's assessment highlights many positive aspects of the proposals; the clear transformation of the site and its character from industrial to residential; the distinctive new rhythms and the undulating series of heights, dipping and rising along the site frontages punctuated by gaps. The detailed architectural design with horizontal banding, rustication, cut-away double-height corners and windows and textural changes between seamed metal and flush window linings will provide richness complemented by new planting. At the commercial building, the steeped frontage and contrasting materials performs a similar role.

In the images, the lighthouse retains its visual distinctiveness due to the intervening skyline separating it from the backdrop of the proposed buildings. Elsewhere the bold horizontal and vertical lines are undeniable and rely upon the intervening four storey ribbons to offset the wide side faces of the taller blocks, although this is more visible at upper levels and against the new skyline. The architectural detailing has been accentuated as advised by the Design Panel, which it is hoped will be visible over medium distances, such as at Shoreham Beach.

It is also notable that the development does not propose four storey ribbon sections at the Brighton Road frontage are lower than the five storeys mentioned in the JAPP policy. The commercial building in particular is set well back from the site frontages. Given the height of the taller residential blocks, this approach, together with the gaps between buildings, is considered reasonable in avoiding a canyon effect.

#### Detailed Design: Residential



These images illustrate the detailed design of the proposed U-Shaped residential blocks. The main blocks range in height between 6, 7 & 8 storeys in an asymmetric wave, in acknowledgment of the South Downs terrain against which they are set. Windows are vertically proportioned with inset balcony openings which are cut away at each corner as a subtle 'departure' from the rectangular form. The linking four-storey ribbon between the blocks has projecting balconies running along their length to give a horizontal emphasis in contrast to the vertical blocks.



The brickwork facades of the main blocks have been split into three sections by banded variations in detailing. These comprise: rusticated brick at the base, simple regular brickwork courses in the mid-section, with inset brick panels at significant corners and a white precast banding to form a junction with a further change above. The top section uses a lighter rustication than for the base, along with double-height window openings. The four story ribbon elements use contrasting seamed metal materials on the top floor to create a 'roof' zone which is intended to soften their mass.

At the street façade the ribbons are distinguished by slightly asymmetric window arrangements by contrast with the orderly columns of fenestration on the ends of the main blocks, and by the use of a darker brick shade to the lighter tone of the blocks.





Detailed Design: Commercial

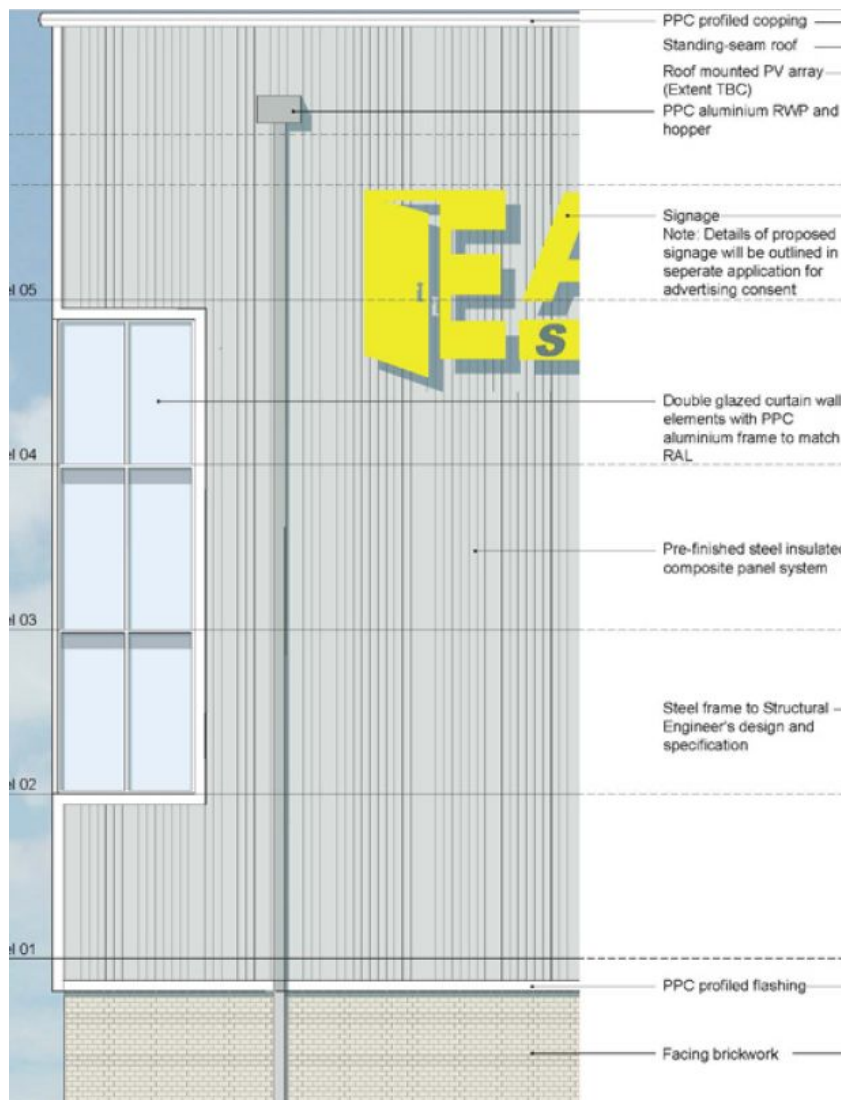
The design of the commercial building bears similarities to the residential blocks in its width, height and strong geometric lines. It uses a brickwork base from the same palette as that of the flats to give continuity, and this continues with the use of brick slips for the riverside facade. At roof level the grey metal standing seam echoes that of the linking ribbons of the blocks.



The main material for the storage wing to the west and the northern wall of the central flexible areas is vertical metal panels in grey. These contrast with the light (goosewing) grey of the window-frames which wrap the part of the western corner of the building, matching the frames of the riverside brick-work frontage and the copings and flashings at the top and bottom of the metal clad sections at its junctions with the parapet roof and brick base.. The aluminium window frames to the ground floor and eastern corner and loading doors into the courtyard area are yellow-coloured.



At the eastern end (further below) chequerboard patterning is proposed. This uses a combination of three grey shades for the flush-faced metal panels. It takes its influence from the chequerboard flint and Caen limestone facade of the Norman building housing Marlipins Museum in Shoreham, and gives a distinctive appearance which helps to accentuate this recessed wing.



Edges to the raised car park (approximately 70cm above ground level) as shown with a fair faced concrete finish, an image of which appears under the landscape heading further below.



Returning to the west wing and central northern wall of the commercial building recent discussions with the applicant have centred on enlivening these prominent elevations, and increasing the flexibility of the central section, by the addition of windows for further masonry, varied panelling or other means. An update will be given along with any amended plans.

### Landscaping and Biodiversity

In accordance with JAPP policies, the proposals are accompanied by landscape proposals which include tree and shrub planting and mixed flowering perennials at the site frontage using brick-built planters integrated into facades of the residential blocks.



The river walk is designed as shingle gardens with timber groyne-type edges and maritime plants (see image below). The pathway is mainly a tarmac surface but with occasional runs of concrete blockwork in front of podium areas or seating. Tarmac is also proposed along the Brighton Road frontage and concrete blockwork for the surface of the commercial car park.

At the commercial site tree planting is concentrated at the edges of the car park, with regrettably none among the numerous parking bays. Further consideration has been requested. The use of vertical landscape 'structures' within the parking area to give vertical interest, may be a further avenue of discussion.



Railway sleepers



Fair-faced concrete retaining wall



Timber fence (on top of wall)

Maintenance details for landscaped areas have been provided and the landscape officer comments are awaited, It is noted that irrigation is not included but may be opportune as part of sustainable drainage design.

In accordance with the JAAP Policy SH9 and the Council's Infrastructure SPD, provision of art within the development, is envisaged by the developer. The JAAP allows for a range of possible approaches to this. Sculptural art or art which is integrated into but makes addition to architecture are among the options. The commissioning of this by an artist or artist-artisan can be included with an appropriate financial sum for the work.

## Biodiversity

The applicant's ecological appraisal observes that due to distance the development is unlikely to significantly impact on the Adur SSSI upstream of the site. The existing condition of the site itself is of low ecological value and with no protected species but a sensitive lighting scheme should be conditioned in order to provide enhancements for bats and birds on the other side of the river. The use of a number of native species in the garden areas is recommended to enhance the area's biodiversity, which can be subject to planning conditions, which will also require details of planting and further details of maintenance.

The proposals have also considered policies of the Marine Plan and that there is no likely impact upon Marine Conservation Zones, which are approximately 10km from the site. Impacts on nature conservation interests at Shoreham Beach and Widewater Lagoon are possible due to added population, but are indirect. It is recognised that the proposals will provide new habitat compared with the poor biodiversity value of the existing industrial yard and building. The balance of ecological benefits and use of planning conditions are considered to outweigh its impacts.

## *Heritage*

Policies concerning heritage include Policy 16 of the Local Plan, which states that where development affecting any heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong sense of place, also Policy 17 states, which requires that development should not adversely affect the setting of a listed building, conservation area, archaeological feature or scheduled ancient monument.

Nationally, the NPPF paragraphs 193 -196, require consideration of heritage assets and the impact of development proposals upon these, including their setting. Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal. The application is accompanied by a heritage assessment report. The following consideration refers to this, and also draws upon the Townscape and Visual assessment (TVIA) already referred to.

The 19<sup>th</sup> century Shoreham Fort is a Scheduled Monument 335m from the site. Views of which are mainly from Brighton Road close to Kingston Village Green south west and from Shoreham Beach where views are towards the sea. Landward views with the site in part of the industrial background make no positive contribution to the setting of the Fort. The taller redevelopment, whilst more prominent against the skyline, is of varied heights, gaps and u-shaped recesses and does not present a solid unbroken mass, (as is the case of some industrial buildings, including the existing one on-site). As such the comparative change has no adverse impact but the opening of the riverside realm to the public will increase appreciation of the Fort from across the water.

Kingston Buci Lighthouse 120m from the site is a mid-19<sup>th</sup> century structure with views from the east which have the site and other industrial harbour-side buildings in the background. The village green is considered to make a positive contribution to its character (and in the TVIA, the nearby terraced housing was mentioned but not in terms of heritage). The industrial backdrop is not considered to contribute positively to its setting.

The increased height of the proposed buildings, approximately double the height of that existing at its eastern end, and taller to the west of this, considered not to harm the sense of openness which characterises the setting of the lighthouse. This is partly due to the slight downward slope and curvature of the road, which (as also noted in the TVIA), maintains separation and skyline between the lighthouse and the backdrop of the proposal so that it remains a focal point. From the west, views of the lighthouse only emerge as the site is approached from a position close to the eastern end of the site, so that there is little or no change in the degree of visibility from this direction. The conclusion is one of no unacceptable impact.

Whilst not included in the Heritage assessment but considered in the TVIA, the views from Shoreham Beach of the lighthouse are maintained from the western part of Shoreham Beach.

The Kingston Buci Cons Area lies over 160m to the north east of the site and is focused on Shoreham College and C11th St Julian's Church. The heritage assessment notes the extent of tree cover of this semi-rural enclave, which provides visual separation from the site, together with intervening buildings and the railway and intervening buildings. Although buildings would be taller, the strong sense of enclosure is such that its setting is unaffected. This is considered to be a reasonable conclusion.

Also not considered in the assessment is the setting of the listed St Mary de Haura Church and associated Shoreham Conservation Area, approximately 1km – 1.7km to the west. Due to distance and curvature of the road, it is unlikely that views of the site will be seen together with those of the Church. Views outward from the Conservation area towards the site are limited by the tight urban grain and intervening buildings. From areas to the southwest where the Church and town are seen against the wider coastline to the east, the effect of distance is such that the scale of development is unlikely to detract from the prominence of the Church. From the limited views in the opposite direction, glimpses of the Church, such as from the harbour breakwater, are more distant and limited, and the varied height and gaps and U shaped form referred to in the assessment of the Fort are considered to have a similar effect from these vantages.

In summary, the findings of the assessment, with the addition of these further viewpoints, are considered reasonable, and the setting and significance of heritage assets are not considered to be adversely affected and any harm is considered to be less than substantial. The benefits of development as part of the wider Shoreham Harbour regeneration are several; significant new housing and mixed employment use in a flood-defended redevelopment, with improved public access to the river edge and

part of a new cycle route. These are considered to outweigh any less than substantial harm arising from the development. The use of planning conditions to ensure that choice of materials attains the qualities envisaged for the development, are important in mitigation of the greater prominence of the larger buildings.

### Archaeology

The County Archeologist comments that there are no surviving known archaeological sites within the area including the results of geo-environmental investigation furthermore given the risks presented by remediation to further archaeological investigation, archaeological mitigation works are not considered necessary.

### ***Highways, Access & Parking***

There are three existing, gated vehicular and pedestrian accesses to the site along the A259 Brighton Road, one is towards the eastern end but currently unused; the second is more centrally located and the third is towards the westernmost corner. The roadside footpath along the front of the site varies in width.

The proposal would reuse and redesign two accesses; the commercial one would have a wider bell-mouth onto the road. The third, easternmost access would be removed and replaced by a maintenance-only vehicular access at the easternmost end of the site. The front boundary of the redeveloped site would be set back to give clearance of 5.3m to the road edge, providing a wider public footpath and space for a separate future cycle-path.

### Vehicles and parking

The central access would serve the three residential blocks and the western access would serve the commercial use. Right hand-turn ghost islands in the road would remain but the road would be partly narrowed by approximately 70cm, to provide space for cycle-path, in addition to the land to be provided by the site for this purpose. This accords with policies of the JAPP, including CA7.

Within the site, residential parking would be via two areas of basement parking some 1.7m below pavement level and accessed via a 6m width drive for separate in-out lanes. These would provide 207 car parking spaces and 137 cycle spaces. This gives a ratio of 0.81 car spaces per dwelling, which is similar to that of the approved Free Wharf development further to the west. Twelve spaces would be for wheelchair users, in accordance with County Parking Guidelines; these are largely located close to lifts, which together with staircases, give access from each core of the residential flats above.

The total spaces would be allocated according to a Car Parking Management Plan, which the applicant proposes would be secured through a Section 106 Agreement. The ceiling height limit means the car park would be inaccessible to HGVs. The

Highway authority is largely satisfied with manoeuvring space but has asked for further information regarding large cars in part of this car park.

Electric charging is to be provided to 41 spaces, although the Highway Authority has requested that this be slightly increased (+4%), to meet the annual increment within County Guidance. All other spaces would be passively provided with cabling for future expansion.

Within the commercial site a surface level car park would provide 79 spaces for the Enterprise centre, 22 with EV charging points. The amount of parking space has been based on a bespoke evaluation of parking levels at the applicant's four other sites, assuming a B1, a, b or c use of the flexible component. Four wheelchair-users spaces are included and 3 dedicated spaces motorcycles. Cycle spaces comprise 36 internal and 13 external, giving a total of 49.

#### Deliveries & Servicing

A short-stay 12m long service and delivery vehicle bay is proposed on the roadside. This is within 10m of the bin stores for blocks B & C, although 80m from those for Block A, which is more likely to be serviced either from the road or perhaps informal use of the basement car park access 10m away. A maximum waiting time of 20 minutes is proposed with no return within 1 hour and a Traffic Regulation Order would be required, and can be secured via a s106 Agreement. It is noted that the bay would have 2.5m width and 12m length, and would partly interrupt the 3xm wide cycle path. The Highway Authority has not identified any consequent issues but confirmation has been sought that this localised narrowing can be safely achieved.

Servicing and deliveries associated with the commercial development would take place from within the commercial car park, where loading doors and bin stores are directly accessible. Suitability for HGV access and manoeuvring has been confirmed.

A restricted vehicle access is proposed at the eastern end of the site, for use by maintenance vehicles which occasionally need to access the riverside edge, mainly those of the Environment Agency. No right hand turn lane is proposed in the road here, given its very infrequent use.

#### Pedestrians and cyclists

Access to each of Blocks A, B & C would be from the widened pavement Brighton Road via a double-tier, 2.4m deep configuration of access ramps and steps along the face of each block. The ramps are graded to ensure access for wheelchair users over a height difference of around 1.5m from pavement to door level. Secure door entry systems are intended in accordance with Police recommendations.

Pedestrian access to the riverside is via the shared cycle- footpath between the western flank of Block A, or across the terrace beside the café. (although the width for the shared purpose of the flank path has been queried). There is no direct access



between the podium gardens and riverside, a disadvantage which was identified by the Design Panel, but which the applicant indicates, is due to difficulties in providing ramps or stems which would have implications for the ceiling of the basement car park.

Pedestrian access to the commercial site would be via Brighton Road, where the pavement would return inwards onto the site around the bell-mouth. From here a zebra-type crossing would lead directly to the reception of the reception business. Other users would flow the path along two sides of the building, to the second reception at the rear corner; although a second pedestrian access further along the Brighton Road frontage, would have a more direct route across the access drive and along one side of the building.

Width and gradients of access across the slightly (+0.7m) approximately elevated commercial site appears to be suitable for wheelchair and planning can be used to ensure level thresholds and no internal steps between entrance and lift.

In response to greatly-increased number of pedestrians anticipated in the combined residential and commercial developments, a new puffin crossing would be provided in Brighton Road; approximately level with the western end of Block C This would provide access to east-bound bus services at the nearby bus-stop.

For cyclists the 137 cycle spaces of the residential development are within secured rooms for 20-30 cycles each, within the basement car park, close to stairs and lifts. At the commercial site, 36 secure internal spaces are accessed from a door in the central northern wall of the proposed building. Thirteen spaces are in the open close to the café. In each case details, including secure locking can be required through planning condition.

The future provision of a stepped and segregated pedestrian and cycle route is to be secured by the setting back of proposed buildings from the existing pavement, combined with approximately 0.7m width carriageway narrowing. This complies with Local Plan and JAPP policies, for a continuous cycle-path along the WHA frontage. A legal agreement will secure the space for its later construction. Confirmation is sought from the County Council as to the way in which this wider roadside space should be laid out in the interim.

#### Riverside Path

At the riverside the new waterfront pedestrian-cycle route of 4m width (check) would be provided as part of the proposed development. Pending the development of other sites, the path would terminate in a gentle ramp at its western end linking it to the terrace beside the rear of the commercial building. To the east it would terminate at the maintenance access.

It is important to ensure that the final level of the path will link with that of future sections adjoining land and that there is legal provision to make connections and to

adjust levels if needed. This can be secured by legal agreement. The form of any gate or barrier to the eastern maintenance access-way can be controlled by condition to ensure pedestrian/cycle-only access.

## Public Transport

Bus stops in Brighton Road are close to the western corner of the commercial site (westbound) and opposite the central entrance (eastbound). Services at 10 minutes intervals run during weekdays and Saturdays and at 15 to 20 minute intervals on Sundays. Destinations include Shoreham, Worthing and Brighton. Currently these bus stops have no shelter or real time information, which is under discussion with the Highway Authority. Railway stations at Southwick and Shoreham are approximately 15 – 20 minute walking distance.

## Transport Impact

The Highway Authority is generally satisfied that submitted traffic predictions are sufficiently robust. These compare peak hour vehicular trip numbers generated by the original use of the site: 93no. am-peak. and 29no. pm-peak, with estimates for the proposal: 127no. am-peak. and 115no. pm-peak. This gives an increase of 34n. and 86no. respectively. However, the Authority comments that these figures include an assumption regarding the effect of sustainable transport measures and that unmitigated figures would be slightly greater (35no. and 91no.)

Modelling of the Brighton Road/Kingston Lane/Albion Street signalised junction indicates that this would continue to operate with spare capacity and not such not cause a severe highway impact (which is the test applied by the National Planning Policy Framework). However in the other direction junction modelling is required for the proposed site accesses based upon modelling previously undertaken for the Free Wharf development. Although it is expected that these would continue to operate within capacity no junction modelling has been requested to check this.

The Highway Authority observes that the development would be expected to provide proportional contributions towards the delivery of works identified within the Local Plan and JAAP including the delivery of the hybrid cycle route along the site frontage. It has also calculated a financial contribution requirement for highway improvements (using the County Total Access Demand process). It advises that the Free Wharf development is already required to provide financial contributions for a number of local schemes and therefore the works to which the contribution for the Kingston Wharf development should be directed needs further consideration.

Under JAPP Policy CA7, the Shoreham Harbour Transport Strategy identifies a range of critical highway measures for the Western Harbour Arm, including

- junction Improvements at Brighton Road/Norfolk Bridge (A259) – Old Shoreham Road (A283); Brighton Road (A259)/Surry Street; Brighton Road (A259)/South Street (A2025) and Bus stop improvements , as well as

- those proposed in the current application: the riverside pedestrian-cycle-path, the roadside cycling path and improved pedestrian and cycle crossing (the puffin crossing).

The range of works to which the development should contribute or provide is under further discussion, mindful of the usual requirement that contributions should link to works related to the development. An update will be given.

In terms of road safety, four personal injury accidents were recorded within the area of the A259 Brighton Road / Kingston Lane junction in the past five years. Of these one was serious, the others were slight. The highway assessment concludes that this does not suggest that there are any existing road safety issues. However the provision of a well located puffin crossing is an important element of the proposals. A road safety audit undertaken of this and the works to create the loading bay and road/pavement realignment is largely accepted but an amended version is required to ensure adherence to a standard method requirement.

### Sustainable transport

Traffic impact mitigation is also proposed in two main ways. Firstly a car club would be provided as part of the residential development. The applicant would provide a one-year membership for all residents and £50 drive time credit. The first car club vehicle would be delivered prior to first occupation. The second car would be added based on demand. Dedicated parking spaces would be required.

This is welcomed by the Highway Authority, although it comments that two 2 vehicles should be provided from the outset to allow for one vehicle being in use or out of service (e.g. for maintenance). Mindful of advice a phased delivery may be reasonable, with the first car provided within one month of the first occupation and the second provided at a later stage, such as at or close to 75 percent occupancy. This can be secured by s.106 Agreement. The Authority has suggested that this also be made available to users of the commercial building. This has been raised with the applicant, although it is noted that issues of access may have a bearing on this. An update will be given.

The second sustainable transport proposal is the use of travel plans for each of the residential and commercial developments. These would comprise a programme for each over five years, to facilitate and encourage alternative travel modes to private car use. They are overseen and monitored by a Travel Plan Co-ordinator (TPC), employed by the applicants, who operate in liaison with the Highway Authority. It would begin with a Welcome Pack for each resident or business occupier, including as a minimum:

- Walking Information – including safe and convenient walking routes to local services and amenities;
- Cycling Information – including local cycling infrastructure and routes;
- Bus and train timetables and maps;

- Details of local car sharing schemes;
- Details of local cycle hire or cycle training schemes;
- Information on the potential cost savings of using sustainable transport;
- Home shopping information;
- A link to a personal travel planning website.

Sustainable transport information would be provided on a noticeboard in a prominent location within the entrance hall to residential blocks and commercial staff areas; include leaflets, maps and information on local sustainable transport networks including walking, shared journey destinations of residents and staff and cycling and public transport routes.

In summary, with a few points of reservation, the proposals are considered broadly acceptable in highway and access terms and the provision of sustainable transport measures such as car club vehicles are forward-thinking. Reservations relate to the lack of direct access between the residential blocks and the riverside walk from the proposed flats; the relative remoteness of the second reception; the need to identify and quantify highway works to which the development should be required to contribute (and whether this includes funds for the roadside path, other highway improvement works and/or matters such as bus shelters and passenger information), and the points of further/amended information requested by the Highway Authority.

### ***Drainage and Flood risk***

#### Flood Risk

The application is supported by Flood Risk Assessment and Drainage Strategy (FRA) which confirms the site is located mainly within Flood Zone 3 with the primary flood risk shown to be from tidal sources. Other sources of flooding have been assessed and are considered to be low or very low.

In respect of Sequential Testing under national and local policies the site is allocated within the Adur Local Plan and JAPP, which has considered and approved the strategic allocation of sites and the quantum of development proposed. On the second element of flood testing, the Exception Test, floor levels are raised and the flood defences are of robust design. Levels of the proposed development will allow for means of evacuation if needed in time of flood given the proximity of the site to the river, flow routes are unlikely to be significantly affected by development.

The FRA explains that levels with finished floor levels of commercial and residential properties will be set at levels required by the Environment Agency and JAAP (5.77mAOD for residential and 4.94m AOD for commercial, which is around 0.7m – 1.4m above the slightly varying existing ground levels. Improved flood defence infrastructure on the riverside is proposed along with new surface water outfalls.

Proposed levels and routes across the development provide access and egress to off-site areas to the north east which are within the low risk Flood Zone 1. This

provides a potential route for evacuation and emergency vehicles. A legal agreement would require provision, dissemination and updating of flood evacuation plans and ensuring that routes remain available.

Protection of basement parking areas is proposed through a raised crest at the top of the access ramp, in accordance with the JAAP requirement for hard defences. Walls surrounding the basement will also provide the same level of protection to other parts of the site, although the riverside path which is set closer to existing ground levels would remain susceptible to flooding.

The County Lead Flood Authority has referred to land raising with the site and that its policy is to avoid this. However, this is necessary to ensure that the required standard of flood protection is achieved and to implement the land remediation strategy for the site. The approach is considered acceptable in these circumstances.

The Environment Agency raises no objection. It requires access to the waterfront access route for maintenance, which would be secured by combined condition and legal agreement, also providing maintenance access if required by the Local Authorities.

#### Drainage

**Foul Drainage:** The applicant confirms the existing drainage infrastructure and potential off-site connections have been identified through site surveys and public sewer record plans. Existing live sewers are to be diverted under the proposed scheme and redundant assets are to be abandoned. Relevant applications will be made with the statutory sewerage undertakers in due course. The applicant's consultant refers to sufficient network capacity being available. Comments from Southern Water are awaited.

**Surface water:** It is proposed that this will discharge directly to the harbour, in accordance with SuDS guidance, supported by policies. Conveyance routes across the public realm and landscaped podium area for the management of surface water runoff are subject to further detailed design and it is hoped that an 'over-the-wall' options as opposed to conventional suspended and buried pipework arrangements. This is strongly supported by the County Lead Local Flood Authority (LLFA) Planning conditions will require surface water drainage details at an early stage.

The LLFA has commented that the proposal includes basement parking in tidal/fluvial flood zones where adequate mitigation and emergency planning would be required, and developers are required to demonstrate that drainage techniques would not release potential contaminants to the environment and any drainage schemes should follow natural drainage routes. The use of oil-water separators secured via planning condition would mitigate the risk of potential contaminants. The use of small pumps for uncontaminated water is considered acceptable.

The Environment Agency also requires conditions to control ground remediation, the design of any SuDS infiltration systems, and control of ground piling in order to safeguard water quality.

### ***Residential & Neighbouring Amenity***

#### Future Occupiers - internal amenity space and daylight

In terms of proposed internal amenity space, The Nationally Described Space Standards set out the range of internal space needed for new homes. The space standards indicate minimum flat sizes of 39 – 58sqm for one bedroom units, 61-79sqm for two bedroom units and 74-90sqm for three bedrooms. All of the proposed units would exceed these standards. In addition, at least 95% would achieve Accessible and Adaptable dwellings meeting Building Regulations Standard M4(2)) having regard to the provisions of Adur Local Plan Policy 20.

The proposal is also supported by an internal daylight analysis which demonstrates subject to the appropriate design of elements such as window sizes and balconies (including their positioning) that good overall levels of daylight would be achievable within the proposed accommodation in the interests of ensuring a good quality living environment.

#### Future Occupiers – external amenity space

In respect of external amenity space, the proposal provides, through the series of podium gardens with informal play spaces, approx. 1816sqm of shared amenity space and 229sqm of play spaces. This would be below the guidance set out within the 'Space around New dwellings and Flats' SPG which indicates the provision of 20sqm should be made per apartment, equating to approximately 5100sqm in total across the scheme. However this allows for the provision of private balconies, which are well-provided across the development and provides some mitigation for the lesser amount of communal space.

The layout of podiums with a range of active and quieter zones, extensive planting and wide southerly aspects to the river are considered to provide a high standard of outdoor space. The new Riverside walk is also considered to contribute to the amenity value of the development for future occupiers.

Comments of the Parks & Open Space Officer are currently awaited which may indicate the need for financial contributions towards the improvement of local open space and recreation facilities as discussed further below. An update will be given.

#### Future Occupiers - spacing between buildings

The proposed residential blocks with facing principle habitable rooms would have separation distances of between 22m-25m between their respective elevations. This is slightly below desirable distances set out in the Council's 'Space around New

dwellings and Flats' guidance. Taking into account the layout of the site with slightly off-set orientations for the apartment blocks and the detailed design of balconies where possible to limit lines of sight, this is considered acceptable, on balance.

#### Future Occupiers - Noise Environment

A supporting Noise Impact Assessment has been provided, which includes a range of measures such as enhanced double glazing or secondary glazing. This will address noise impacts on future residents from a range of sources including existing road traffic and industrial noise. Planning conditions would secure these measures and appropriate associated ventilation, which is likely to include a Mechanical Ventilation and Heat Recovery System, as advised by the Environmental Health officer.

Where facades would face away from the road predicted noise levels are far less and are well below target levels for outdoor amenity space. This is a striking illustration of the practical benefit of the U-shaped configuration for the residential blocks which allows each to flat have access to one of the noise-shielded podiums.

The Environmental Health officer also comments that the intervening gaps between the residential blocks will be exposed to a degree of traffic noise, which could be addressed by a wall or similar barrier along the site frontage. However this solution would add to the built-up appearance and reduce skyline views from the roadside. Whilst these intervening spaces are not as important as the podiums in providing outdoor amenity space, the applicant has been asked to consider whether some localised screening of private or terraces here may be achievable. An update will be given.

Details of the acoustic performance of other potential noise or vibration sources is also required, including the lift housings and any insulation between this and adjoin flats, will also be required; also information regarding the electricity sub-station between buildings A & B, this can also be required by condition.

The proposed arrangement of the site with the B8 storage use at its western end also serves as a buffer to EMR depot to the west. The layout intentionally separates and positions potentially noise sensitive receptors (i.e. the residential and office uses) away from the industrial noise source to the west. This provides a clear amenity benefit for the future residents of the site.

Mindful of the close future relationship of proposed commercial uses and the residential Block A advice has been sought from the Environmental Health Officer regarding the proposed business hours which are set out below. It is acknowledged that the nearest flats may well have a high degree of noise insulation and therefore the risks of any noise conflict may be slight. An update will be given at the meeting in connection with this matter.

Use	Monday to Friday	Saturday	Sunday and Bank Holidays
A3 - Restaurants and cafes	Start Time: 06:00 End Time: 22:00	Start Time: 06:00 End Time: 22:00	Start Time: 08:00 End Time: 16:00
B1 (a) - Office (other than A2)	Start Time: 07:00 End Time: 23:00	Start Time: 09:00 End Time: 19:00	Start Time: 10:00 End Time: 17:00
B8 - Storage or distribution	Start Time: 07:00 End Time: 20:00	Start Time: 07:00 End Time: 20:00	Start Time: 09:00 End Time: 17:00

## Existing Occupiers

Adur Local Plan Policy 15 requires that development should not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, or outlook.

The application site is some 50m from the nearest residential properties to the north-east. Taking into account this separation distance and the orientation of the proposals, they would not have significant impact on the amenity of the occupiers of these properties by way of loss of daylight, sunlight, privacy or result in any significant overshadowing.

It is recognised that the development would be visible at an acute angle from the existing terrace of Victorian homes to the east of the site (along the north of Brighton Road (A259), the proposals would not significantly impact on the outlook from these properties due to the site's location south-west of this terrace.

Other residential properties at Shoreham Beach are approximately 125 -150m away. Taking into account these separation distances, the residential amenity of the occupiers of these properties would be preserved.

To further protect the neighbouring amenity from environmental impacts associated with the construction process, planning conditions can be imposed to secure the implementation of construction environmental management plan (CEMP) which would regulate and guide construction work, including hours of work, control of impacts including noise, dust and fumes, external lighting, amongst other measures.

## Nearby Commercial Neighbours

It is recognised that none of the adjacent commercial buildings have windows facing the application site and therefore the proposed uses would not adversely impact upon the ongoing operations of these businesses. Noise insulation to be provided in the proposed development, would limit the risk of perceived nuisance.



## Microclimate

The application is supported by an analysis of the microclimate following completion of the development. The report concludes there that no distressful conditions were found as a direct effect of the development and the wind conditions are suitable for activities from 'business walking' to 'long term sitting'.

## Lighting (including impact on Navigational Lighting)

Subject to implementation of appropriate external lighting strategy, the details of which can be secured via planning condition, the proposal would not result in material harm to neighbouring residential amenity by way of increased light pollution.

The application site would be located approx. 200m from the harbour lighthouse with active navigation lights. A Light Pollution Assessment has therefore assessed the degree of 'conspicuity' of navigation light from the nearby lighthouse serving the Harbour. The results of the study indicate that this would not be impaired.

The Shoreham Port Authority is satisfied with the findings of the assessment subject to the post-completion testing of the lighting to ensure the development adheres to the lighting design and that suggested impacts are not exceeded. The Port Authority has requested a restriction to prohibit future amendments to external lighting, including on the balconies of the eastern block. Also to ensure that temporary lighting does not impact navigational safety during construction. Planning conditions can be applied.

## Open Space

Policy 32 of the Adur Local Plan requires that major residential development should provide open space on site in accordance with the Council's adopted standards. The type of open space to be provided will be determined by the scale and type of development. Policy SH8 of the JAPP refers to a need for multi-functional open space as an essential component in creating a pleasant harbourside environment. Both policies allow that provision towards appropriate off-site provision will be considered where it is not possible to meet the requirement on site.

The open space ratios contained in the Council's Infrastructure SPD, 2013, when applied to the proposed development, give the following:

- Children's Play: 316.4sqm
- Public Open Space: 2,007.18sqm (0.2ha)
- Outdoor facilities: 3,791.34sqm (0.38ha)

The development provides opportunities for children's play in each of the three podiums and whilst these differ from a typical local equipped play area (LEAP), it is regarded to offset in part the SPD requirement. The other two components give a total of 0.58ha. Even if allowance were made for the space and the new and unique recreational value of the riverside walk, there would still be a shortfall of over

0.45ha. The SPD also refers to needs for indoor recreational facilities which may be increased by major development, although there is no formula for this and each case is considered on its merits.

Whilst, it is preferable to provide open space on site, and mindful of the importance of the need for significant public space within the WHA area, some account can be given to the particulars of the site, which is the narrowest of the WHA land parcels and the sites relative proximity to Southwick Recreation Ground. The possibility of a financial contribution to improve other recreational facilities is under discussion with the Parks Officer and may be secured through a legal agreement.

### ***Other Matters***

#### *Land Contamination and Remediation*

This site is underlain by chalks and shallow groundwater. The previous industrial use of the site presents a medium risk of contamination. There is also ongoing contamination risk attributed to the adjoining metals recycling. Remedial works for the site would include:

- Installation of a cut-off wall along the length of the western boundary between the subject site and neighbouring metals recycling facility;
- Removal of material contaminated by petrol, diesel and kerosene from the ground;
- For the proposed podium gardens comprise raised areas of planting above the current site levels and would be constructed using clean imported soils.
- Excavation, removal and off-site disposal of materials beneath proposed areas of soft landscaping that will be formed directly over existing soils to remove asbestos impacted soils;
- Placement of high-visibility geotextile membrane and implementation of a clean cover system within areas of proposed soft landscaping that would be formed directly over existing soils

The Environment Agency and Environmental Health Officer have considered the proposals and raise no objections subject to conditions to secure further investigations and remediation, also to control SuDS Infiltration systems and ground piling. Subject to these measures being secured, the proposal would not pose a significant risk to human health or the local water environment.

#### *Air Quality*

The proposal is supported by an Air Quality Assessment which notes that the application is 1km from the Shoreham Air Quality Management Area (AQMA) and at Old Shoreham Road, Southwick. The assessment demonstrates that subject to

appropriate mitigation measures being imposed the proposal would not have a significant impact on air quality during the construction and post occupation/operational phase. It also observes that air pollutant concentrations at the proposed development would be below the relevant air quality objectives and that the site is suitable for its proposed uses.

The Councils Environmental Health Officer has considered the proposal and supporting assessments and raises no objection subject to £88,280 being secured towards local air quality mitigation measures in accordance with the Sussex Air Quality Mitigation Guidance on which the assessment is based. The previously mentioned construction management plan (CEMP) includes a dust management strategy and measures to limit emissions may be added, (such as from idling construction plant when not in use). The provision of EV charging also contributes to provision for cleaner future transport.

With these mitigations, the proposal is considered acceptable in accordance with Local Plan Policy 34, Sussex Air Quality Mitigation Guidance and NPPF.

### *Safety*

The Fire Safety Advisor notes that the proposal includes some degree of open-plan space within flats. Accordingly he has requested some further details of means of escape and ventilation. He recommends that a sprinkler system be installed throughout the blocks of flats. The applicant has confirmed agreement to the use of a planning condition to ensure this.

The layout of the commercial building appears satisfactory, subject to some matters of detail, such as fire doors at intervals along lengthy corridors and quick release mechanism for escape. These can be referred to by planning informative, including a reminder that internal any future internal reconfigurations, such as changing the B1 layouts and use of flexible space, must include a review of fire safety arrangements.

The Police advice regarding securing of entrances, particularly doorways of the proposed flats, can also be covered by planning conditions. Details of gates and fences would also be required by condition to ensure that there is a balance between security and visual amenity and accessibility.

### *Health*

Ensuring sufficient health facilities to support proposed development is a relevant infrastructure consideration under National and Local Policies. The Adur Infrastructure SPD does not prescribe that there should be a contribution in all cases but that for major developments; there may be circumstances where it is appropriate to negotiate for a contribution.

The current proposal would provide homes for an estimated 450 residents. Existing GP services in the area are understood to operate at a rate of one GP for every 1,541

residents, which is favourable compared against a national GP ratio benchmark of 1:1,800 and suggests that there is capacity, although it is also understood but some local surgeries may operate above this ratio. Accordingly, advice has been sought from the West Sussex Clinical Commissioning Group and an update will be given.

## Employment and Skills

The applicant's socio-economic statement undertakes to work closely with partners in the Learning, Skills and Employment Group; to source labour locally with apprenticeship and skills training and to identify ways in which disadvantaged groups can be engaged and secure opportunities in the construction process. This is closely aligned with the regeneration purposes of the JAAP and it is considered reasonable that this commitment is captured in the s106 agreement.

## **Summary**

Sustainable development as described in the NPPF and in local policies, seeks a combination of benefits, Economic, Social and Environmental. In the current proposal, the provision of 255 homes gives a strong social benefit, making a significant contribution to identified needs, particularly in terms of providing all affordable homes. The applicant's intention for 'social rented', as distinct from 'affordable rented' homes, is particularly welcome in matching with local affordability. In order to achieve this, its high density of 159 homes/ha well exceeds the policy minimum of 100/ha, which, in combination with other development costs at this site, has led to buildings of height, but these provide a high quality residential environment and largely southern outlook.

Economic benefit is evident in the proposed commercial which provides a significant amount of employment floorspace. This is a high proportion of the policy-allocated floorspace figure for WHA and it is important there is balance between the B8 use, which offers low-intensity of employment, with the higher intensity B1 uses. The synergies between the two are potentially a beneficial, contemporary and versatile approach, with the anchoring effect of a well-established self-storage core business.

In order to strengthen this balance, more information is needed about the way in which B1 users might use the building, the physical attributes they need, greater clarity on range of spaces and how they are provided. How the physical form of the proposal might be adjusted and nuanced, not only in terms of making the flexible space more evidently capable of B1 use, but in terms of how businesses can conveniently access and operate within defined B1 areas. Further information has been requested together with how small businesses are supported will also assist and ensure the provision of high quality business space.

In environmental terms, the applicant is currently reviewing the western wing of the commercial building, and it is hoped, also the central northern section, which it is hoped will give greater architectural interest and character. It has been confirmed that brickwork would match that of the residential buildings to give a group appearance, and at the detailed materials stage, the colours and tones of claddings can be sought

to complement one another, for instance the roofs of the residential ribbons might be close in colour and finish to some of the cladding of the commercial building.

In the car park, the use of concrete block-surfacing will give texture, but care is needed to minimise the need for surface markings (white/yellow lines), which might detract from this. Additional tree planting would help to give vertical interest but a second choice could be other vertical hard-landscaping elements, which could also be sought under planning condition.

The wider design of the development would transform the site, with confidently assembled architectural forms for the apartment blocks, which solve issues of density, integrated flood defence, the concealment of practically-placed parking and services and maximum views towards the river for a great number of new households. Whilst the new set of horizontal and vertical forms are novel in this context, they draw references from elements of existing houses; window proportions and the contrasted fourth floor materials which evoke domestic grey roofs; the use of railings to allow views of vegetation, just as existing roadside gardens sit behind vegetation. The detailing of the buildings is well deployed, and although it may be harder to appreciate in distant views, it will greatly enliven the public realm. New public views towards the historic Shoreham Fort and the relationship of the development to the lighthouse and Conservation Area safeguards and to some extent strengthens heritage interests.

The development would provide crucial elements of the harbourside regeneration project; an attractive riverside path; greater roadside space with wider paving for a future cycle path and provision for the future district heating system. Homes will face the river across well-considered and safe communal spaces, which the public can also see; roadside views of the coastal skies through gaps which are wide and well-spaced keeping a sense of visual connection and light. It would contain new planting and trees whose ongoing management as part of the development will add a strong green component in replacement of the existing barren appearance of the industrial yard. These vital regeneration threads will contribute to the exemplary sustainable development which is aspired to in the JAPP.

In further consideration of sustainable development approach to renewable energy and efficient building design respond to climate change and air quality concerns, together with water management modest provisions for biodiversity.

The Highway Authority is satisfied that the development can be accommodated within existing road capacity, and subject to some further modelling information, that off-site road works and contributions can ensure that there is a balanced approach to the management of traffic, including safer road crossing and delivery bay, a car club and, it is anticipated, bus stop improvements as well as a contribution to wider road improvements in the Shoreham area.

In consideration of these matters the overall planning balance is considered favourable and, subject to the provision of a legal agreement and planning conditions, and following the resolution of some remaining matters, such as the highway and

information requested and discussions with some of the consultees including Highways, Environmental Health, the Care Commissioning Group and Parks officer, the proposals are supported.

In terms of obligations covered in this report these are summarised in **Table 2**. below for inclusion in a legal agreement. Some matters require further discussion in particular highway works, open space, employment and skills plan and whether a contribution for health services is needed and justified. Whilst, an update will be given to the Committee, it may be that authority is requested to conclude these matters after the meeting under delegated powers.

### **Recommendation**

It is recommended that the decision to grant planning permission be delegated to the Head of Planning subject to the receipt of satisfactory additional and amended material referred to in this report and satisfactory comments of consultees including the Highway Authority, Environmental Health and Parks Manager; the completion of a planning obligation (s106) covering the matters set out in **Table 2** below and subject to the following conditions (and any further appropriate conditions):

*\* Asterisk denotes 'pre-commencement' conditions. Some matters such as the submission of materials, are to be settled 'before works above ground or slab level'*

### **General**

1. Approved Plans including amendments to material detailing.
2. Time limit – 3 years.
3. Development phasing to be submitted, approved and implemented\*.
4. Materials to be submitted and approved.
5. The submission and approval of plans for detailed elements at a scale of 1:20 plans to ensure high quality design.
6. Hard and soft landscaping and implementation, including biodiversity measures, seating and informal play.
7. Means of Enclosure gates or barriers to be submitted, approved and provided; Permitted Development restriction for the future.

### **Use**

8. B1 & B8 uses of building. No Permitted Development change
9. A3/A4 use of café. No Permitted Development change

10. Hours of use

### **Highways & Access**

11. Provide and retain accesses (including any stopping up), paths, parking, manoeuvring and servicing space including delineation car club spaces and electronic vehicle charging points (details of connection points and charge rating to be approved), with 100% cabling.
12. Engineering specification details for access and parking/manoeuvring areas to ensure robust design.
13. Any gate to the parking area to be positioned at least 6m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gate is being operated. Details of any gate and entry control (if Used), to be approved.
14. Provide and retain secure cycle parking.
15. Travel Plans – to be submitted and agreed (implemented and monitored through s.106).
16. Level thresholds for wheelchair access.
17. Details of secure access provisions
18. Provide and retain refuse stores.
19. Fire safety: hydrant details and sprinkler systems to be approved and implemented.
20. Provide and maintain riverside maintenance access

### **Drainage**

21. Drainage: details of and timing of provision to be approved in consultation with Southern Water\*.
22. Drainage\*:
  - i) Sustainable surface water drainage to be submitted approved including calculations – runoff including the 100 year event, plus climate change, not to exceed current values, details of measures to avoid pollution and details of management, to then be maintained.
  - ii) Verification report/details of implemented surface water drainage, pre-occupation.\*

## **Remediation & Groundwater**

23. Remediation scheme and verification\*
24. Details of below ground and river-edge works to include protection of water quality\*

## **Sustainability**

25. Communal Heating – details and implementation and retention of plant rooms and infrastructure to allow subsequent connection to district heating system\*
26. Solar Panels – details and implementation; non-reflective so far as possible.
27. Building standards to include BREEAM Excellent for commercial development and incorporation of insulation and energy/water efficiency measures for residential development

## **Amenity**

28. Noise - Acoustic specifications, including acoustic glazing and means of ventilation.
29. Noise & Vibration – Specifications for plant, including lift mechanism and sub-station and acoustic insulation\*.
30. Noise & odour - Details of future air moving plant to be approved, including any required for cafe.
31. Lighting – Details to be approved for security and to minimise light pollution.
32. Provisions for communal aerial/antennae no other external aerials other than behind and not above parapet without further approval
33. Levels – further details to be approved e.g. of car parks and slabs, in accordance with levels shown. No subsequent increase in levels\*.
34. Signage – no signage above ground floor level or forward of building façade without prior approval
35. Construction Environment Management Plan, including hours of construction work and minimising of pollution and nuisance. Identify schedule responsibilities and coverage under other legislation.
36. Employment & Skills Plan to be approved and implemented.



**Table 2: Matters for s.106 Agreement.**

<b>No.</b>	<b>Matter</b>	<b>Note</b>
1	Affordable Housing	30% provision with 75:25 social rented: intermediate tenures
2	Highway Provisions	<ul style="list-style-type: none"> <li>i) Financial contribution</li> <li>ii) Off-site works (Puffin crossing, roadside bay; widened footpath space to Brighton Road frontage to allow for subsequent cycle path</li> <li>iii) Dedication of widened footpath space to Brighton Road as public highway</li> <li>iv) Provision of bus stop improvements</li> <li>v) Obtain Traffic Road Orders (TROs) for works in the highway</li> </ul>
3	Footpaths	<ul style="list-style-type: none"> <li>i) Pathways agreement to provide uninterrupted public access at riverside footpath and paths connecting to Brighton Road.</li> <li>ii) Provision to connect pathways to adjoining lands, including access for connection or regrading works to achieve this.</li> <li>iii) Maintenance of pathways including provision and maintenance of a riverside bin</li> </ul>
4	Maintenance Access	Access rights to Environment Agency and Public Bodies such as WSCC/ADC to allow for any maintenance or works at / to the riverside
5	Travel Plans	<ul style="list-style-type: none"> <li>i) Appointment of Travel Plan co-ordinator to work in liaison with Highway Authority in implementation and monitoring of Travel Plans over five year period.</li> <li>ii) Financial contribution to Highway Authority to cover work in liaison and monitoring</li> </ul>
6	Car club	i) Provision of two car club cars (first one within one month of first occupation, second one at a later % of occupations)

		<ul style="list-style-type: none"> <li>ii) Subsequent maintenance of car club cars and car club parking spaces</li> <li>iii) Provision of paid membership for all residents and staff at the site for at least [x] years including one-off £50 drive time payment each.</li> </ul>
<b>7</b>	County Infrastructure (non-highway)	<p>Financial contributions for:</p> <ul style="list-style-type: none"> <li>i) Education (primary) £124,115</li> <li>ii) Education (secondary) £133,582</li> <li>iii) Education (six form) £31,292</li> <li>iv) Libraries £53,040</li> <li>v) Fire and Rescue £4097</li> </ul> <p>Sums to be reviewed and updated after 3 months of Committee resolution</p>
<b>8</b>	Open Space	Financial contribution [£] for provision of public open space and recreation works, improvement or space within [ ] wards.
<b>9</b>	District Heating	Provisions for connection to Shoreham Harbour District Heating System.
<b>10</b>	Air Quality Mitigation	Financial contribution [£] for air quality mitigation measures and monitoring, within [ ] wards, or Air Quality Management Area or [metres] distance of site.
<b>11</b>	Employment Uses	<ul style="list-style-type: none"> <li>i) Marketing of any flexible space for B1 purposes for at least 12 months prior to use for B8 purposes.</li> <li>ii) Marketing requirements to be specified.</li> <li>iii) B8 use of flexible space not to preclude possible B1 use in the future.</li> </ul>
<b>12</b>	Site Management	<p>Management &amp; Maintenance of:</p> <ul style="list-style-type: none"> <li>i) flood escape plan distribution and updating of;</li> <li>ii) Parking Management Plan – incl. car and cycle parks &amp; car club spaces;</li> </ul>

		<ul style="list-style-type: none"> <li>iii) on-site heating system and future district heating system elements on site;</li> <li>iv) surface water drainage – management &amp; maintenance strategy</li> <li>v) riverside path including surfacing, signage and refuse bin;</li> <li>vi) bin stores and bins;</li> <li>vii) planting and communal areas, including watering and pruning;</li> <li>viii) any noise attenuation measures.</li> </ul>
<b>13</b>	Provision for Art	Commissioning and installation of art within the development, including financial provision for this.

8<sup>th</sup> June 2020

**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**

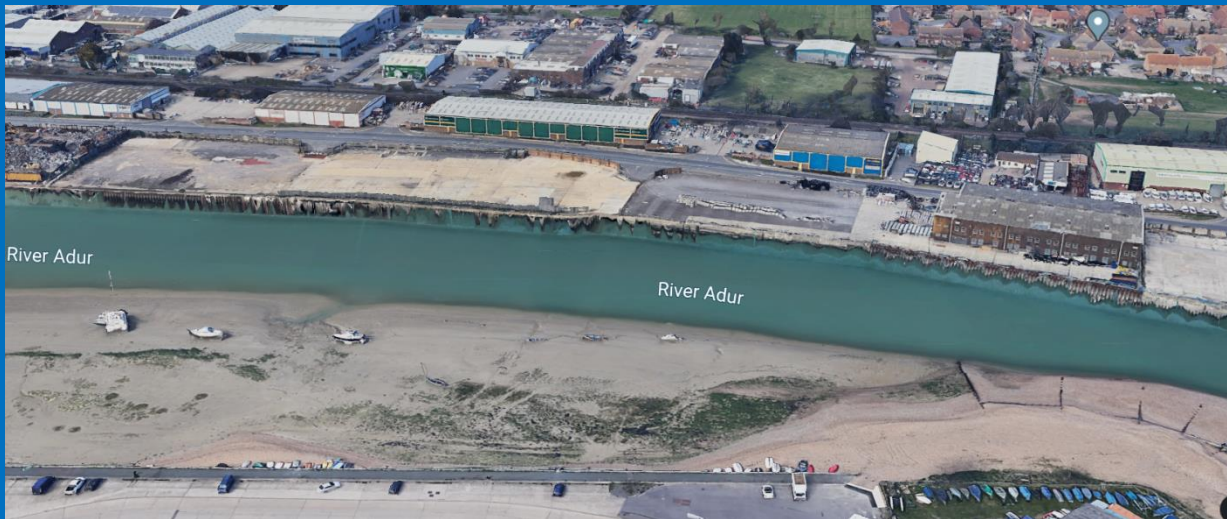
14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account 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.

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# Adur Planning Committee



Agenda Annex



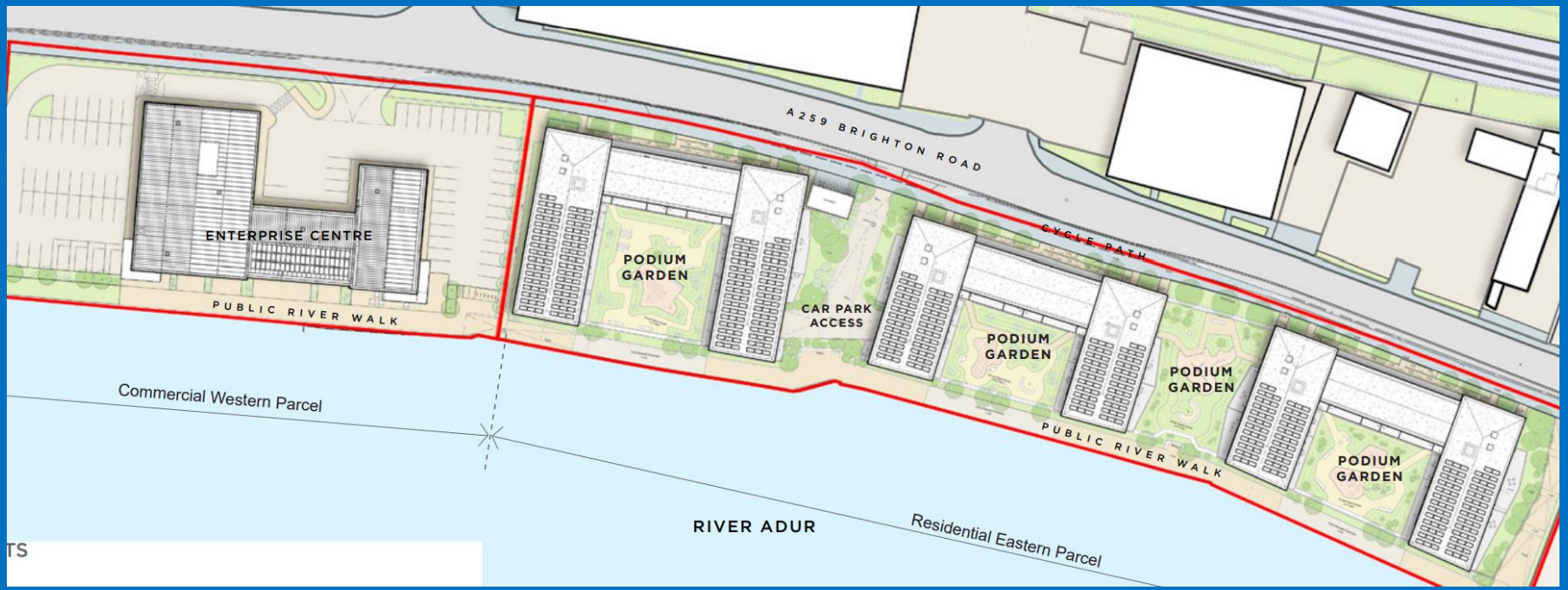


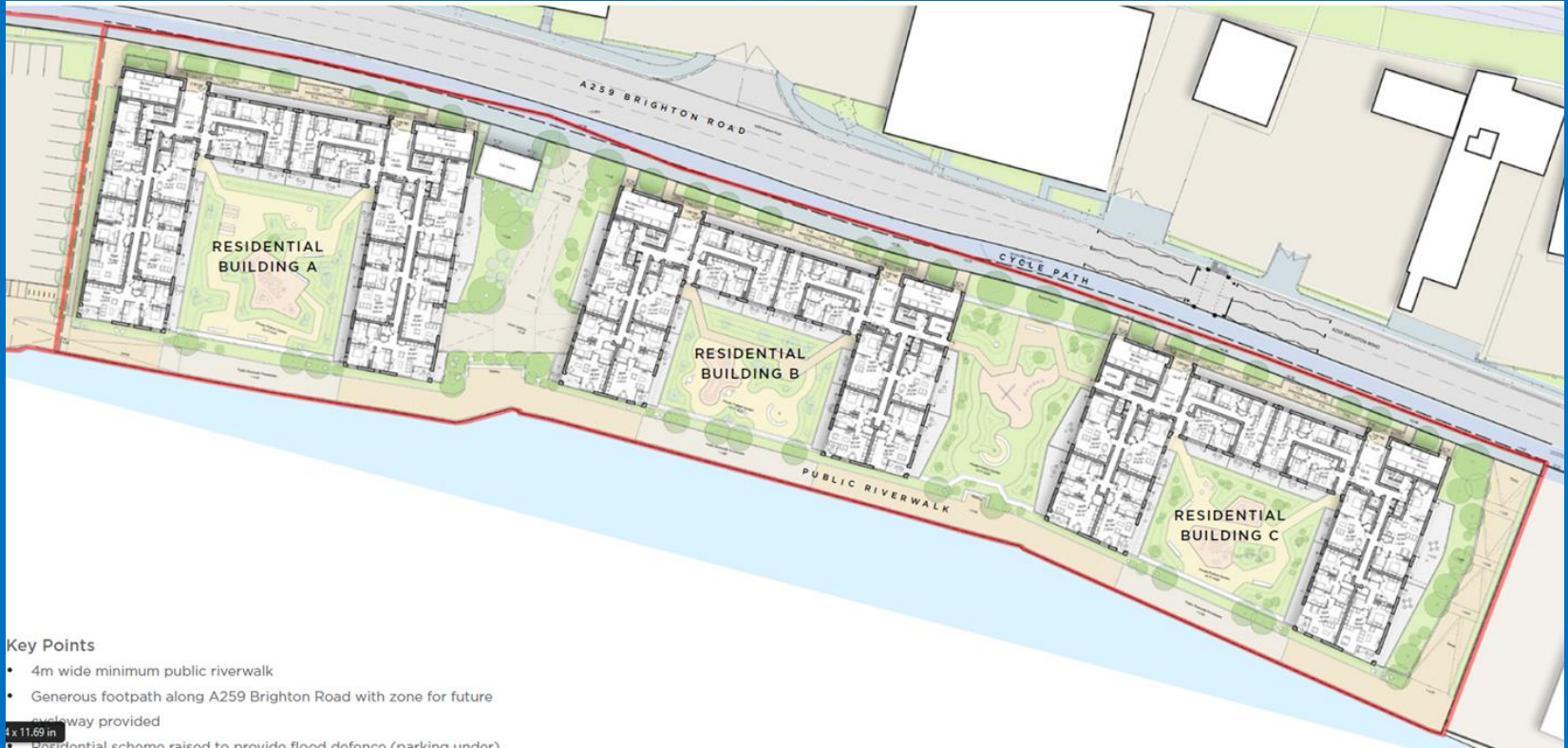








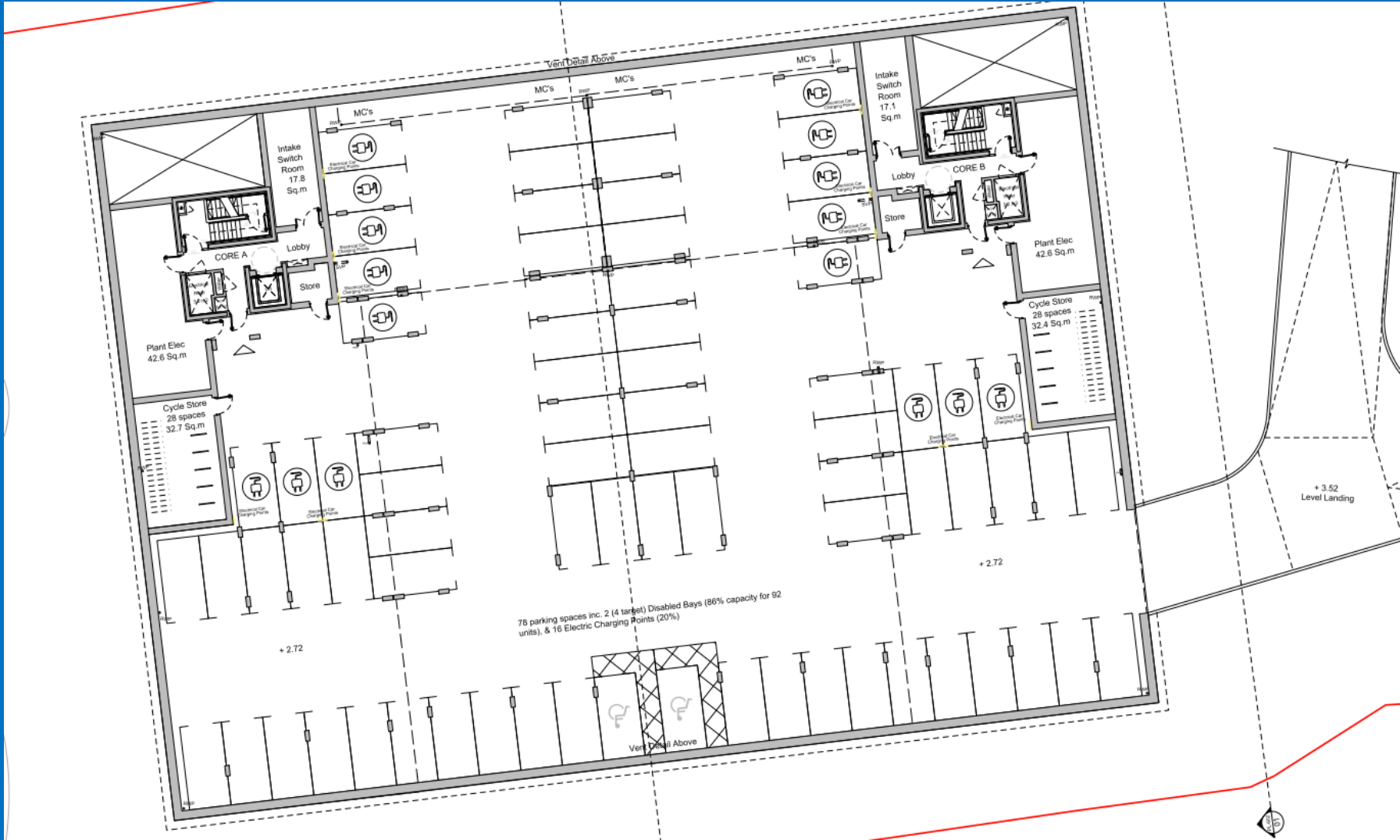




Key Points

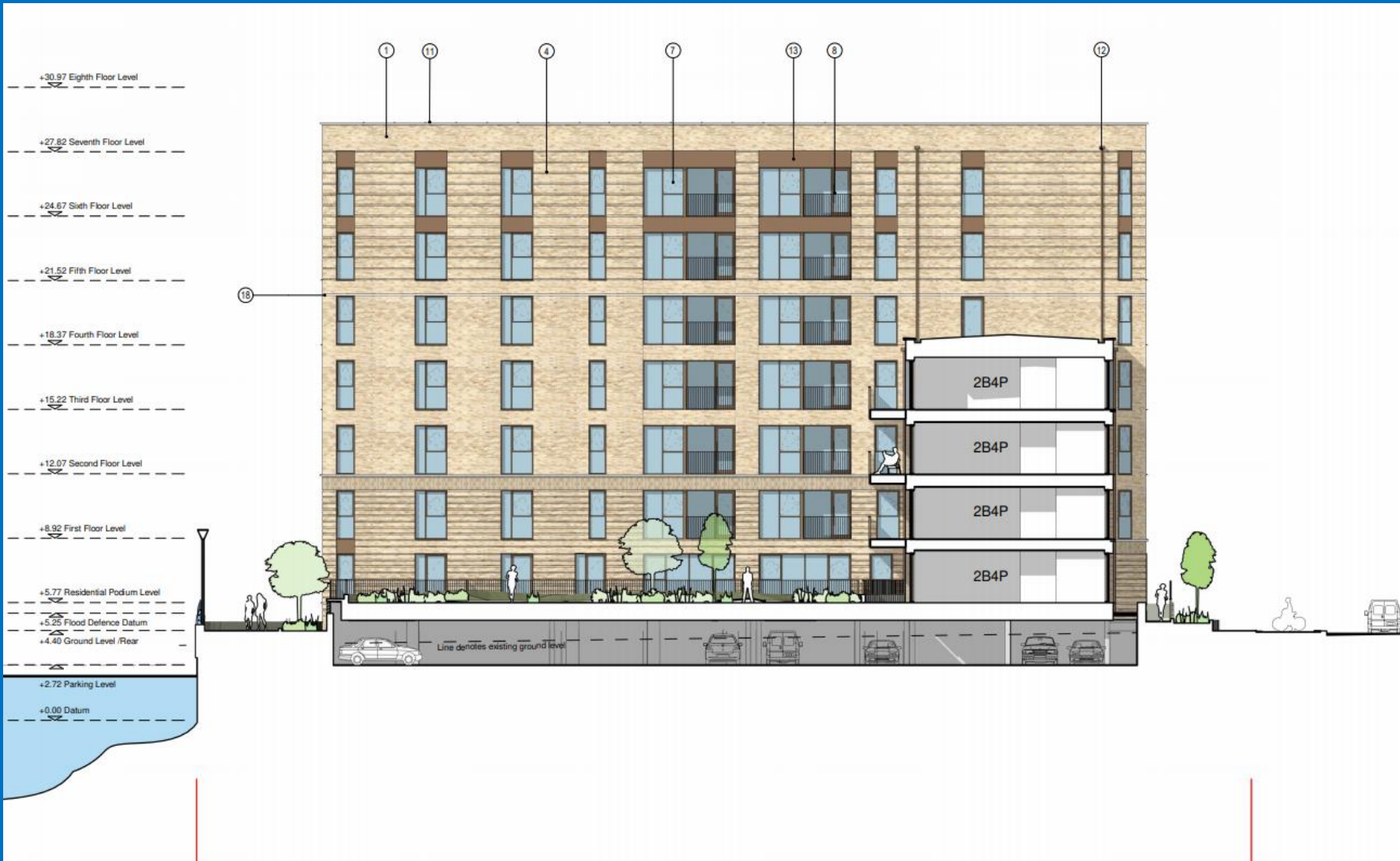
- 4m wide minimum public riverwalk
- Generous footpath along A259 Brighton Road with zone for future cycleway provided
- Residential scheme raised to provide flood defence (parking under)

4 x 11.69 in

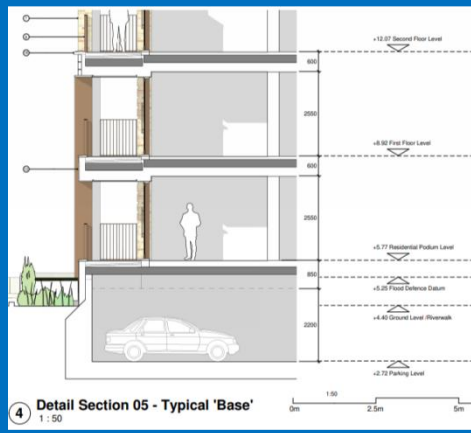






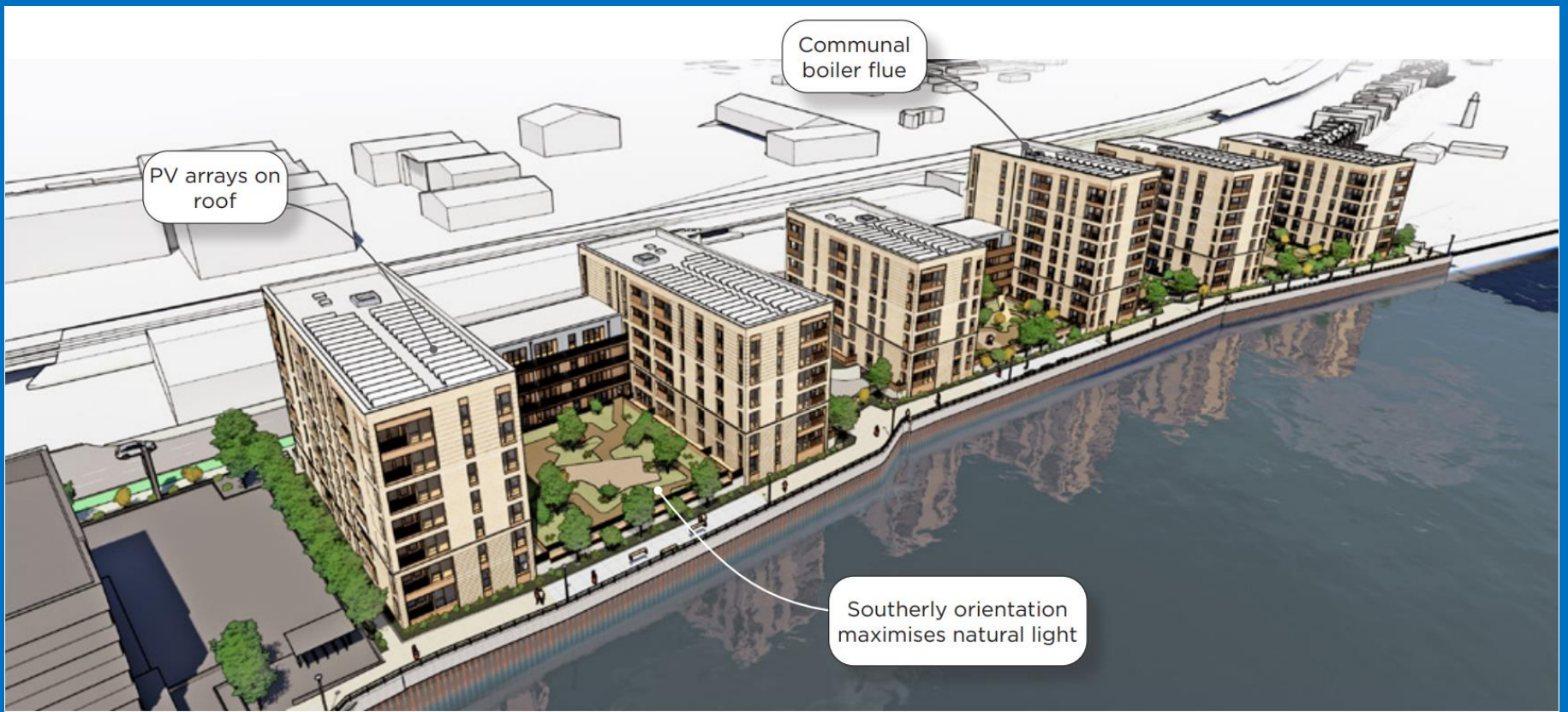


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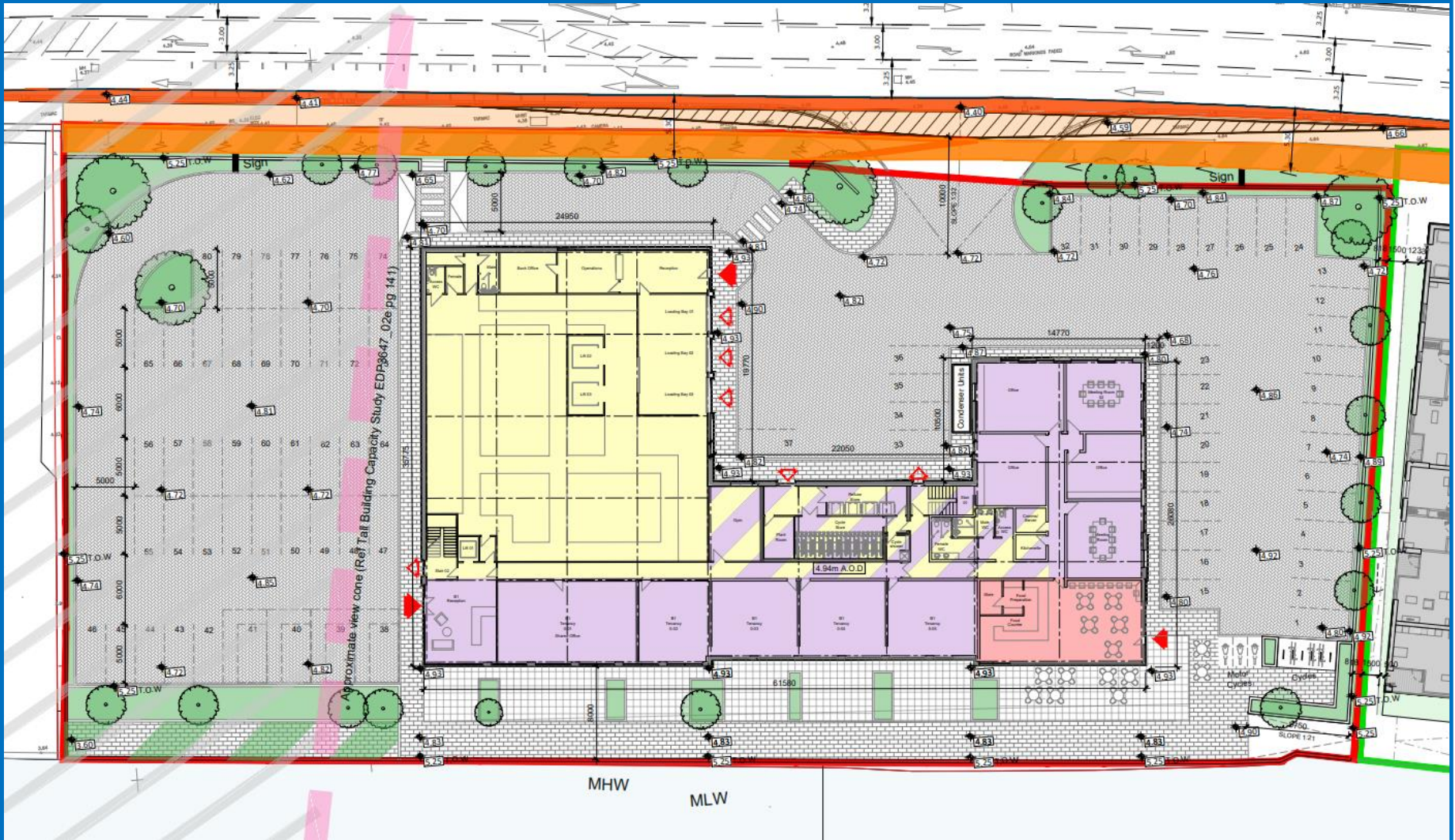
- High thermal performance and airtightness to building envelope
- High performance glazing to maximise internal natural light and sound insulation
- Buildings will be highly insulated with a low air infiltration rate.
- The residential development will implement a communal gas-fired heating strategy for hot water and heating with appropriate plant space and ducting in place to connect to the future district heating network.
- Use of local building materials and suppliers where possible
- Reuse of existing materials where possible
- Recycled content of specified materials where possible
- Sustainable surface water drainage strategy
- Reduced water consumption using low flow fittings to deliver <110L/P/P/D

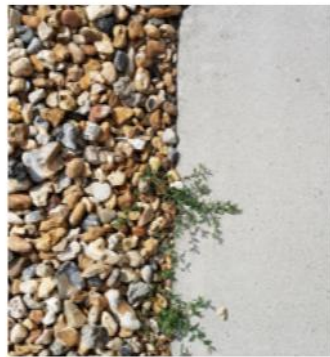
- The Proposed Development will exceed Building Regulations Part L compliance by 19%, achieving the emissions reductions requirements set by local Planning Policy.
- Building orientation maximises natural light and positive solar gains with glazing on the south, east and west elevations of residential dwellings with north only aspects being avoided to provide solar gains to all dwellings. Solar gains will be controlled throughout by Low E glazing.
- Standardisation and stacking where feasible

## Sustainability



ADUR DISTRICT  
COUNCIL





DETAIL EXTRACTS OF EXISTING FABRIC



COLOUR PALETTE

LIGHT BROWN BRICK - TYPE 1



GREY / BROWN BRICK - TYPE 2



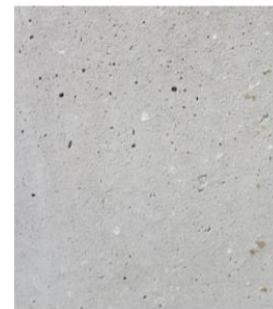
METAL STANDING SEAM CLADDING



'BRONZE' METAL PANEL



FAIR FACED CONCRETE



BALUSTRADING

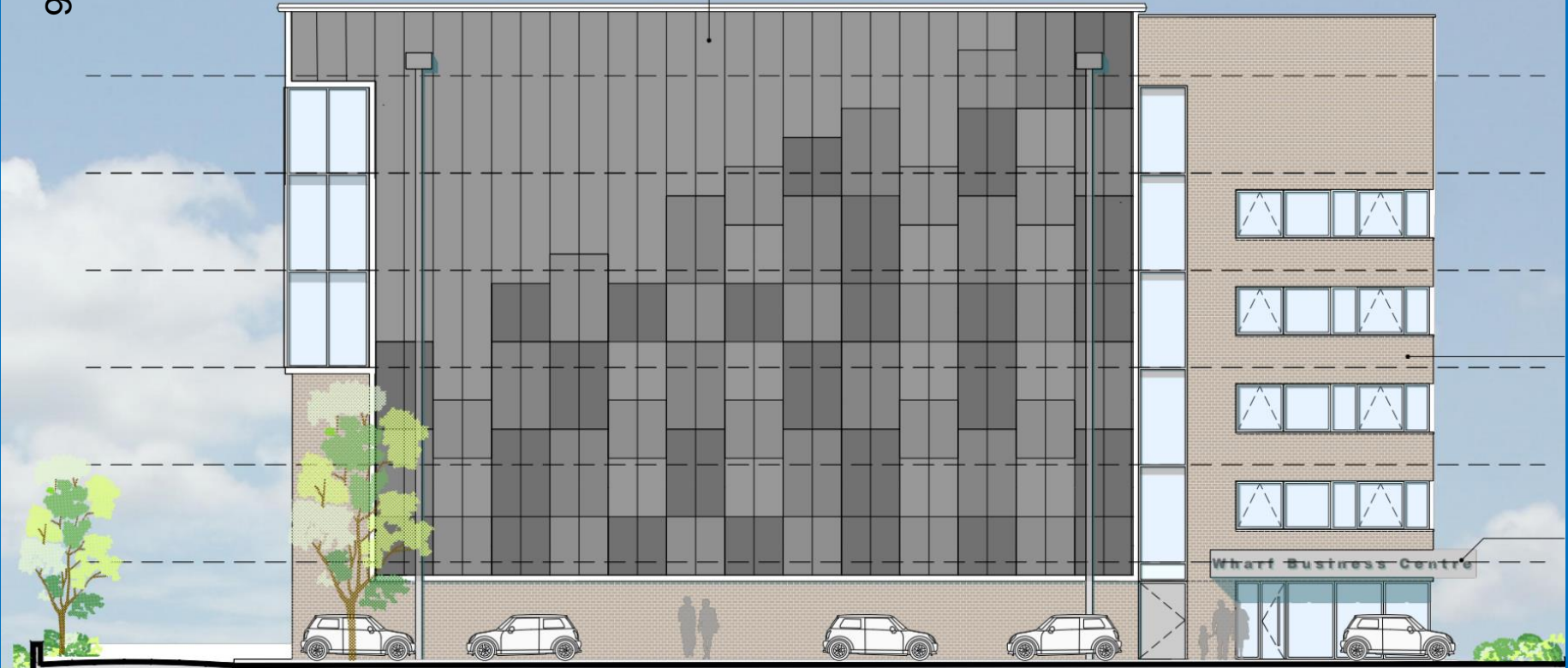








Signage location (Subject to Advertising Consent)



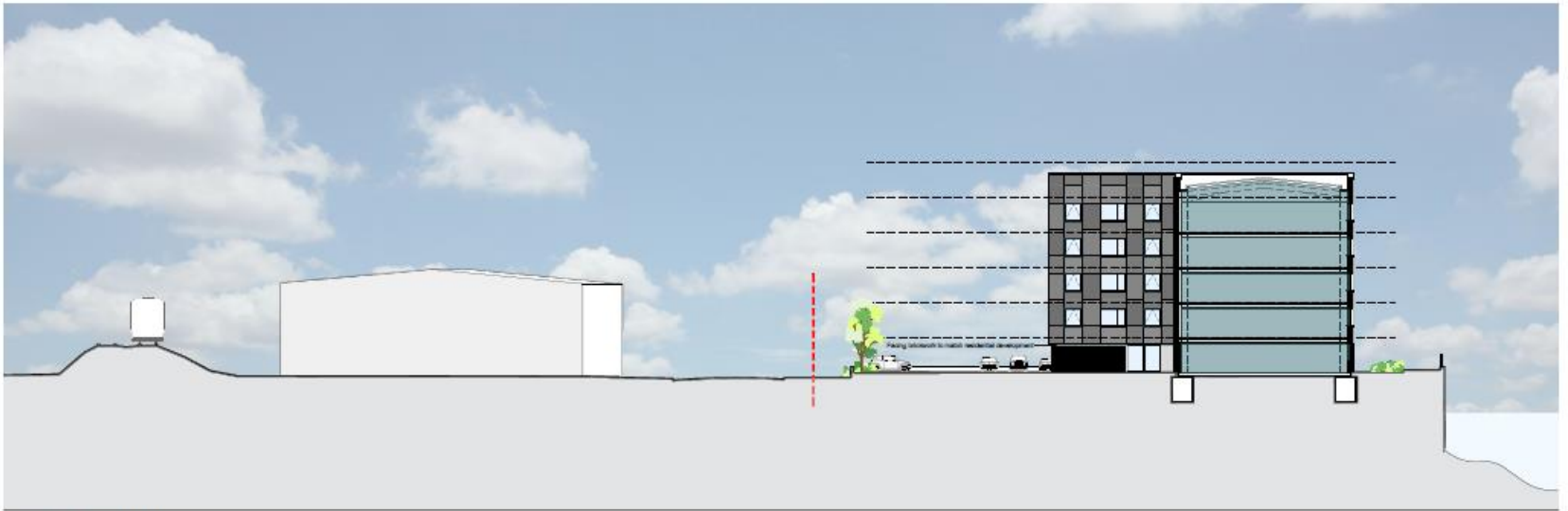
Marlipins Museum - Shoreham

## Amended West Elevation





Section C-C



Section D-D