



ADUR DISTRICT
C O U N C I L

22 February 2022

Adur Planning Committee	
Date:	2 March 2022
Time:	7.00 pm
Venue:	Harper Hall, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chair), Stephen Chipp (Vice-Chairman), Dave Collins, Tania Edwards, Jeremy Gardner, Paul Mansfield, Steve Neocleous and Carol O'Neal

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 before noon on Tuesday 1 March 2022.

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

(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 7th February 2022, 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 5 - 110)

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

a) Civic Centre Committee Update (Pages 111 - 118)

7. Planning Appeals

None to report.

Part B - Not for publication - Exempt Information Reports

Recording of this meeting Please note that this meeting is being live streamed and a recording of the meeting will be available to view on the Council's website. This meeting will be available to view on our website for one year and will be deleted after that period. 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:
Katy McMullan Democratic Services Officer 01903 221006 Katy.mcmullan@adur-worthing.gov.uk	Laura James Senior Lawyer & Deputy Monitoring Officer 01903 221045 Laura.james@adur-worthing.gov.uk

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.



ADUR DISTRICT
COUNCIL

Planning Committee
2 March 2022

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

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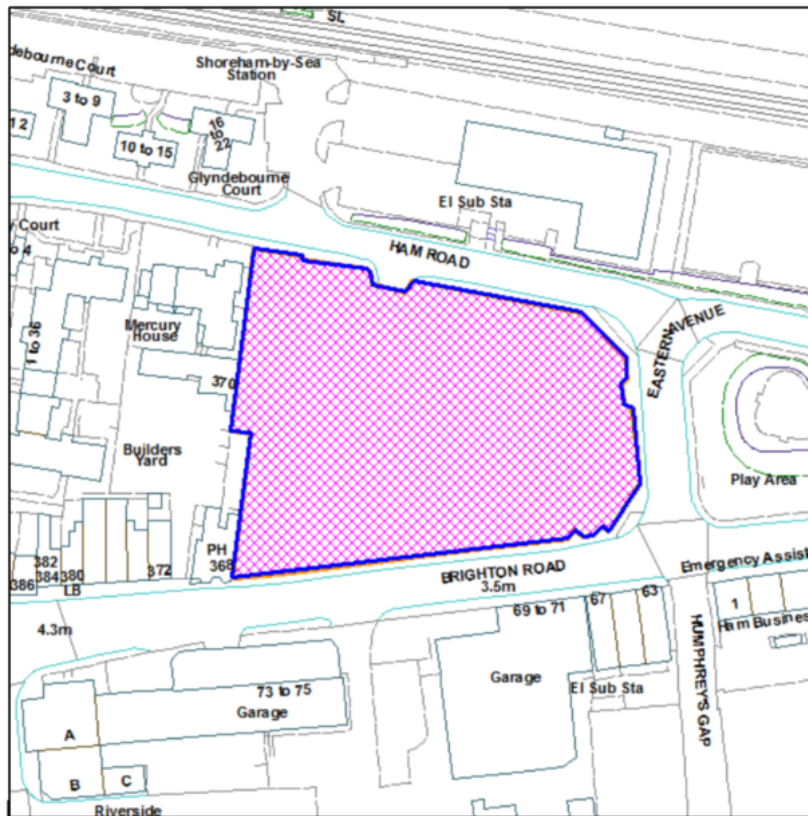
Application Number: AWDM/1450/21

Recommendation: Recommendation - Delegate to the Head of Planning and Development to approve subject to resolving outstanding issues relating to amended plans for the ground floor, the energy strategy for the site, additional drainage information open space requirements, response to HSE and the signing of a s111/s106 agreement incorporating the Heads of Terms set out in in Table 7 above and subject to the following condition.

Site: Land East Of 1 To 11 Mercury House, Ham Road, Shoreham-By-Sea

Proposal: Erection of two blocks of development ranging in height between 3 - 9 storeys comprising 159 residential units comprising a mix of 1-bed, 2- bed and 3-bed units (including a minimum of 30% affordable housing), commercial (Class E) floorspace at ground floor, and associated parking and landscaping.

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Applicant:	The Hyde Group	Ward: St Mary's
Agent:	ECE Planning Limited	
Case Officer:	Stephen Cantwell	



Not To Scale

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Executive summary

This Hyde Homes application is for redevelopment of the former Civic Centre site, demolished in 2017. The site is within the defined town centre and is identified in Local Plan Policy 11 for mixed use development including residential. The proposal is for 159 flats and 840sqm commercial space at ground floor. Flats are predominantly of 1-2 beds with 16no. 3 beds.

At 0.62ha it gives a density of 256/ha, which is similar to the 264/ha at another approved town centre redevelopment at The Mannings, Surry Street, although greater than the 186/ha at Free Wharf in the nearby Shoreham Harbour Regeneration Area.

Density makes effective use of urban land but original plans had caused many objections, particularly to height. Therefore original plans for 171 flats with a maximum of 11-storey tower have been amended to 159 flats and a maximum 9 storey tower.

Two blocks A & B are proposed, A to the west side is 3-6 storeys and B to the east is mainly 5-6 storeys; this has the central 8-9 storey tower on the Eastern Avenue elevation, consistent with advice of the Regional Design Panel, to create a landmark gateway here. As amended it is slightly lower than the tallest of Free Wharf, this was also recommended by the Panel.

The amended height, whilst 3m taller than the tower of the St Mary De Haura Church, is set well away from it and would be seen among the new, emerging character and scale of the Harbour area regeneration and The Mannings. Its tapered mass & skyline and its distance is unlikely to harm the predominance of the listed Church and its distinctive tower in the historic centre of Shoreham, when seen from key views, such Adur footbridge and Shoreham Beach and the Downs

The contemporary, mainly brick-faced design uses mixed facades of bays and recesses. Together with inset upper floors these create varied shapes and an overall sense of tapering which echoes the mixed shapes and alignments of existing buildings. Pitched roofs and traditional window proportions give contextual relationships. Darker profiled panelling to upper gables and some recesses evokes traditional roofs and adds interest. This provides a sensitive setting to the conservation area in Ham Road and New Road.

Brickwork detailing adds interest at street level but greater distinction can be added to commercial frontages; an amended plan and design code are recommended. Utmost quality control would be needed in construction work, using large scale detailed drawings.

At least thirty percent of homes would be affordable visa legal agreement in accordance with Policy. Social rental values would be based on local affordability. Shared ownership homes would allow for minimum equity of

25% in line with Homes England (HE) requirements. Separately, HE funding may also secure 100 percent affordable homes, consistent with memorandum of understanding between Hyde Homes and the Council as site owner and HE strategic partner.

All homes comply with space standards; designs are acceptable, with some fairly tight external relationships, but generally good light penetration and reasonable privacy. Each has a private balcony or terrace and access to a landscaped communal courtyard with informal play. A contribution to off-site open space improvements is required via legal agreement along with those for schools, health and library services.

The Highway Authority is satisfied with the modest change in traffic by comparison with the previous use. A financial contribution and land from Brighton Road frontage of the site would be required for transport improvements, including the A259 and future Cyclepath, via legal agreement.

New roadside trees would replace the existing prominent poplar tree. This would link to wider future planting and greening at the Ham and Brighton Road; its future value helping to mitigate the more immediate loss of the poplar. New tree and shrub planting brings future ecological value.

Parking spaces are slightly increased by amended plans to 60no; 57 for residential use at a rate of 0.36/dwelling. Although less than existing 0.52 rates for rented/shared-ownership homes, this reflects aims to reduce car dependency especially in accessible central locations, assisting in climate change objectives. A travel plan promotes public transport and cycling. Two car club vehicles also promote this already-emerging local option for new and existing residents, also via legal agreement.

Energy use, including solar panels, would meet policy requirements for at least 10% renewable energy. High insulation values are also proposed. Final details of heating are awaited but the applicant is confident that this can exceed CO2 reductions of current Building regulations; planning conditions can approve details and verify actual attainment.

Neighbouring amenities have been assessed for light, privacy & outlook and are generally suited to this town centre context. This includes some reductions to light at Mercury House flats, the long side wall of which is close to the site boundary closest to the three storey element of Block A.

A noise assessment using a pre-Covid weekday 24 hour survey has been reviewed by Council Environmental Health officers. Its proposals for noise insulation, in excess of target values for new homes, is considered sufficient to address the risk of noise from the long-established live music venue at the neighbouring Duke of Wellington Public House. This relies on a mechanical ventilation system, with occasional purge ventilation by opening.

Owners and patrons of the venue are concerned that future residents may object to noise if windows are left open, leading to future complaints and risks to the venue. However, this is considered reasonable in environmental health terms and national planning guidance (NPPF para 187). A parallel overheating assessment is needed to ensure that a ventilation system can cater for summertime heating, particularly in southern facing areas. The applicant's consultant will provide further overheating information prior to determination of the application.

Due to flood risk, the Environment Agency has confirmed agreement to the use of ground floors for non-residential use only. Planning conditions would require a site management and evacuation plan, according to the Agency's advice. Further drainage information is awaited to demonstrate the amount of surface water storage/attenuation and how below-ground tanks and pipes would relate to proposed tree planting, on which an update will be given.

The application is recommended for approval, subject to conditions and a legal agreement for contributions to highways and public services to ensure that infrastructure needs are met, as well as travel plan measures, affordable housing and future site management, including noise insulation and ventilation.

Site and Surroundings

The site of the former (demolished) Adur Civic Centre lies at the prominent road junction of Brighton Road, Ham Road and Eastern Avenue with a frontage onto each street. Its fourth (western) boundary is with The Duke Of Wellington Public House, a small commercial/ builder's yard and the residential block, Mercury House which fronts onto Ham Road. To the east of Eastern Avenue is the Ham open space, which occupies a triangular area of some 130m in length, between three roads, and which contains a skateboard park.

The site is roughly trapezoid in shape, generally flat and comprises 0.62ha. It has chamfered corners to Ham Road. Currently it has a mixture of concrete, tarmac and rubble surfaces following demolition a few years ago. It is hoarded-off and part of it is used as a temporary car park for the recently constructed Focus office building, which occupies the former Civic Centre car park site on the north side of Ham Road opposite. Site access is located in Ham Road. A large and prominent poplar tree is at its south western corner, next to the public house in Brighton Road.

Prior to its demolition the Civic Centre was a 2-3 storey flat-roofed red-brick building dating from the early 1970s with its entrance in Ham Road and car parking along its northern and western boundaries.

At Mercury House, several side-facing windows to flats are 2-3m from the site boundary. A long narrow beer garden with tables runs immediately alongside

another part of the western boundary with the builder's yard behind it.

To the south eastern corner is the traffic-lighted 4-way junction of the A259 Brighton Road, Eastern Avenue and Humphrey's Gap; three arms of the junction have pedestrian controlled crossings. To the north, Ham Road backs onto the railway and is a main route to the railway station approximately 300m to the west. Bus stops are 40m & 55m to the east in Brighton Road and immediately outside the Ham Road frontage of the site (no shelters); a cluster of bus stops with shelters lie 200m to the west in Ham Road. Double yellow lining is along all frontages of the site except the eastern part of its Brighton Road frontage, where there is roadside parking towards Surry Street for approximately 85m.

The site lies inside the eastern edge of the town centre, as defined in the Local Plan and is allocated as a potential development site, for mixed use, including residential. It is outside but adjoins the edge of the Shoreham Harbour Joint Area Action Plan (JAAP), although in common with the JAAP it is within the Shoreham Harbour Heat Network Study Area.

According to Environment Agency flood mapping, the site lies within Flood Zone 3a, due to high risk from tidal flooding. A main surface water sewer with an 11m easement runs across the site from north to south slightly to the west of its central point.

The Shoreham conservation area lies 70m to the west in Ham Road and 100m away in New Road, the latter also contains a pair of listed buildings (55-57 New Road).

New and recently approved developments in the vicinity comprise the four-storey Focus office building in Ham Road; the 4-5 storey flats at the corner of Humphreys Gap to the south and the 5-7 storey flats at Mariners Point (the former ParcelForce site) in Brighton Road, some 90m to the west. Also 90m to the west, in Surry Street is the Mannings flats where a 4-6 storey redevelopment is under construction this year.

The approved, as yet unbuilt Free Wharf development of 4-9 storeys and 548 flats & commercial space is in Brighton Road to the south east. Also in Brighton Road, opposite the site a current planning application (AWDM/1473/21) proposes redevelopment of the Frosts Car sales site to comprise 183 flats and commercial space of between 5-8 storeys.

Proposals

The proposed mixed-use redevelopment of this Council-owned site by Hyde Housing is for a recently amended development of 159 new flats (previously 171 no), including at least 30 percent affordable homes with potential to increase this affordable proportion subject to grant funding from Homes England. A summary

comparison image of the amended and original scheme is shown at Figure 1a/1b below.

Flats are largely 1-2 bedrooms with sixteen 3-bed. The commercial areas at ground floor would comprise four units giving a total of at least 840sqm, although this may be slightly increased by minor internal revisions of the floorspace. These would be used for Class E purposes, a recently introduced Class which amalgamates retail, office, food & drink (not public house), health-services, nursery/creches, indoor sport & fitness and light industry.



Fig. 1a: Amended Scheme (9 storey maximum)



Fig.1b: Original Scheme (11 storey maximum)

In Figs 1a/1b Block A is to west (left), Block B to east (right).

(Other images of the amended scheme are contained in the Layout, Size & Design section below. Original images are in the Appendix)

The form of development comprises two blocks, block A to the west of the site and block B having a D-shaped footprint to the east. The two would be separated by the

central 11m drainage easement within which would be both the vehicular access to Ham Road (in a similar position to the existing access) and a pedestrian access to Brighton Road. The easement would also contain part of an internal parking and landscaped amenity courtyard. In the amended scheme a total of 60no. parking spaces are proposed, an increase of 4no by over the original plans.

Building heights range from 3-6 storeys for block A, the lowest parts being towards the western boundary with Mercury House and the Duke of Wellington, the Ham and Brighton Road frontages being largely four storey, then stepping up in stages towards the centre of the site.

In the amended scheme changes have been made to Block B. The tallest part of this block, which comprises a pair of conjoined towers facing Eastern Avenue and The Ham, has been reduced from 11 storeys to 9 storeys. The overall range of Block B heights is therefore 5-9 storeys. The dark-roofed intervening 6-7 storey 'duplex' element seen in the original plans has also been reduced to a single 6-storey element. At the Brighton Road frontage it remains five storeys in height as originally proposed.

Roof shapes are a mixture of flat, parapeted and pitched. Building frontages are articulated by bays and recesses. Materials are a mixture of brickwork and metal cladding, the latter used widely for recesses & gable-fronted upper floors.

In terms of layout, figures 2a/2b below show the differences between the amended and original plans. The main change comprises the lesser number of commercial areas: the yellow commercial area in the top LHS of Block A in the original plan (facing Ham Road), has been replaced by a reconfigured plant room shown in grey in the amended plan.

This change has reduced the footprint of this part of the proposed building which has enabled four additional parking spaces to be added in the proposed car parking area behind it. The first floor and other floors above these additional parking spaces are unchanged by the amended plans, other than that they are now supported on new columns within the enlarged car park.

The layout shows the two parking areas on its RHS. These are located on each side of Block A. A landscaped central courtyard is shown on the LHS, contained by the D-shaped footprint of Block B. An undercroft footpath beneath would connect this courtyard to Eastern Avenue, passing underneath the central tower element of Block B and emerging onto the street opposite The Ham.



Fig. 2a: Amended Layout (60 parking spaces & 3 commercial areas)



Fig. 2b: Original Layout (56 parking spaces & 4 commercial areas)

Courtyard planting is not shown in the amended plan but can be seen in Figure.18 below, together with a new tree-planted verge along Brighton Road and a realigned public footpath immediately in front of the proposed Block B.

Landscaping would comprise several new roadside trees among grass & shrub planting along the widened footpaths of Brighton Road and Eastern Avenue, and to a lesser extent in Ham Road. A central tree & shrub-planted courtyard is proposed for the amenities of new residents.

This new and wider pavement and verge along Brighton Road allows for future road-widening to accommodate a cycle path along its southern side, as part of the intended A259 cycle path. To the eastern frontage at Ham Road, the width of the path would remain unchanged but would be reconstructed with a view to becoming a future part of the cycle path connecting Brighton Road to Ham Road.

New tree and shrub planting is proposed behind the path along the Eastern Avenue boundary and to a more limited extent, along the Ham Road frontage.

Relevant Planning History

AWDM/1282/17. Erection of four storey office development (Use Class B1) with associated car parking and landscaping (former car park to Civic Centre).

Approved 20th Nov 2017.

AWDM/1646/16. Application for prior notification for demolition of existing two-storey office building and link. **Approved 22nd December 2016**

Consultations

West Sussex County Council Highways Authority - No Objection

Highway Impact & Access:

The previous office use (estimated using TRICS database) would have generated 34 AM peak two way vehicular trips and 21 PM peak trips. The proposed development is anticipated to generate 32 AM peak two-way trips and 33PM peak trips. The net vehicular impact of the development is a reduction of 2 trips in the AM peak and increase of 12 trips in the AM peak, as such no wider junction modelling of the proposals is required. Vehicular access and visibility splays are acceptable. Access for a fire tender can be achieved by amendment to the landscaping plans (for the central courtyard)

Parking & Sustainable Transport Options:

A total of 56 car parking spaces are proposed including 3 wheelchair accessible spaces, 1 car club space, and 2 spaces for the commercial use. 37% of spaces would be active electric vehicle (EV) charging points, in line with WSCC standards for a 2022 construction year. The spaces would be operated under a management arrangement.

The WSCC parking calculator would estimate a demand of 203 spaces. However, the applicant has identified existing car ownership levels of 0.52 vehicles per flat from census data for shared ownership/rented flats in the St. Mary's ward which would generate a demand of 89 spaces against a provision of 53 residential spaces. An on-street parking survey of the local area has been undertaken and identifies a total occupancy of 62% of spaces overnight. During the AM period spaces were at capacity.

The proposal includes a total of 190 residential and 30 commercial cycle parking spaces, which exceeds the WSCC minimum requirement of 114 spaces. Two car club spaces and vehicles would also be provided.

The proposed development is approximately 300m from the Railway station and 400m to the Town Centre with footways provided on key routes, Pedestrian crossings of Brighton Road are provided at the junction of the A259/Eastern Avenue. A number of bus services are available within close proximity, including services to Brighton and Littlehampton. It also adjoins the Shoreham Harbour Joint Area Action Plan (JAAP) transport study area which proposes significant investment in sustainable transport infrastructure including a high quality cycle route along Brighton Road and improvements to the signalised junction/pedestrian crossings in the immediate vicinity of the site.

Given the proximity of the site to the town centre and sustainable transport options available and existing parking restrictions around junctions, no highway safety concern would be raised to the level of parking provision. The development may increase pressure on on-street parking availability in the vicinity of the site, however, this would be a consideration for the Planning Authority.

Two successful appeal decisions (Arun District), suggest that limited weight is given by Inspectors to concerns about increased parking pressure where low parking ratios are proposed in town centre locations. In granting permission and an award of costs against the Planning Authority, the Inspector stated:

“At times the occupiers of the scheme may find it somewhat aggravating that, if they are car users, they have to walk a distance between car and home, however this procedure is not out of the ordinary for town centre living. Furthermore the occupiers would be aware of the situation before moving into the scheme.”

Car Club:

Whilst no location has been identified for the second car club space (the first space is proposed to be on-site) options exist along the Brighton Road frontage and a Traffic Regulation Order (TRO) to establish this space would be secured via a contribution within the S106.

Pedestrian-Cycle Path:

The development is anticipated to be implemented in advance of the WSCC cycle proposal. Eastbound cyclists would be able to access the proposed shared pedestrian - cycle route along the Eastern Avenue/Ham Road frontages, via the development's internal under-croft pathway.

[Planning Officer Comment: The proposals also include provision of a wider public footpath along the southern frontage in Brighton Road in order to allow future road realignment to accommodate a future cycle path on the southern side of Brighton Road. Tree planting is also proposed in this wider footpath in front of the site. The County Highway Authority has confirmed and would wish for the relocated footpath and new trees to be dedicated as highway land for maintenance by County Council. This would be included in a legal agreement.]

Conclusion

No objection is raised subject to the following contributions and planning conditions:

- Contributions:
£223,127 in respect of the amended plans, to be utilised towards measures included within the Joint Area Action Plan; including but not limited to: A259 Cycle Route; A259 Bus Priority; New or Improved Ped and cycle crossing points; Shoreham by Sea station interchange; Shoreham Town Centre Public Realm. £7,500 towards a Traffic Regulation Order to implement the on-street car club parking bay and £3,500 towards Travel Plan Auditing or wider travel plan promotion within Shoreham Harbour. Also dedication of new footpath land.
- Planning conditions:
concerning provision of access & car and cycle parking spaces, including EV charging; a car park management strategy and management of servicing vehicles (deliveries and collection of refuse). Also a construction management plan (CMP) to include number and frequency of vehicles during construction and parking for these; also public engagement during works

West Sussex County Council - Planning - Comments

Following the recent amended plans, the inset figures below for education and libraries are due to be slightly reduced to reflect the 13no. fewer flats. These are financial contributions for provision of additional County Council service infrastructure in mitigation of the impact of development:

Primary Education	[£117,688]
Secondary Education	[£126,664]
6th Form Education	[£29,672]
Libraries	[£45,349]
Fire & Rescue	[£3,503]
Highways	£223,127
Traffic Reg' Order	£7,500
Travel Plan Audit/Promote	£3,500
Total	[£557,002]

Contributions would be indexed linked. In addition a monitoring fee is required at £200 per trigger, per year of monitoring. Value of these contributions will be reviewed if the legal agreement is completed after 31st March 2022.

The education and libraries contributions respectively would be spent on: the expansion of existing primary schools, or innovative solutions to address primary education needs; additional facilities at Shoreham Academy and additional facilities at Shoreham Academy Sixth Form and additional facilities at Shoreham Library.

Fire and Rescue Service contribution would be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Shoreham/Southwick.

[Officer comment] Highway contributions would be used as explained in the Highway Authority response (above). The County Council has indicated that these contribution levels may change particularly for education if the development changes at the construction stage. This primarily relates to the likelihood of additional affordable housing being provided with Homes England funding and the County Council accepting that education contributions would not apply for rented affordable housing units. This approach has been accepted at Hyde's other development at Kingston Wharf. Sums would be index-linked in a legal agreement and the amounts may be revised if the agreement takes longer than 3 months to complete and costs change in the interim.

West Sussex County Council Local Lead Flood Authority Comments

Flood Risk: Based on modelled mapping the site is at moderate risk of surface water flooding [i.e. ingress of water from outside the site]. No records of flooding on-site but this has been experienced at other sites in its proximity. Most of the site is at low risk with higher risk exists at its boundary. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk (Zone 3). Modelling also indicates moderate risk from groundwater flooding; refer to the Environment Agency for any groundwater protection advice.

Sustainable Drainage Systems (SuDS): Green roof, permeable paving, attenuation

and a restricted discharge to the main sewer are proposed. Groundwater monitoring should be undertaken to check whether shallow infiltration could also be incorporated. Detailed designs, calculations and management arrangements to be submitted for approval.

West Sussex County Council Fire and Rescue - Comments

Adequate access must be provided for fire-fighting vehicles. Planning condition also recommended for approval of detailed fire hydrant locations, existing and proposed and/or stored water supply, including any proposals for its adoption or management, in consultation with the West Sussex County Council Fire and Rescue Service

Health & Safety Executive - Comments

Some concerns might affect the fire safety of the development, summarised as follows:

- i. Foyer areas to be kept fire-sterile, including 30 minute-fire-rated post boxes
- ii. The protected fire escape routes are via the common access foyers but separation is required at the exit level and smoke-ventilated lobbies should be provided
- iii. Use of a 'scissor stair' [two different flights in one stairwell] is indicated in Block B, is not compatible with recommendations for fire-fighting staircase
- iv. The proposed use of a mechanical smoke ventilation system (MSVS) instead of a natural smoke shaft is to be verified separately. Consideration should be given to risk of hot smoke from vents entering upper balconies

HSE also recommends that the Local Planning Authority (LPA) may wish to seek information from the applicant, about the robustness of assumptions made in relation to the following points, in order to understand whether any subsequent changes may be required at the separate fire safety approval stage which in-turn might affect the design or layout of the development.

- Assumptions made in relation to the size and location of the MSVS.
- Whether deviations in some internal travel distances within flats, which are greater than recommended standards, will be acceptable to the fire safety approving authority. If this is not discussed and agreements secured with the approval authorities at the planning stage, consent may not be given at the subsequent, separate fire safety approval stage.
- The use of contiguous balconies between flats may allow the spread of fire from one flat to another. Any subsequent [fire safety] changes may impact on the design and appearance of the building.

- Fire hydrants – clarification as to whether those within 90m of proposed entrances are serviceable or whether a new hydrant will be required.
- The effectiveness of the proposed long lengths of horizontal pipework supplying dry-rising main to ensure effectiveness for fire-fighting at upper storeys.
- The numbering of proposed blocks within the fire statement should be checked for consistency with plan drawings.

Adur & Worthing Councils:

Technical Services, Drainage Engineer - Information Required

Following amended plans, a revised drainage strategy is required to evidence surface water storage-tank capacity and relationship to proposed trees.

Flood risk: The site is within flood zone 3, with areas at risk of surface water flooding. Sleeping accommodation should not be provided below predicted flood levels. A flood emergency and evacuation plan should be prepared including flood depths along its route.

Surface water drainage: Attenuation is proposed but the SUDS hierarchy should be followed, including examination of opportunities for infiltration drainage, with winter monitoring data to inform this and its design

If you are minded to approve this application please ensure that the surface water drainage strategy is not listed as approved. Please include planning conditions relating to use of SUDS surface water drainage; verification drawings to be provided and long-term management arrangements to be agreed.

Parking Services Officer - No objection

Whilst there is no controlled parking zone in the area, there is limited available unrestricted on-street parking in the area. Along Brighton Road the Traffic Regulation Order (TRO) shows double yellow lines and provision of parking would be required.

A car club is available to the public at Pond Road Car park (Shoreham Centre Car park) which could be beneficial for residents to sign up to use.

Environmental Health Officer - Comments

Contaminated land.

Recommends conditions to require a remediation strategy to identify the actual

remediation method to be used, and subsequent verification of its implementation.

A precautionary condition is also recommended to manage any previously unidentified contamination if it occurs, although the submitted assessment has identified very low to moderate/low potential risk of contamination.

Noise

Satisfied that the acoustic assessment of noise from the Duke of Wellington is significantly robust and the level of acoustic attenuation proposed on the new development will protect residents from noise. The acoustician confirms that windows will need to be closed to achieve the internal noise criteria and therefore an alternative form of ventilation and cooling will be required. Given the existing noise climate and south facing aspect of the development along the A259 I would suggest that mechanical ventilation & heat recovery (MVHR) should be included in these homes.

There should not be a trade off between thermal comfort and good internal acoustics in a well designed property. Accordingly an overheating assessment should be provided for this development before final approval. To ensure suitable and sufficient air changes within proposed rooms. Air intakes should be situated away from Brighton Road & Eastern Avenue facades, to ensure any traffic related pollution is not drawn into the development.

Air

The Air Quality Impact Assessment concludes that increases in pollution concentrations as a result of traffic generated by development when completed & occupied development ('the operational phase') are expected to have a 'negligible' impact on local air quality. The mitigation assessment identifies the need for mitigation or payment. During construction, appropriate mitigation measures should prevent any significant air quality effects on the surrounding area; these should be included in a construction management plan (CMP). A planning condition should also be applied to require the submission and approval of operational phase air quality mitigation measures to a calculated financial sum.

[Planning Officer comment: the recently revised Air Quality Assessment indicates a mitigation sum of £23,060. The Environmental Health officer's response to this is awaited].

Private Sector Housing Team - No Objection

Head of Housing - Support

Given the acute affordable housing shortage in the District, this application proposing a significant proportion of social rented flats would be very welcome. Furthermore, the commitment to deliver 100% affordable housing (post planning) utilising Homes England funding, would help to provide a 'step change' to the

delivery of affordable housing and help to significantly reduce Adur's Housing Waiting list. To assist local residents it would be important to also ensure that the intermediate/shared ownership flats are offered to local residents first and that the entry point (% share of the market value of the flat) is as low as possible.

Parks & Foreshore Manager - Comments:

There are limited opportunities for on site play equipment and amenity space and therefore an off site contribution would be appropriate in accordance with the Council's adopted Open Space Calculator. Contributions would be spent on enhancing existing areas of open space at Adur Recreation Ground and Buckingham Park. As with other developments in the vicinity there is also the opportunity to use some of the funding to provide additional tree planting in Ham Recreation Ground as part of the Council's objective to green the A259 corridor.

Tree Officer - Comments

The Poplar tree tree T1 is a prominent and established feature, which contributes positively to the local character and landscape of the area, that cannot be easily replaced. Although I cannot justify the loss of this tree, I consider that if it cannot be saved, the replacement trees do reflect its importance, maturity, stature and prominence to the area

Environment Agency - Comments

It is for the Local Planning Authority to determine if the sequential test has to be applied i.e whether or not there are other sites available at lower flood risk.

Flood resistance and resilience should be considered including physical barriers, raised electrical fittings and special construction materials.

A site emergency plan should be prepared in consultation with emergency planners. Applicants and occupants should sign up for free-service flood warnings

A Planning condition should be attached to any planning permission so that Finished floor levels of the residential flats shall be set no lower than 6.50 m above Ordnance Datum (AOD). No recommended conditions regarding groundwater quality.

Historic England - Does not wish to comment and suggests that the Council seeks the views of your specialist conservation and archaeological advisers, as relevant.

Southern Water Services - Comments

The relationship of the proposals to the public surface water sewer easement through the site is acceptable.

Foul drainage:

Desktop study indicates that additional foul water flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water (SW).

The Developer will need to work with SW to review how the delivery of our network reinforcement aligns with the proposed occupation of the development. It may be possible for some initial dwellings to connect, pending network reinforcement. This will be reviewed following consideration of the developers development programme and the extent of network reinforcement required. A planning condition should be applied so that phasing of development aligns with delivery of sewerage network reinforcement by SW.

Surface Water Drainage:

The proposal shows that the discharge of surface water flow using SuDS techniques would be no greater than existing flows into the public system, ensuring no overall increase in flows into the sewerage system, which is acceptable to SW. Details should specify the responsibilities for implementation of the SuDS scheme; a timetable for implementation and provision for a management and maintenance plan for the lifetime of the development. Drainage from hardstandings should include oil trap gullies or petrol/oil interceptors.

National Highways (formerly Highways England) - No Objection

The proposals will generate minimal additional traffic on the strategic network in peak hours and will not materially affect its safety, reliability and / or operation

NHS Clinical Commissioning Group - Awaited

South Downs National Park Authority (SDNPA) - Comment

The SDNPA makes no comment on the principle of the development but refers to the statutory duty of the Council to consider the Purposes of the Park (conservation & enhancement of its natural beauty, wildlife & cultural heritage; promotion of opportunities for understanding and enjoyment of the Special Qualities of the National Park by the public; and to foster the social and economic wellbeing of the local communities within the Park).

This would appear to be one of the tallest new buildings within Shoreham-by-Sea and would be seen from key vantage points within the National Park. Although it has the potential to be more conspicuous than existing buildings, it will be viewed in the context of the surrounding urban character of Shoreham-by-Sea. Consideration should be given to any opportunities for reducing the overall bulk of the development blocks, the materials proposed, and its visibility from key vantage

points within the National Park, and to lighting, given the International Dark Night Skies Reserve status.

Natural England - No Objection

The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Southern Gas Network (SGN) - Comments

Gas pipe locations are now available online at www.lineearchbeforeudig.co.uk.

Network Rail - Comments

Due to the scale and proximity of the proposal to Network Rail's land and the operational railway Network Rail strongly recommends the developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team prior to any works commencing on site to agree an Asset Protection Agreement with us to enable approval of detailed works and approval of their detailed proposals regarding lighting. There is the potential for glare / lighting issues. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway, nor interfere with the sighting of signalling apparatus and/or train driver's vision on approaching trains.

This will allow our team to review the details of the proposal to ensure that it does not pose a risk to the operational railway.

Civil Aviation Authority (CAA) - No response

Sussex Police - Comments

Refers applicant to detailed crime prevention advice in national guidance 'Secured By Design', including CCTV for commercial premises; entry control for residential doorways with 'compartmentalisation' whereby residents can access their own part of the building and but not all flats; use of through-wall or externally mounted letter-boxes. Low levels of parking could risk disharmony amongst established neighbourhood as residents compete for spaces; well-designed lockable cycle stands should be provided. Areas for play should be overlooked and dog-free and common areas well-lit. Sussex Police is exploring the impact of growth on policing infrastructure and a further comment may be made by its Joint Commercial Manager.

Representations

200 Letters of objection received to original plans.

24 responses received to amended plans (*up to 21st February 2022. An update will be given of any additional responses*).

Comments following amended plans, summarised below:

Support: 1 response

- Revised Plans are good, should go ahead

Object: 22 responses

1. Still too big and high density. Dislike appearance, not in accordance with policy 15 (high architectural quality required). It will appear uncomfortable and overshadowing, in common with other recent new developments.
2. Effect is monumental, overshadowing the landmark Church, obscuring the town centre. Should be five storeys only
3. Loss of light and privacy to neighbours due to proposed tower
4. Does not overcome concerns for parking, traffic and infrastructure under policy 29, it should be greatly reduced.
5. Loss of visually-important mature tree and habitat which may yet live many years, new trees will have less value, those planted recently elsewhere by the applicants have died.
6. Climate change concerns not met by loss of tree, biodiversity and increased traffic emissions
7. Parking spaces - too few even allowing for 10% leeway in WSCC recommendations, where will residents park.
8. Recent loss of 6 on-street parking in Surry Street following yellow-lining, parking problem is worsening
9. Music venue, Duke of Wellington - risk of loss of music licence due to future resident noise complaints. Noise survey was completed during lockdown, adverse effect on local employer
10. Not affordable to local people but second home owners.
11. Strong objection to this plan
12. Cramming of quaint little town; old fishing & ship building village town not Benidorm
13. Comparisons with Free Wharf development are irrelevant as located within Harbour development south of the main road.
14. Repeats tower blocks of 1950s/60s, with little garden/grounds for residents & children
15. Drainage and sewage capacity must be resolved, concerned at risk of discharge to the River.

Comments: 1 response

1. Can a shadow map be prepared to show impact at 11 and 9 storeys, also including shadow cast at the Ham?
2. Landscape improvements should be made more impactful, adhered to (not as at Mariners Point) and be extended into The Ham park, to 'give-back' to the community

Comments following original plans, summarised:

Object: 290 responses

Scale of development

- The proposed building is too high for the area.
- Adur District Council's document 'Shoreham by Sea Conservation Area-Character Appraisal and Management Strategy' - talks about the prominence of St Mary's Church being the primary landmark in the town and states that "The height and mass of new development on the edge of the conservation area should not upset the balance of these key views towards the historic core of the town.
- The Tall Buildings Capacity study written on behalf of Shoreham Harbour Regeneration Partnership: Adur and Worthing Councils September 2017 states that "The character of views from Shoreham beach should be protected and if tall buildings are to be developed across the site consideration should be given to stepping up of height to create a soft undulating skyline".
- In consideration of height and density, this development goes against the Shoreham by Sea Conservation Area Character and goes against the Local Plan's aim to enhance and maintain Adur's character and local distinctiveness through protection and enhancement of its landscape, townscape and cultural heritage.
- A more appropriate scheme would have a maximum of 6 storeys and would have less bulk to allow for more parking and soft landscaping along the coast road side. Thus would position the bulk of the building away from the pub and the tree and would present a far more attractive entrance for cars driving into/through Shoreham.

Highways:

- Concerns relating to vehicular entry and exit of the site.
- The planned proposals show insufficient parking spaces for the number of dwellings on site and lack of parking nearby.
- Increased traffic from this proposal and the proposal at the Frost site needs to be considered as there are in total 354 new dwellings being proposed and this will contribute significantly to traffic congestion and pollution along the High Street and A259.
- The train crossing near this development causes road blockages, the added traffic caused by this development will make matters worse.

- Old Shoreham Road, and the A27 are already congested because of vehicle increase; the coast road particularly being continually clogged because of sheer volume. This is made worse when roadworks are carried out

Noise and disturbance:

- Concerns that the noise mitigation assessment mentioned in the document 'Noise Duke of Wellington Public House` was carried out as a desktop modelling exercise over lockdown and does not adequately reflect the real sound levels of the music venue e.g. on a busy weekend night when musicians are performing.
- Long term commitment from WSCC that no action could be taken against the Duke of Wellington's noise levels, assuming it complies with its existing licence.
- A full noise mitigation assessment should be made relating to the Duke of Wellington as a music venue, the public house is an important community asset and music venue and needs to be retained.

Affordable Housing:

- Lack of social/affordable housing. There are currently 850 people on the local housing lists, so although I welcome the 38 social and 13 affordable homes mentioned in the planning application, I feel that there are nowhere near enough social and affordable homes being built.

Other matters mentioned:

- Additional provision for school places, doctors' surgeries, dental practises, open space, leisure access are required.
- Concern regarding sewer capacity and water run-off for all applications in the pipeline and possible future sites between Brighton Rd and the river.
- The Poplar tree on site needs to be protected, not felled.
- The issue of landscaping seems to have been totally ignored with no allowance for any green space and the one tree in existence being taken down.
- No public consultation at the pre application stage.
- Sustainability - has this development achieved the necessary carbon energy reductions, there is no mention of future connection to the community heat network. All Parking spaces do not have an EV charger. Proposals should incorporate solar panels, grey water schemes and environmentally friendly building materials.
- No indication of the proposed commercial uses.
- Air pollution on the High Street as measured recently (Dec 2021) is already way over any safe levels due to traffic congestion at rush hours. This development will inevitably contribute to even higher levels with the negative consequences for the health of all who live and travel locally.

- Southern Water drains cant cope and are already dumping sewage in the sea

Petition (240 hand signatures and 3471 signatures online, 11th January 2020)

- Summary: The Duke of Wellington has been a vibrant grass roots music venue and community hub for decades. Residential development is proposed in close proximity. Based on experience of other venues, the venue licence could be threatened by future noise complaints . We ask Adur Council to protect this cultural space in accordance with National Planning Policy Framework para 182.

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Relevant policies include 1, 2, 3, 4, 11, 15, 16, 17, 18, 19, 20, 21, 22, 25 & 28 - 36.

National Planning Policy Framework - NPPF (July 2021)

Sustainable Energy SPD (August 2019)

'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats';

WSCC Guidance on Parking at New Developments (Sept 2020).

Shoreham by Sea Conservation Area Character Appraisal & Management Strategy (ADC 2008)

Planning Contributions for Infrastructure Provision (ADC 2013)

Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)

Design Bulletin No.2 'Shopfronts' (ADC 1996)

Technical Housing Standards – nationally described space standard (DCLG 2015)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended), which provides that 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. Section 72 (1) states: indicates In the exercise,

with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Planning Assessment

Principle of Development

Principle - Sustainable Development

Local Plan Policy 1 and the NPPF support the principle of developments which are sustainable in terms of meeting economic, social and environmental objectives, including: appropriate 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. Policies 18 & 19 requires energy efficient built development accompanied by provisions for at least 10% of energy to be via renewable or low carbon methods. The Council's declaration of Climate Change Emergency in 2019, adds further weight to these considerations.

The proposal for a mixed use redevelopment is in accordance with Local Plan Policies 2 & 11 which support redevelopment, including residential and commercial uses. Locationally this places a sizeable new residential population within a short walking distance of town centre facilities and transport connections. This emphasis on urban living provides greater accessibility by contrast with more distant suburban locations and scarce green-field development sites.

The opportunities for less car-dependent lifestyles are consistent with the aim to reduce emissions and congestion. Higher density developments are also consistent with aims to provide efficient and communal heating systems, both within individual buildings, but potentially also via a future Shoreham Harbour district heating network.

Energy & Fabric:

In terms of heat energy and built fabric the energy strategy submitted with the application proposes the use of building materials and insulation and use of a mechanical ventilation and heat recovery system (MVHR) throughout the development. This is calculated to produce a thermal performance of 9.8% better than current Building Regulations. A large array of roof-mounted solar (PV) panels would produce 83 kWp, which equates to 10.9% of the predicted energy demand, and which constitutes a further 18.6% reduction in potential CO2 emissions.

As required under policy 18 the ground floor commercial element has been assessed against BREEAM New Construction 'Very Good' rating.

As part of the recent scheme amendments, the applicant has revisited its original intention to use a gas-fired communal boiler system to provide heating and hot

water to the flats. Instead electrical heating is now under consideration and further information is awaited. The applicant has indicated that this may well involve individual heaters for flats, but with an aim to match or exceed CO2 reduction of a communal or District Heat network.

The applicant's strategy has explored the use of Air Source Heat Pumps (ASHP). This has been ruled out due to the large area needed for the quantity of external condensers and potential noise from these close to proposed windows or in the courtyard area. However, through the incorporation of solar PVs to provide for an anticipated 10.9% of total energy demand the proposal is slightly in excess of the policy target of 10 percent for renewable energy. In combination with the proposed fabric, insulations and ventilation, this produces a carbon reduction significantly in excess of Regulations such that it accords with policies 18 & 19.

Whilst this site falls outside of the Joint Action Plan Area (JAAP) it was originally anticipated that this site would be included in any requirement to connect to a future district heat network. However, the Council has not been able to proceed with a funding bid to assist the delivery of a district heat network on the basis that it remains unviable. In the circumstances, the applicant's desire to provide a more sustainable energy solution is understood. An update will be given including comment upon the matter of potential future connection to a wider Shoreham District Heat Network. A planning obligation could require reasonable endeavours to make this connection if it were to become available in the future but this depends on the final energy solution proposed for the site.

The application includes the provision of 35 percent EV charging points for the proposed car parking spaces. Conduits would be provided to allow for future connection of all other spaces in accordance with the adopted County guidance. This assists in future air quality management of the slightly increased peak traffic flows (6), compared with the previous use, and, subject to confirmation by the Environmental Health Officer, a recently assessed figure of up to £23,60 would be required to offset any unmitigated impacts through other off-site measures. These measures, or financial contribution in lieu can be required by a combination of a planning condition and s.106 obligation.

Biodiversity:

In terms of biodiversity, compared with the very low ecological value of the site, the proposal adds a range of new planted areas, a green roof around 25 no new trees and some provisions for birds and invertebrates as described further in this report. Whilst the existing mature poplar tree would be lost, the proposals are considered to provide a potential overall benefit in biodiversity and landscaping.

Principle – Land Use and Other Policies

Policies 2 & 11 support redevelopment in the built area and in Shoreham Town Centre, with a development focus upon new housing, employment, community facilities and retail. The application site is identified for mixed use redevelopment to

include residential. In parallel policy 25 seeks the retention of employment uses on sites previously used for that purpose unless there is either no demand for this or the loss of a small proportion of employment floorspace would allow for a significant upgrade of the remainder.

In consideration of this, it is noted that the former Civic Centre, demolished in 2017 comprised a substantial local authority office, meeting and ancillary space and associated car park. To a great extent the provision of the Focus building of 2,780 sqm on the former car park, has already met the requirements of this policy. The application proposes a further 840sqm of E Class commercial floorspace as part of the proposed mixed development. As such the proposal is considered to accord with the uses envisaged by both policies 11 & 25. The principle of additional housing, is also supported by policies 1 & 2 and generally by NPPF

As indicated earlier, s70 of the Town and Country Planning Act 1990 (as amended) requires that planning authorities have regard to relevant development plan policies and other material considerations. Among these considerations, the NPPF para 11(d), which adds a greater degree of weight to applications for new housing in circumstances where Councils cannot demonstrate a five year supply of housing or where the completion of new homes is below the rate required in the Local Plan.

Latest monitoring (April 2020) indicates that there is slightly below a five year supply in Adur District measured against Local Plan requirements, although some caution is advisable as the latest housing figures are currently being analysed. It is also relevant that the Local Plan is nearly 5 years old and is in the early stages of review. Accordingly the merits of new housing are a highly significant consideration, although not an overriding one. The NPPF still requires that other material considerations and planning policies must be considered. This is in order to identify whether these interests outweigh the housing need in the overall planning balance.

In terms of development density, the recently amended proposal is for 256 dwellings per hectare. By comparison those recently approved at the Mannings and Free Wharf are 264/ha and 186/ha respectively. NPPF encourages higher densities, particularly in sustainable locations stating that planning authorities should refuse applications which they consider do not make effective use of land.

Policies 2 & 11 also seek the implementation of improvements to cycle-ways and footpaths linking to the wider town centre and railway station, also the use of appropriate traffic management measures.

Policy 15 requires high architectural quality to respect and enhance the character of the site; a more detailed policy summary of design matters is given in the Layout, Size & Design section of this report. Under policies 2 & 11 development must also respect the setting of the historic town centre under this policy and the heritage and conservation policy 16, it should not have an adverse impact on views or the setting of St Mary de Haura Church.

Housing Mix, Need & Affordability

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. Under Policy 21 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 proposal is for 159 flats at first floor and above and a density of approximately 280 dwelling/Ha. The size mix is: 68no. 1-bed; 75no. 2-bed and 16no. 3 bed.

Table 1 Proposed Flat Sizes and Need

Size	Proposed	Need
1-bed	68 (43%)	35-40%
2-bed	75 (47%)	30-35%
3-bed	16 (10%)	20-25%
Total	159 (100%)	

Table 1 shows the sizes of the proposed flats and their percentages alongside the District-wide assessed needs in the Council's Strategic Housing Market Assessment (SHMA, 2020). This shows that the proposed proportion of 1-bed homes is slightly above the need range (+3%) but a much greater increase in two bedroom flats (+12%) and a corresponding under-representation (-10% to -15%) of three-bedroom flats.

It is acknowledged that this mix is partly a consequence of the aim to place high density development on town centre redevelopment sites, whereby opportunities for larger family-sized dwellings, such as three bedroom homes, which require more internal and outdoor space, is limited.

However, it is also relevant that within the mix of proposed two bedroom flats, several are larger four-person homes. In addition to the 10% of three bedroom homes, this indicates that family housing is well represented in the proposals, in accordance with the mix for town centres sought by Policy 20.

Accessible Homes.

In accordance with policy 20 each flat meets National Space Standards. It is also stated that external access routes will be designed with ramped access where required and that surfaces will be fully accessible for wheelchair use. Confirmation

has been requested as to the amount and location of wheelchair accessible flats and an update will be given.

Affordable Homes

In accordance with policy, thirty percent would be affordable, comprising 75% (36no) of social rent and 25% (12 no.) intermediate/shared ownership homes. This would be secured by a planning obligation.

It is also noted that the applicant Hyde Housing, as a registered provider of affordable homes, is eligible for grant funding from Homes England (HE) via its strategic partnership arrangements (HESP) with the District Council and HE. The applicant's stated intention is to use this mechanism to provide all 159 flats as affordable homes. An overall ratio of around 38% social rent and 62% shared ownership homes is currently anticipated which would make a very significant contribution to affordable homes. The provision of 60 social rent apartments would help to significantly reduce the Councils housing waiting list and meet the needs of those in greatest housing need within the District.

It is important to note that for good reasons, this position could not be secured through a s.106 agreement as part of any planning permission. Firstly HESP funding is only available for the provision of new affordable homes which are not secured by s.106 agreements; such funding is required to ensure the viability of providing the additional seventy percent of affordable homes; furthermore there is no planning policy basis to require more than thirty percent through a s.106 agreement.

The applicant has, however, signed a Memorandum of Understanding with the Council as landowner, stating their 'firm intention' to provide 100% of the new homes as affordable housing.

In light of this, there is a strong probability that the development would provide not only the policy compliant thirty percent of affordable homes via a s.106 agreement, but a much greater amount through HESP funding. As such there is reasonable justification for added weight to be attached to the benefit of affordable housing in this proposal.

The applicant has confirmed that affordable rents would conform to the definition 'Social Rent' under the National Rent regime rather than '*Affordable Rent*' under the National Planning Policy Framework. Social Rents are significantly lower than the 80 percent of market rental values defined under the NPPF '*Affordable Rent*', which adds a greater degree of accessibility and affordability. These rented homes and this definition would be secured by legal agreement.

The Council would also have rights to nominate all initial occupiers of the 36 rented flats secured by the legal agreement, and 75 percent of the subsequent re-letting of these. This provides strong ongoing local accessibility.

The 12 no. shared ownership homes to be secured under the legal agreement would provide for a minimum entry level of 25 percent equity, in accordance with Homes England’s current practice and the findings of the Council’s recent SHMA. Discussions with the applicant are exploring whether any further mechanism might be available to further-enhance local accessibility such as local marketing and an update will be given at the meeting.

Layout, Size & Design

[Please note: Images of the amended proposals with the 9 storey tower are shown within the following text. Computer-generated montages of the amended scheme in its wider context are in the **Appendix.**

Figures 5, 6 & 8 - 10, in the following text, show the massing of the original 11-storey proposals. Detailed drawings of the original proposals, are also included at the end of the Appendix]

As mentioned, Policy 15 requires high architectural quality to respect and enhance the character of the site, and the prevailing character of the area, in respect of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. It should contribute to a sense of place and avoid unacceptable impacts on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space.

Development densities of at least 35 dwellings/ha are expected across the District. These are expected to be higher in town centres, according to policy 22, but policy 1 recognises that there is a balance to be considered between any adverse impacts of granting permission and whether these would significantly and demonstrably outweigh the benefits.



Elevation to Eastern Avenue & The Ham



Elevation to Brighton Road



Elevation to Ham Road

Fig 3: Proposed Elevations to Each Frontage

Layout

In response to the D-shaped site, its three frontages and the location of the 11m easement running north-south through it, the design proposes two buildings: a linear western block (Block A) and a U-shaped eastern block (Block B). Within each of these are commercial uses at ground floor and residential flats in the floors above. This arrangement provides for ‘active’ uses and extensive glazed frontages and doors along most of the frontages. This creates interest at street level with arrangements of domestic windows balconies above.

The space between the blocks provides pedestrian entrances through gates on Brighton Road and Ham Road, the latter also being the vehicular access in a similar location to the existing temporary entrance. Access to the Eastern Avenue is via the two storey passageway through Block B, linking into the landscaped central courtyard and paths (see Fig.18 for landscape layout). The lit passageway is flanked by entrance lobbies and part of one commercial unit. These serve as well-lit

edges so that service doorways and grilles also along its walls do not dominate.

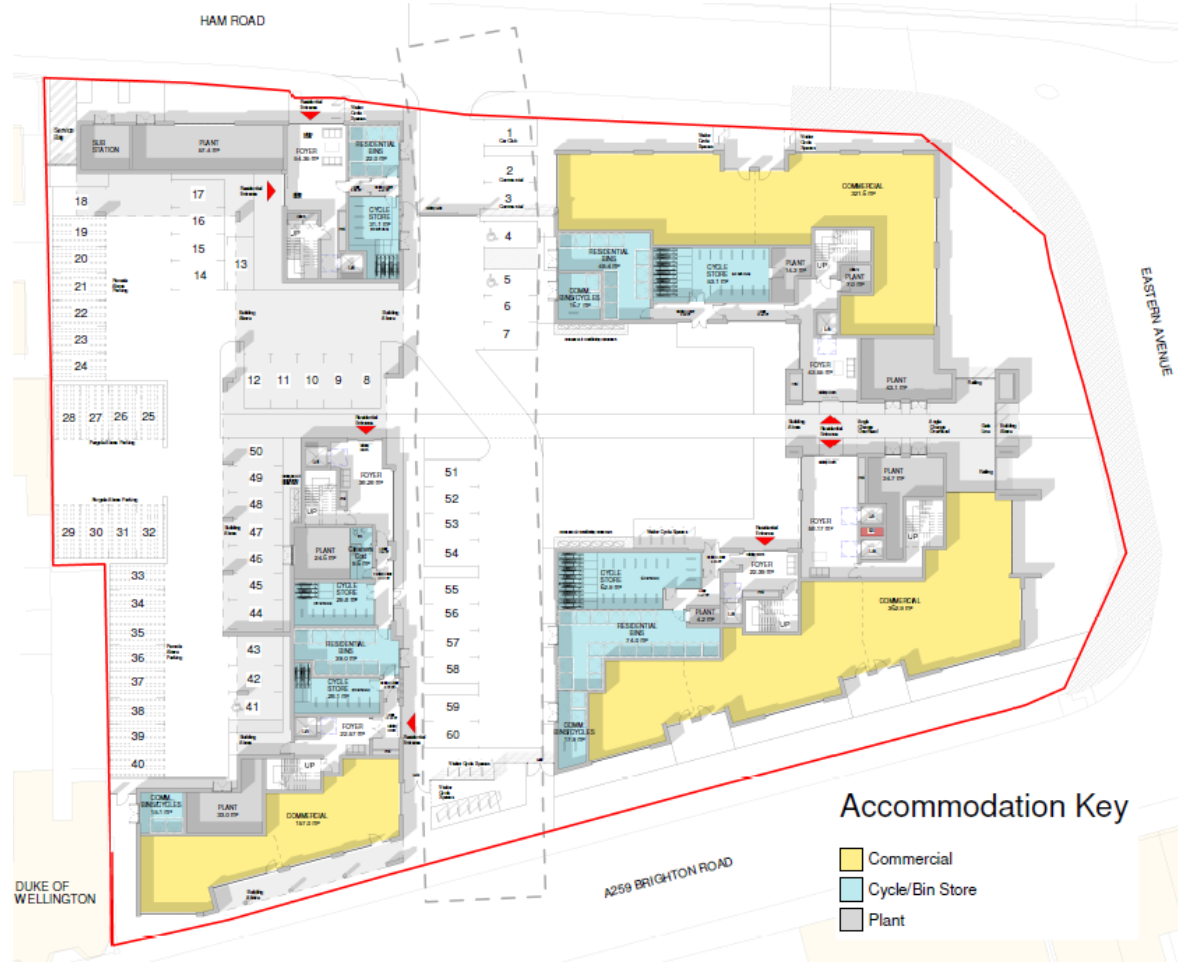


Fig 4: Ground Floor Layout

Parking spaces are grouped to the west of Block A, using parking pergolas for visual containment and interest. Some spaces are 'under-croft', partly concealed below the first floor of the block. Other parking spaces are proposed along the easement line, among planters and minor planted verges which create a visual link to the landscaped courtyard and lessen the visual impact of parking.

Services (heating plant, electricity sub-station and bin stores) are housed within the ground floor, accessed by external and some internal doors, which allow access by service personnel, including recycling and waste collections and appropriate access for residents.

Scale and Townscape

In response to Policy 22 and the guidance of NPPF, which seek efficient use of land and higher densities in central and accessible locations, the proposal is for approximately 256 dwellings/ha. This is achieved by a site coverage of approximately half its area, with the remainder intended for amenity & parking

spaces, also for setting back of the site frontages to create wider pavements, a cycle-path and roadside planting.

Other recently approved developments in the vicinity include Free Wharf (548 flats at 186/ha) within the Harbour Regeneration Area and The Mannings, Surry Street (74 flats at 264/ha), which is within the identified town centre. The six storey replacement Mannings is an example of a town centre development which has achieved a comparatively similar density, involving a series stepped heights and facades, an approach which has also been adopted for the current proposal.

Proposed Block A rises to six storeys at its central point alongside the internal courtyard. Its lowest points being the three storey elements at the western corners neighbouring Mercury House in Ham Road and the Duck of Wellington PH in Brighton Road. In between these are a series of four and five storey stages, some inset from the facades of the building and some flush with it. The sixth floor uses a series of gabled pitched roofs, otherwise all roofs are flat with shallow parapets.

Block B is mainly five to six storeys, but also contains the central eight/nine storey tower elements. Each of the frontages to Brighton Road and Ham Road and part of Eastern Avenue are five storeys, rising to an inset pitched-roof sixth floor along Ham Road, also at the south east corner with Eastern Avenue and Brighton Road, and along the Brighton Road frontage where is steps down again the fifth floor. Flat parapet roofs are used at the fifth floor, but above this they are gabled and pitched, with the exception of a part of the eighth floor of the tower element.



Fig 5: Design Development of Mass - Brighton Road East (left panel) & Brighton Road West (right panel)

In consideration of wider townscape Figures 5 & 6 illustrate how the placing of mass and height were evolved through discussions with the Regional Design Panel; the blue dashed line shows earlier placings which were rejected. **NB. These**

images Fig 5 & 6 show the 11-storey tower element, which has been reduced to 9-storeys in the recent amended plans

In Brighton Road the location of the tallest part of Block B has been placed in the centre of the Eastern Avenue frontage for two reasons. Firstly to ensure air space and good visual separation from existing and approved future buildings, including the Free Wharf development which is shown in the foreground of the left-hand panel and the background of the right-hand one. Secondly, to create a sense of architectural statement at the eastern entrance into the town centre.

The nine storey tower would be seen from the long and slightly curved views along Brighton Road to the east, and from the Ham and Eastern Avenue, albeit less pronounced than in these images..

Tapered profiles (rather than sheer faces as shown in the blue dashed line) have been created by use of stepped heights and set-back recesses along the site frontages, between the lower, foremost parts of each block and the recessed upper floors. Recesses are typically 1.5m for each step. This seeks to reflect the variation in heights and masses of existing buildings which can be seen in the right-hand panel.

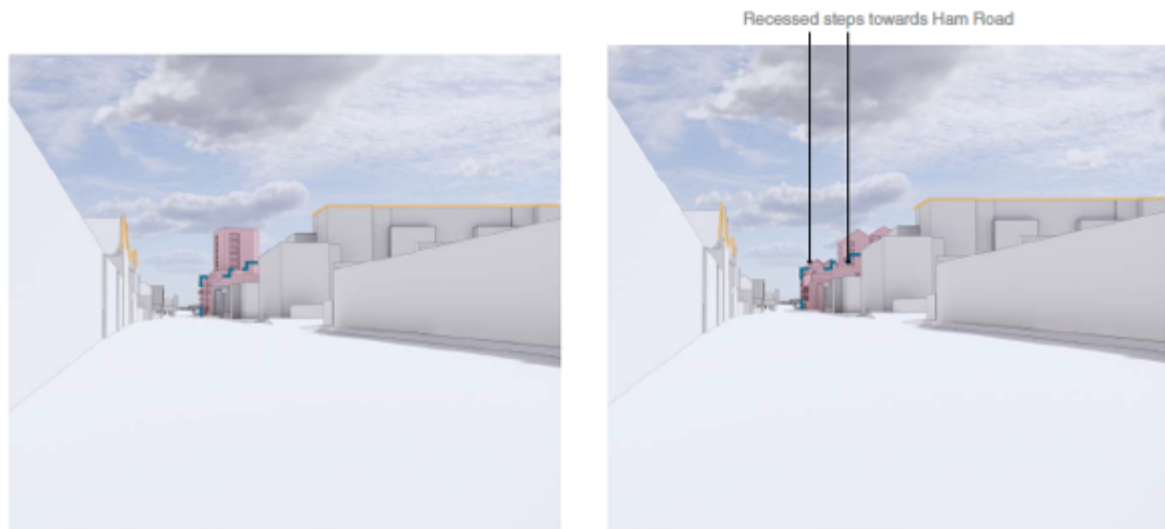


Fig 6: Design Development of Mass – Ham Road West (Alternatives with approved building for the Mannings in the RHS foreground)

In Ham Road a northernmost location for the tallest element was also tested (left-panel). However, even allowing for the future presence of the approved Mannings development shown in the foreground, it was considered to be unduly prominent for long distance views from the Ham Road Conservation Area to the west and lower scale development to the north. This supported the placing of the tallest element in the centre of the Eastern Avenue frontage (right-panel). The amended nine storey element would be lower than the eleven storey image shown.

Testing also suggested that the inclusion of pitched roofs was likely to be an

appropriate form of roofscape at this vista-point, echoing the gable of the prominent Caxton Hall building and the older buildings in the street. Pitches also reinforce the overall sense of tapering, together with the stepped and recessed facades.

A townscape and landscape assessment has been prepared by the applicant's landscape impact consultant. This uses a level-based survey which tests the height and scale of the proposal from public vantages within a 1.5 km radius, relative to existing building heights and land levels.

A series of predicted images in **Figs. 8 - 10** show how the original 11-storey proposals would have appeared from 19 locations, including the approved, as yet unbuilt developments at Free Wharf and The Mannings in Surry Street.

The following Figure 7 shows the amended 9-storey proposal.

Height comparisons of the amended 9-storey scheme are shown in the urban section drawings in Figure 7 and by measurements Table 2, below. Heights are relative to Ordnance Datum (AOD) (Full-size section drawings are in the Appendix).

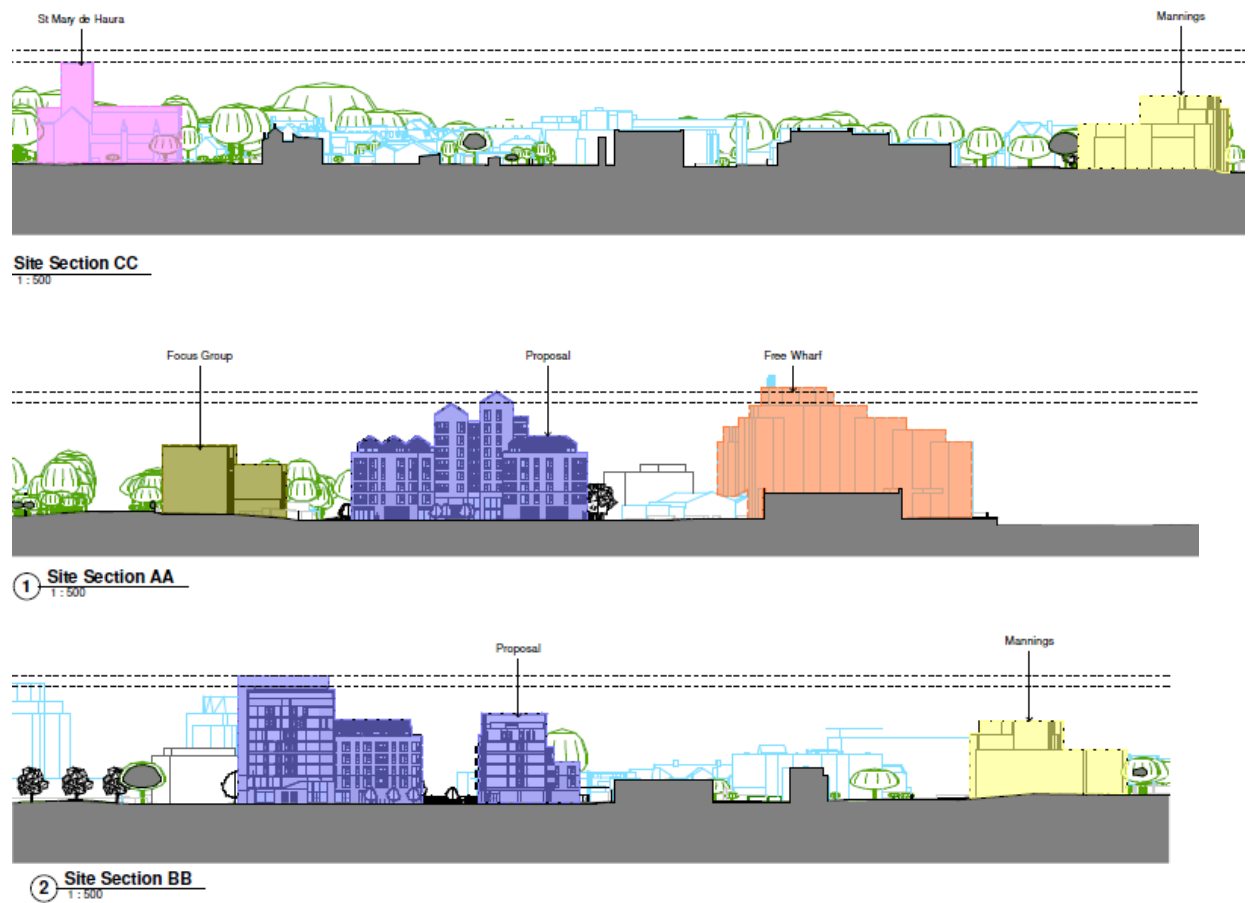


Fig 7: Sections: Comparative Heights

Table 2: Comparative Heights and distances.
 *Heights AoD (Above Ordnance Datum)

	Height (AoD*)	Distance
St Mary de Haura	32.3m	0m
Mariners Point (7 storey)	24.7m	220m
The Mannings (6 storey)	24.0m	220m
Civic Centre (9 storey)	35.3m	460m
Free Wharf (9 storey / podium)	36.3m	565m

These measurements take into account changes in ground level between different sites, for instance ground level at St Mary De Haura (approx 7.2m AOD) is between 2.6m higher than Free Wharf (Approx 4.4m AOD) and 3.5m higher than the former Civic Centre / application site (Approx 3.7AOD).

The measurements indicate that the tallest part of the proposed development would be 1m lower than the approved Free Wharf development. Both of these are taller than St Mary De Haura Church, +4m at Free Wharf and +3m in the current proposal, but they are both more than double the distance from the Church than other recent developments at Mariners Point and under construction at The Mannings. The relatively lower height of the amended proposal is an important consideration in the Town & Landscape Visual Impact Assessment, submitted with the application. This is considered in the following section.

Town & Landscape Visual Impact Assessment (TLVIA)

The TLVIA is based upon the original 11-storey proposal. The images shown at Figs 8 & 10 show the original eleven storey height. By contrast the amended proposal is two storey / 5m lower and the visual impacts would be commensurately less than those shown.

The assessment has considered vantages from Shoreham Beach, including Emerald Quay in the south; the Downs at Mill Hill and at Thundersbarrow Hill above Southwick Tunnel to the north along with Buckingham Park and intervening areas. From the east vantages include Julian's Lane/Kingston Lane across the conservation area, and Brighton Road (Halfords store). Vantage points to the west include Brighton Road east of Norfolk Bridge, St Mary de Haura Churchyard and closer views in Surry Street and Brighton Road.

Results indicate that the development would not be visible from the environs of St Mary de Haura Churchyard. This is due to the close-grained streets of the town centre where outward views are limited by the densely built frontages. Nor is it visible from Julian's Lane/Kingston, due to intervening buildings and trees. For the same reason the proposal and the approved Free Wharf development would be

barely visible from the old Shoreham Toll Bridge, only the top most part of the tower element would be seen between existing roofs.

The most visible locations are from the Brighton Road / Eastern Avenue environs already described, where the main five-storey frontages would be seen between the new, slightly taller stepped-storeys of the Focus building to the north and a storey height above the new corner building at Humphrey's Gap.

The lowest three storey element neighbouring the Duke of Wellington PH continues the existing pattern of two and three storey buildings; the increased heights and central tower are to the east of this within the setting of the more spacious road junction and The Ham. This arrangement of ascending heights is intended to achieve a transition between existing heights and the new taller and tower elements.

The assessment notes that public views from Surry Street are glimpsed between three storey buildings and considered to have little impact. Although the assessment is from public vantages it acknowledges that by contrast there would be significant open outlook onto the proposals from the rear of flats and houses here and eastward in Ham Road, however, it is relevant that the former three storey civic building would previously occupied this outlook.

The outlook from houses in Gordon Road to the north of Ham Road and the railway would also be affected, although distance, intervening buildings (but with lines of sight between these) and to some minor extent summer rail-side vegetation, provide some mitigation for the increased height and prominence of the proposal. (See also Fig. 9 Rosslyn Avenue below)



Fig. 8: Proposal (blue wire-line) from Emerald Quay and Adur Ferry Bridge landing

From Emerald Quay and Ferry Bridge the original proposal is notably taller than existing buildings at Mariners Point and Humphrey's Gap. Its height impact on the skyline from the Quay is less than that of the approved Free Wharf development (outlined in red), which appear taller in this view. Relative heights are reversed when viewed from the bridge environs, although the perceived height difference of approximately one storey is such that it forms part of the overall series of stepped and undulating heights, rather than sheer and singular.

By contrast with the original scheme indicated by the blue wire line, the tower element of the amended lower proposal would be lower and less prominent. The

backdrop of the Downs remains in the spaces between buildings. The impact is considered to be a moderate one.



Fig.9: Proposal (blue wire-line) from Rosslyn Avenue and Hamfield Allotments

From northern vantages in Rosslyn Road (facing Gordon Road) and Hamfield Allotments the new rectangular profile of the original proposal is distinct and visible on the skyline. It appears to rise above the Focus building by approximately 2 storeys, and is above the approved Free Wharf. In the amended plan (not shown), the reduced height suggests that only the pitched roof above the ninth floor would be visible.

The combination of buildings creates a new horizon within which the current proposal is an accent point, somewhat below that of the approved Free Wharf scheme. The horizon effect is similar at Buckingham Park, although to a lesser degree due to the greater distance and presence of trees.



Fig. 10: Proposal (blue wire-line) East of Norfolk Bridge and from Mill Hill

More distant views beyond Norfolk Bridge illustrate the distinctive rectangular profile of the original proposal on the skyline, creating a new highspot from this vantage but one which is moderated by the amended plan. Further to west of this viewpoint the proposal would be seen as part of the wider set of buildings, between the approved Free Wharf development and Mariner's Point.

From the Downs, the building forms part of the wider cluster of approved buildings at Free Wharf and the Mannings, as illustrated in the Mill Hill view. The visibility of the blue line shown from Mill Hill would be less in the amended plan.

The assessment of the original proposal concluded that the impacts were largely

low to moderate, taking into account others approved and recently constructed. This appears to be a reasonable conclusion and suggests that the proposals are unlikely to significantly affect the townscape and wider landscape of Shoreham, mindful of other developments approved nearby.

The area of greatest impact is upon residential outlooks from the Surry St/Ham Road environs, which is based upon the existing demolished condition of the site. It is relevant that a much lesser outlook existed when the Civic Centre was standing and that the tallest part of the proposal has been reduced by two storeys. Further consideration of the wider relationship to St Mary de Haura and local heritage is contained in the Heritage section below, which follows after the consideration of detailed design and materials.

Detailed Design - Design Review Panel

The Coastal West Sussex Design Review Panel (DRP), comprising independent architects and urban & landscape designers, met in late 2019 and again in March 2020 to advise on the plans as they evolved. The Panel recognised the importance of creating harmony among the complex series of proposed masses. Its advice included the following in relation to the most prominent eastern elevation, including the tower element, as well as the scale of development on the south (Brighton Road) and north (Ham Road) sides:

“The eastern façade [Eastern Avenue] should be designed as a distinct and strategically important gateway to Shoreham...a really exciting welcoming point. The combination of the park and the prominent façade offers potential for a large-scale landmark ‘announcement’ at a key gateway to the town. But its prominence also presents a risk that it merely announces a town where the quality of new development is not so high. Significant attention should be given to this façade.

...Having taller heights and a more industrial character on the south of the site and smaller heights and a more residential feel on the north would help both sides of the development relate better to their surroundings. For the same reason, we do not support making the tower on this site higher than Free Wharf, as the prevailing character here is one in which the height gets lower and more residential as you move further north. (December 2019)

...As suggested at the previous design review, the eastern elevation can be used as a marker in the approach to Shoreham, but this must be legible and cohesive. The balance of form and function and cohesiveness through design needs delicate resolution...With a better resolution of the massing, the materials and design flourishes, such as how the tower element and ‘beach huts’ interact, should become more coherent. The ‘beach hut’ concept relates to local context but needs more thought, it appears more relevant on the lower scale buildings to the north than the east facing façade (March 2020)



Fig. 11: Images seen by Design Review Panel in 2019 (left) and 2020 (right)

In relation to layout, which at that time (December 2019) included car parking within the internal courtyard (48 spaces in total) it advised layout changes and a reduction in car parking:

The location of the parking contained within the courtyard and the proposed public space within the development do not seem to be in the right place. They should be swapped, with the inner section of the 'U' of the development becoming the main public space. This could be an attractive communal garden...We support the reduced parking requirements, particularly considering the proximity to the train station. (December 2019)

In March 2020, with parking reduced and the courtyard redeployed as a landscaped amenity space, the Panel commented:

The rearrangement of the parking is also an improvement. We would like to see a push to a far less car-dependent development in a location so close to the amenities and public transport options of Shoreham. However, acknowledging the perceived need for parking we would push to make that space more flexible. The parking to the north west of the site could be decked over to make this more landscape led. (March 2020)

The matter of a set back facade along Brighton Road, with space for roadside planting was supported by the Panel. It also contemplated the possibility of creating visual connection between this planting and future planting at the Ham, to create a landscaped continuum. It contemplated whether greater physical connection could be made between the site and the Ham, but acknowledged the difficulty of achieving this due to highway considerations, as follows:

Along Brighton Road there is the opportunity to plant trees to improve the character. Planting the same kind of trees, such as plane trees, in the park and then all the way along the Brighton Road edge of the development, will help to maximise the benefits of new greenery and will create a visual connection between the development and the [Ham] park. (December 2019)

...It is understood that an aspiration of the design team would be to appropriate the adjacent section of Eastern Avenue to make stronger links to Ham Park and the skatepark to the east. Evidently there is resistance from highways to incorporate this as open space. Any measures that could incorporate this and develop a people friendly, rather than traffic dominated, approach would be a significant asset to this site and part of the town and should be pursued further (March 2020)

Detailed Design - Current Proposal

In the submitted design, following the advice of the Panel, the tower element and ground floor entrance has been positioned forward of the main facade to become the key element in the eastern elevation, with lower wings to the north and south, giving a more balanced and less complex appearance than in March 2020.

The use of repeated window sizes and proportions on each part of the building produces a sense of coherence and harmony, with subtle differences in the proportions of glass (windows) to masonry used in each side of the conjoined tower which serves to avoid uniformity between the two. The longer windows of the top floors of each tower balances with the suggestion of a plinth at the ground and first floor, formed by the use of varied brickwork and banding (described in the Materials section below)

On other elevations, the use of bays, recesses and stepped facades creates a restrained variety of shapes which strikes a balance between the need to complement the varied shapes and sizes of existing buildings nearby and the creation of a distinct identity for the new building. The use of both flat and pitched roofs serves to bridge the gap between contemporary architecture and the traditional pitched roof forms of older buildings, including Ham Road, New Road in the conservation area.

Regarding these roof forms, some careful detailing might be added by amendment of the gables of the conjoined towers to alleviate the expanse of brickwork here and the slight weakness of its roof edges.

Elsewhere the use of the metal-clad pitched and gabled for the recessed sixth floor areas is distinctive and reflects the industrial character of the harbourside, as recommended by the Panel. The gables create a suitable focal point for Block A from the internal courtyard.

At Block B the recent amendments have addressed Officer reservations concerning a two storey gable-roofed duplex element at the 6th/7th floors of the original design. This appeared somewhat awkward in mass and architectural relationship. The reduction of this element to a single-storey recessed sixth floor creates a more unified and consistent appearance.

The amended plan has also addressed the Design Panel's recommendation that development should be no higher than that of Free Wharf. Nevertheless the reduced tower remains two storeys above the height of the proposed sixth floor roofs which provides the visual marker suggested by the Panel. The result is considered to deliver the delicate resolution of distinctive form and cohesiveness advocated by the Panel.

At ground level, the landscape design of the courtyard and proposed roadside planting are discussed in the Trees & Landscape section of this report. These also follow the advice of the Panel, including relocation of the car parking from the courtyard into the easement area and western part of the site, which includes pergolas rather than the decking contemplated by the Panel. These proposals are considered to be appropriate.

The roadside planting meets with part of the Panel's recommendation for integrated planting at the Ham, although the raised blockwork table shown on the illustrative landscape Masterplan (Fig.18) is not supported by the Highway Authority and is not part of this planning application.

Detailed Design - Materials

Proposed materials are shown in Figures 12-14 below. Buff-coloured brick is the predominant material throughout, with profiled metal in dark grey for selected recesses and gabled upper roofs. The selection of a buff brick follows a review of existing town centre buildings and is intended to reflect the buff-grey tones of stone and flint buildings such as the Marlipins in High Street and St Mary De Haura, also to complement light-coloured, rendered buildings in the town centre. The choice is also mindful of the cream-white facades of the approved Free Wharf development nearby.

Figure 10 shows the chequerboard brickwork effect, which is proposed for the ground and first floor, by the use of alternating pairs of darker bricks topped by a horizontal band. This gives interest to the lower part of the building when viewed close-up and the suggestion of a plinth when seen from further away. Glazed brickwork in darker shades is proposed around entrance doors. The textured metal feature panels, for use alongside selected windows, are shown in Fig. 13, contrasting with the grey metal window frames and balcony rails and edges.

Detailed drawings and sections at large scale would be required of these and other details, such as roof intersections, gutters & pipes and the undercroft passageway. Balcony screens between adjoining balconies may need to change in order to meet fire safety requirements, as indicated in the HSE response. The visual impact of such changes would also be controlled by this condition.

The proposed drawings show that a paler grey brickwork for the central tower element, the 4-5-storey element in Brighton Road & Ham Road (Fig 12), and some

recessed areas in other elevations. This lighter shade helps to further-distinguish the tower element, enhance its architectural importance and appear softer against the skyline.



Fig. 12: Showing implied lighter brickwork to tower also grey metal panelling to gabled upper roofs.

The use of a dark grey panelling at the inset upper floors in Fig.12, provides a distinct contrast to the proposed brickwork and strengthens the evocation of traditional pitched roofs. It is considered important that the choice of a precise shade should strike the balance between architectural distinction whilst avoiding an undesirable sense of heaviness.

Subject to detailed submissions under planning conditions, the indicative palette of materials is considered to be well-considered and appropriate to the location. Appropriate shades, textures and finishes would be sought as part of detailed approval.

Another matter of detailed design for which further information would be required, is that of the commercial frontages. These large, glazed areas and doorways are shown to be recessed within the brickwork of the street frontages. Given their immediate visual prominence to pedestrians and from the street, it is important that these avoid a bland and generic appearance, but instead are visually and locally distinctive.

Amended plans showing greater architectural detailing is recommended here. Furthermore, as individual future commercial occupiers move-in and make planning applications for their frontages and signage, it is important that there is an overall sense of design harmony. For this reason a design code is also recommended for commercial frontages to provide a framework for future applications.

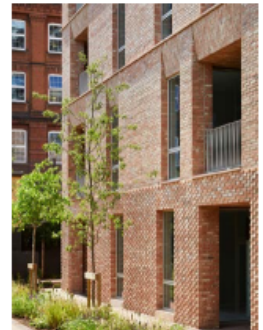
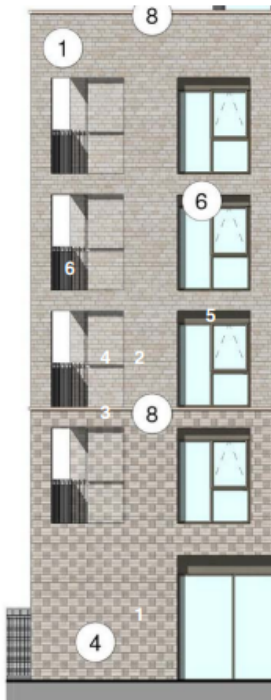
11.07 ELEVATION BAYS

Elevation Bays & Precedents

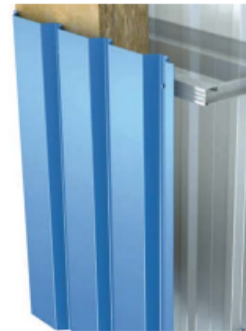
1. Plinth - 2 storey rustication. 2 complimentary bricks with 1no. buff and 1no. burnt brown laid in a stack flemish bond.
2. Upper floors - Buff brickwork laid stretcher bond
3. Projecting stone course - Integrated into window cills
4. Inset brick cheeks with recessed brick course
5. Metal panelling system above window emphasising the vertical profile
- 6 - Inset Balconies - Activating corners



1 - Plinth. Stacked Flemish bond & brick choices



3 - Projecting stone course



5 -Metal Panel System - corrugated profile in dark grey

Fig. 13: Materials and Detailing (1)

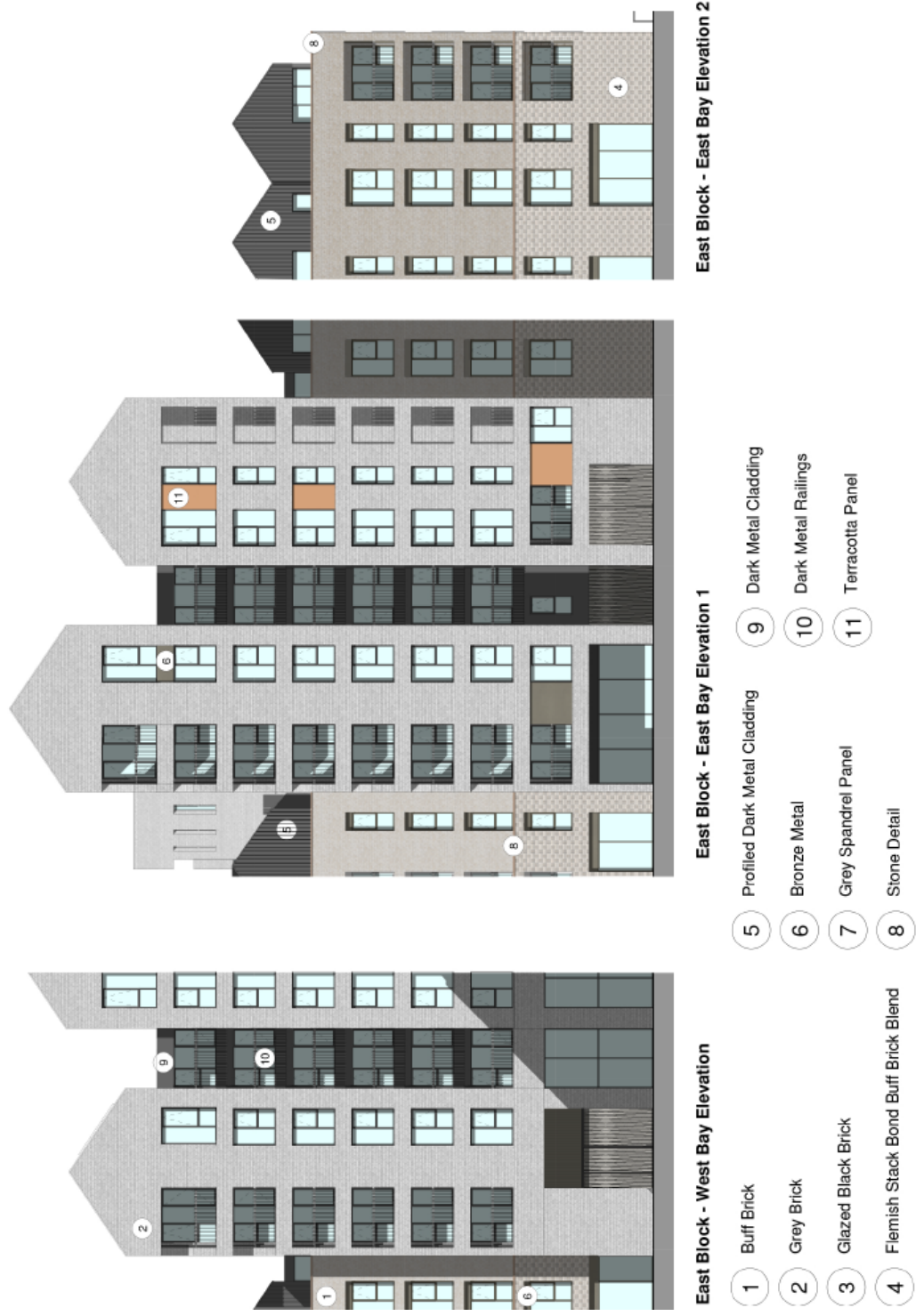
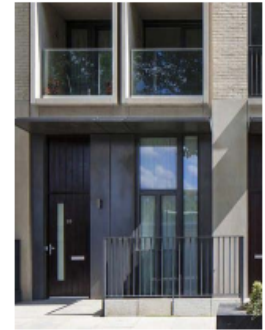


Fig. 14: Materials and Detailing (2)

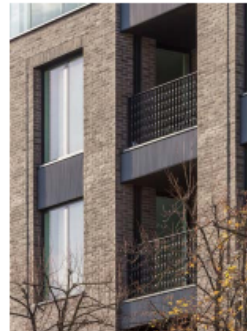
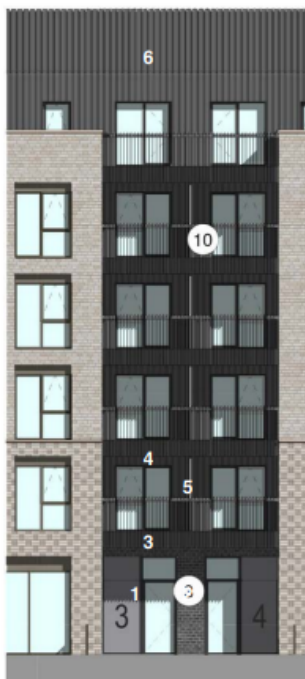
11.07 ELEVATION BAYS

Elevation Bays & Precedents

1. Commercial Entrance - Door and signage.
2. Brickwork - Glazed brickwork, colour to compliment metalwork
3. Balcony railing - extension of railing onto face of balcony
4. Metal cladding - Corrugated metal profile on face
5. Obscure glazed screens to provide privacy between apartments
6. Metal Roof - Shed design to allow for face finish and roof finish as one



1 - Commercial Entrances - Recessed in elevation



3 - Balcony Railings



5 - Privacy Screens

Fig. 14: Materials and Detailing (3)

Heritage

Policies 16 & 17 require that development affecting the setting of a heritage asset, such as Conservation Areas, Listed Buildings and Scheduled Monuments and their respective settings, should be of high quality, respecting their context and demonstrating a strong sense of place. This approach reflects the legal requirement Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to their preservation and enhancement. Applicants should describe the significance of any heritage assets and any contribution made by their setting.

The text associated with Local Plan Policy 16 also refers to consideration of other historic buildings which are not formally designated but which also contribute to the

character of the Borough. The NPPF refers to these less formal or undesignated assets as those which are identified by the Local Planning Authority; it suggests that this would include a Council's local-list of buildings.

The NPPF continues that great weight should be attached to the impact of development on the significance of any designated heritage asset. The degree of impact or harm should be assessed; development which would lead to substantial harm to these should only be allowed if the harm is outweighed by substantial public benefits. Where harm is less than substantial or where a heritage asset is undesignated, there should be a weighing of the significance of the asset and the scale of harm as part of a balanced judgement.

Conservation Area Appraisal for Shoreham 2009

The closest edges of the Conservation Area are some 65-100m from the site in New Road and Ham Road. It covers the town centre westward to Norfolk Bridge and includes Southdowns Road and Queens Place to the north of the railway.

The Council's 2009 Conservation Area appraisal refers to the historic core of the town and its compact character, situated on low-lying land bounded by the River and surrounded by residential, commercial and industrial development against the prominent backdrop of the Downs. It comments that opportunities for significant outward views from the town centre are limited by the close knit nature of buildings. However views towards the town, and its setting are important, including those from Shoreham Beach and Norfolk Bridge, and from the South Downs where St Mary's Church is a stand-out feature.

In respect of views towards the town the Appraisal comments:

...the perception of its [the town's] mass, scale and landscape setting against the backdrop of the downland that the wide sweep of the River Adur in the foreground is critical in protecting the character of the town in the future.

It also refers to the Church of St Mary de Haura as the primary landmark within the Conservation Area and that:

...protection of the landmark quality of this tower is a key issue in considering applications for new developments in the area.

Whilst the current proposal lies outside the Conservation Area, the aforementioned policies, legislation and the NPPF require consideration of the effect upon its setting.

Heritage Assessment

The applicant's heritage assessment considers the Conservation Area and its numerous listed buildings within 750m of the site. This was also undertaken in relation to the original plans. The visual impact of the reduced tower height is

expected to be somewhat less.

Town Centre: In common with the applicant's TLVIA townscape assessment the heritage assessment also concludes that outward views from the town centre towards the proposed development are screened by the tight network of built-up central streets and that this part of the Conservation Area would not be impacted upon.

In Southdowns Road and Queens Place to the north west of the railway, some 350 – 500m from the site, views are similarly obscured by buildings. It is possible that outward views of the development would be seen at their junctions with Raven Road but if so they would be brief and distant and unlikely to be harmful to the setting of the Area.

In New Road, the edge of the Conservation Area coincides with the location of the grade II listed buildings at 55-57 New Road, some 130m west of the site at the junction with Surry Street. These are a pair of rendered Georgian houses. The assessment observes that their immediate setting is formed by their front and rear gardens, in common with those of other houses in the New Road part of the Conservation Area. It comments that views from the site towards the listed buildings are limited to glimpses of the front garden and eastern flank wall. It also comments that views towards the site would be largely unaltered due to distance and the stepped frontages of the proposal.

Officers take a slightly different view and consider that the proposed roadside facades and the tower element, even at the reduced nine storey height, will present a more built up appearance to the outward vista and skyline seen from the environs of these listed buildings and the Conservation Area in New Road.

However, this impact is unlikely to be substantial due to other intervening buildings, including the three storeys at 384 & 388, which would screen much of the tower and lower storeys. These intervening buildings are in themselves characterful, traditional and varied; they serve as a buffer between the Conservation Area and the later C20th development towards the application site. The proposed planting of new and more numerous roadside trees as part of the development would, in time, offset the initial loss of the large existing poplar tree and provide an augmented green vista.

In Ham Road the closest part of the Conservation Area also coincides with the Surry Street junction some 65m from the north-west corner of the application site. Views from Ham Road towards the site include the terrace of rendered C19th cottages and the distinctive flint-brick gabled Caxton Hall. The flat roofed generally-taller post-war buildings at the Mannings (with approval for a larger replacement) and Pashley Court are a prominent backdrop alongside other varied buildings and with the larger Focus building as recent addition at the end of this vista.

As described in the townscape assessment, the proposed tower would be visible in this vista and create a new focal point, albeit two-storeys lower than originally envisaged. It is agreed that the use of the stepped frontages, including the deeply recessed position of the reduced tower relative to the Ham Road frontage, would create a varied and tapering profile overall.

It is considered that this would tend to merge the development into the varied series of existing buildings. The inclusion of pitched roofs draws from the character of the C19th buildings in Ham Road, so that whilst the tower would provide a new and larger focal point, it is reasonably complementary to the Conservation Area and its setting. The proposal for three trees at the north-west frontage may be considered an enhancement to the setting of the Area.

St Mary de Haura Church in the centre of Shoreham is a Grade I listed building. Its tall and distinctive rectangular tower (approximately 25.5m above ground level or 32.3m AOD – above datum), being the acknowledged primary landmark. Whilst the Church is not visible from the application site some 370 – 460m away, the impact of the proposal as seen within other vantages of the Church, as mentioned the Council’s Conservation Areas appraisal, are relevant.

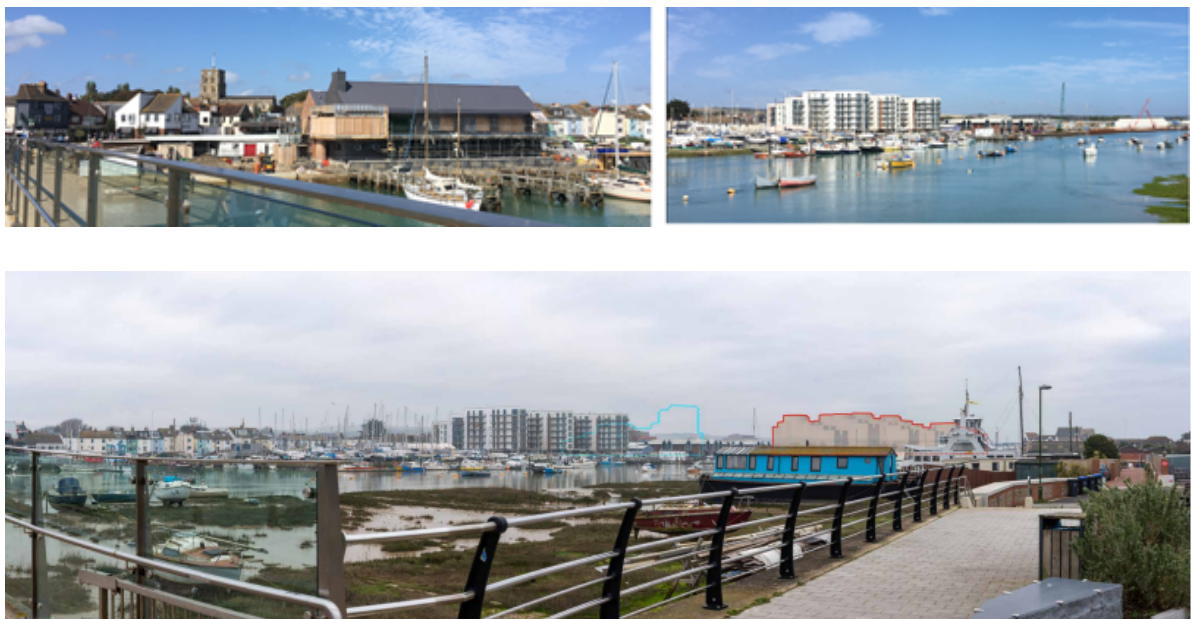


Fig. 16: From Adur Footbridge towards the Church and the east (lower panel montage shows Free Wharf outlined in red and the proposal in light blue)

Firstly it is agreed that views of the Church from its immediate setting are unaffected by the proposal due to the nature of the built-up central streets.

In the longer views the assessment acknowledges that the proposal and others recently approved will change the townscape of part of the town. The section drawings at Fig. 7 illustrate the height differences between the Church tower and the proposal. This allows for differences in ground levels (as aforementioned the

Church ground is approximately 3.5m higher than the applicant site), and shows that the proposal is approximately 3m taller than the Church. By comparison the recently approved six storey development at the Mannings is between 8.3m below.

The montage at Fig.16 (above) shows the view from the Adur footbridge. The original proposed building is represented by the light blue outline and the amended nine storey version would be two storeys lower. The recently completed seven storey Mariners Point (the former Parcelforce site), in the foreground is 7.6m lower than the Church and 10.6m lower than the proposal. Also shown by the red outline is the approved Free Wharf development, the highest part of which is 4m taller than the Church but 565m away.

Within this emerging future context, the proposed nine-storey tower would appear slightly higher than Mariners Point but lower than Free Wharf. It is unlikely to appear as a sudden or dramatic vertical element to rival the predominance and singular verticality of the Church tower in the tight group of older buildings of the historic centre 400m and more to the west. Provided that the Free Wharf development is constructed as approved, the impact is not considered to be substantial in terms of the heritage value of the Church and the historic centre.

Other Heritage Assets: Due to its distance from the two Ancient Monuments of The Marlipins in High Street building and Shoreham Fort on the east side of Shoreham Beach, and the intervening buildings in both cases, the proposal is unlikely to affect the setting of these.

In terms of undesignated heritage, the neighbouring Duke of Wellington Public House is particularly distinctive for its prominent paired bays, stone and brickwork detailing and decorative glazing. It provides a notable focal point at a gentle bend in Brighton Road, visible in both directions.

The alignment of the proposed Brighton Road frontage and the slightly cranked footprint of the closest three storey element, which would all set further back from the road than the Public House, is such that the distinctive bayed frontage of the existing building, would retain its visual prominent. The varied series of proposed bays, recesses and set-backs would also echo the variety of facade and roof lines which characterise the building and its setting. One point of reservation is the series of proposed end walls or shoulders to the western end of the building, the massing of which as shown in Fig 17 below. This elevation could be further softened by additional detailing, to form a more complementary backdrop to the Public House.



Fig 17: Proposed development from Brighton Road, west
(Duke of Wellington in foreground)

In summary, the location of the site 65-100m to the east of the Shoreham Conservation Area means that development of the proposed scale will affect its setting. However, the presence of intervening buildings of mixed forms and sizes are such that it is not considered to harm any sense of a prevailing character when seen from the Conservation Area edges in Ham Road and New Road, including the setting of listed buildings at nos. 55-57.

From these vantages the use of proposed facades which are well articulated, using inset storeys and a sense of vertical tapering are likely to blend with these mixed forms. The use of pitched roofs and familiar window proportions assist in this blending. The planting of several new trees can, in time, restore and overtake the initial loss of the poplar tree in the New Road vista and the backdrop of the distinctive Duke of Wellington Public House, and add to that of Ham Road.

In the wider historic townscape, and in the vital setting of St Mary De Haura as seen from vantages such as the Adur Footbridge, Shoreham Beach and River environs, there will be an awareness of the proposed development. However, it would be set well away from the historic town fabric, associated with the emerging character and scale of contemporary development to the east.

The development when viewed from these vantage points merge with the western harbour arm regeneration sites. The shape of the proposal, which is graded and tapering towards its tallest point among other new buildings, would contrast with the singular vertical tower of the Church and not rival its predominance and significance as the focal point of the historic town.

Accordingly, in heritage terms, the proposal is not considered to harm the setting of the Church, listed and unlisted historic buildings or the Conservation Area. Its impact in terms of urban renewal and replenishing green infrastructure over time offers the prospect of enhancement and increased vitality in accordance with NPPF and policies.

Archaeology

Archaeological consultants have examined the site and historical records in accordance with the requirements of NPPF para 197. They observe that it lies 100m to the east of the Archaeological Notification Area covering the medieval environs of Shoreham and well to the south of old Shoreham.

Its historic use was as rural fields away from settlement until it was first occupied by Victorian houses, then the Coliseum Theatre (demolished after 1961), before the construction of the Civic Centre in the late 1970s. Previous archaeological finds tend to be located well to the west and north west. The prospect of archaeological interest is considered to be low and further reduced by construction works since the Victorian era. Accordingly, further archaeological investigation is considered to be unnecessary.

Landscaping & Trees

The amended application includes an illustrative landscape masterplan (Fig.18). This proposes three main areas of landscaping comprising: street tree-planting with shrubs and grass; a landscaped central courtyard and lastly a series of planted pergolas in the western parking area between Block A and the site boundary.

Trees - Existing and Proposed

The roadside tree planting is an important element of new green infrastructure in the public realm. It links to intentions within the western harbour (JAAP) area, to provide planted spaces along the A259 Brighton Road for the benefit of pedestrians and as an improved setting for the new environment, to be created by the series of harbour-side and roadside developments. Additional future tree planting is also intended within the Ham by the Council's Parks & Open spaces team, which will contribute to this greening objective.

The existing mature poplar tree at the south west frontage of the site is highly prominent in Brighton Road. As acknowledged by the tree officer comments and by many of the public representations received, it contributes positively to the local character of the area, particularly due to the lack of other trees along this part of Brighton Road. For these reasons a justification could be made for its preservation. Conversely its loss as a consequence of the proposed development may also be considered alongside other merits as follows.



Fig. 18: Illustrative Landscape Masterplan

Loss of the poplar would be due to the position of the 3-4 storey element of the proposed Block A, which is entirely within the space currently occupied by the tree. The applicant comments that retention of the tree and its root area would require deletion of the proposed three storey part of the block containing five flats; the removal of a second bedroom from a sixth flat; deletion of 157sqm commercial space and two parking spaces, also reductions in plant room and cycle storage spaces.

A positive consideration is the opportunity presented by the proposal for new roadside planting. The proposals indicate six new trees along the Brighton Road frontage and five along Eastern Avenue. The Highway Authority has confirmed its agreement to this arrangement, which would relocate the Brighton Road footpath close to the facade of the proposed building with space for the roadside verge and trees. A legal agreement would provide a financial contribution to the Authority for future maintenance of the trees and dedication of the footpath for public use.

The Council Engineer has advised that tree types and sizes will need to take account of drain and water main runs in the drainage strategy. Southern Water has produced guidance which provides planting options in this situation. The applicant

is due to provide further details and an update is anticipated, together with the use of planning conditions to implement planting alongside the updated drainage strategy.

It is recognised that the immediate loss of an existing mature tree would have an initial negative impact but the planting of numerous younger trees with many growth years ahead, can be seen as planting for the future, the visual benefit of which will increase with time in combination with other future planting in the Ham and along other harbour-area sites.

Mindful of these benefits alongside the loss of potential accommodation which would otherwise be necessary to retain the existing tree, it is considered that the merits of the proposal have overall greater weight. Subject to the further information currently awaited, this aspect of the scheme is considered to be acceptable.

Other Landscaping

At the Ham Road frontage, the proposals provide shrub planting along the boundary and a cluster of three trees. This introduces a new element of planting into this part of the street by contrast to the extensive paved concourse and parking area which previously existed.

The internal courtyard would provide an alternating series of low-shrub beds, seats and paths, using a range of contrasted surface materials. Among these are informal play features; stepping-stones, balance beams and boulders, also two ephemeral rainwater dishes. Ten trees are proposed here; revision of the drainage strategy has been requested by the Council Engineer in order to determine the mode of planting (in sunken pits or above ground containers), which will also determine their size and species.

At the western side of the site, pergolas with climbing plants pockets of other shrubs would soften the appearance of the proposed car parking area, and the outlook from side windows at Mercury House and those of the proposed Block A.

Detailed design (e.g. plant types, sizes and densities) and future maintenance of these landscaped areas would be required by a combination of planning conditions and legal agreement obligations. Details of lighting and boundary enclosures would also be required by condition, it is envisaged that any enclosures which are visible from the street should be low-key, such as well-designed railings and rails, in order to ensure visibility of new planting and to allow light penetration.

Public Art

Landscaping and boundary fencing may present an opportunity for the integration of publicly-visible artwork, or in the facades of the proposed buildings, in accordance with the Council's Developer Contributions SPD. This can also be required by a combination of a planning condition and legal agreement obligation.

Ecology and biodiversity

As confirmed by Natural England and the applicant's ecologist's report, the proposal is unlikely to harm any existing habitats or protected species, including the SSSI saltmarsh in the harbour estuary. Recent pockets of self-seeded vegetation which have followed demolition of the Civic Centre, have low ecological value, although the poplar tree and one other shrub in the south west corner have potential for bird nesting.

The ecologist's recommendation is for the use of nectar-rich herbaceous planting amongst a mix of shrubs, ferns, tussocky grasses, also lawn areas which include planting for pollinators. The proposed green roof to Block A can also include sandy/rubble in places for invertebrates and bird boxes can be provided among the other landscaped areas.

Although planting space within the illustrative landscape masterplan is limited, the details to be required by planning conditions could ensure that the opportunities are taken for this targeted type of planting. Other legislation (The Wildlife & Countryside Act) would require that removal of the existing tree and shrub should be undertaken outside the bird nesting season; a standard informative attached to any planning permission would remind the applicant of this requirement.

Highways, Access and Parking

Access and Servicing

Vehicular access would be onto Ham Road at the midpoint of its northern frontage of the site. This would serve a new internal driveway of 4.8m width running north-south within the site with parking bays and landscaped footpaths alongside. This leads to a secondary driveway serving several under-croft car parking spaces at ground level below block A, with rows of parking pergolas along the western boundary.

Pedestrian and cycle accesses are proposed at each of the north, south and eastern frontages; the last of these via an under-croft pedestrian/cycle link between the internal landscaped square and mid-point of the Eastern Avenue frontage. Secure cycle stores are shown within the ground floor of each block accessed from the driveways and paths and there are lockable hoops close to site entrances and doorways to ground floor commercial spaces.

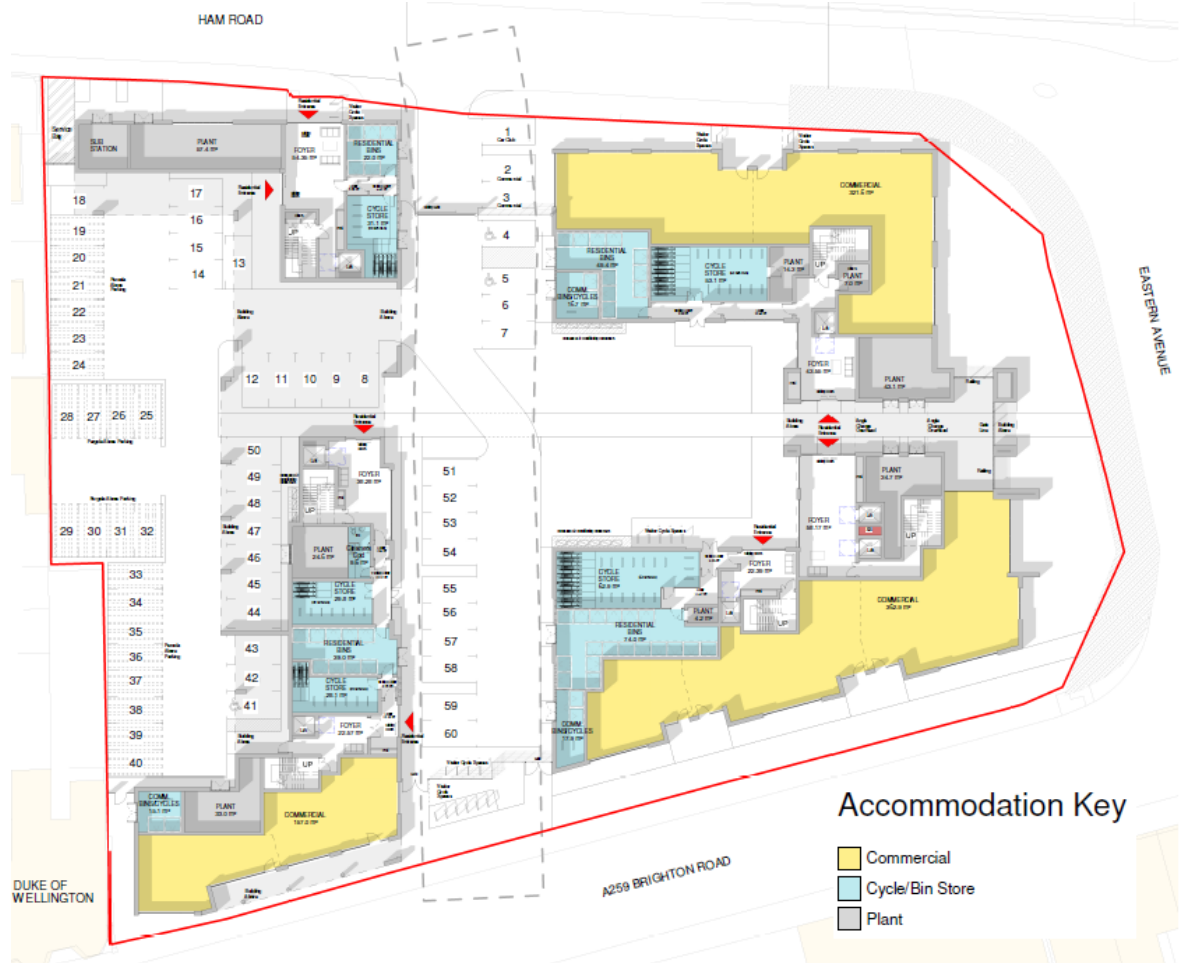


Fig 19: Layout to Show Accesses and Parking

Pavement widening and associated tree and verge planting is proposed along the Brighton Road frontage. This widening provides added highway space for future cycle-path link along the south side of Brighton Road. In Eastern Avenue the public footpath would be reconstructed along its current alignment to become a future section of shared pedestrian and cycle path, connecting to the future Brighton Road Cyclepath via the traffic-light crossing at the Eastern Avenue/Brighton Road junction.

Servicing, deliveries and refuse collection would be via the Ham Road access, where vehicles can enter and turn within the site; the turning area would also provide for brief waiting. Bin stores for 5-20 shared bins are located within a 25m transfer distance in accordance with national guidance.

Fire appliances would also use the Ham Road access and driveway to reach two of the residential entrances and part of the ground floor commercial space in accordance within the 45m distance required by the County Fire and Rescue Service; actual distances of 11m – 29m are well within this. The Fire Service requires the provision of fire hydrants which can be required by planning condition,

or by appropriate planning condition.

Transport Impact

Transport consultants have assessed the predicted number of 2-way trips which the proposed development is likely to generate on a typical weekday between 07:00hrs and 19:00hrs for each means ('mode') of transport. These are compared with estimations for those of the Civic Centre, which was vacated around 2016. These comparisons are set out in Table 3 below.

Table 3: Daily Weekday Trips for Previous and Proposed Uses

	Previous	Proposal		
	Civic Centre	Residential	Commercial	Total
Vehicle	231	305	53	358
Cycle	23	15	5	20
Pedestrian	473	384	109	493
Train/Bus	183	92	42	134
Total	923	900	213	1113

Whilst these trips are spread throughout the day, the applicant has also compared 2-way trips during the morning and evening peaks. The results are set out in Table 4 below.

Table 4: Weekday Peak AM / PM Trips for Previous and Proposed Uses

	Previous		Proposal					
	Civic Centre		Residential		Commercial		Total	
	AM	PM	AM	PM	AM	PM	AM	PM
Vehicle	34	21	24	28	8	5	32	33
Cycle	5	5	1	3	1	1	2	4
Pedestrian	21	22	31	61	5	5	36	66
Train/Bus	38	34	18	18	9	8	27	26
Total	99	84	74	110	23	19	97	129

The totals show very little change for AM peak trips and notably a very similar number of vehicular trips, but a reduction of approximately a third to half for pedestrians, trains & and buses. In the evening peak the greatest difference is in

the large number of pedestrians, an increase of 200 percent, followed by 57 percent (12no.) of additional vehicle trips. Again cycle trips account for only a small number of the total trips at each peak.

The Highway Authority acknowledges that in terms of highway impact the net vehicular impact of the development is a reduction of 2 trips in the AM peak and increase of 12 trips in the PM peak. Whilst this represents a relatively high percentage (57%) change during the evening peak, the overall number is sufficiently modest as to require no further assessment of impacts, including traffic junctions.

In accordance with the Highway Authority's Total Access Demand approach, a financial contribution would be required to reflect the overall growth in weekday traffic as reflected in Table 4. This would be used for highway improvements also related to Shoreham Harbour regeneration, such as improvements to the A259 corridor, including the segregated cycle path.

Whilst the increased number of daily vehicle movements appear to justify general highway improvements, the comparisons also show that improvements to pedestrian facilities, such as the proposed pavement widening and landscape improvement of the public realm, would also be a reasonable response to increased pedestrian demand. Provision of bus shelters might also assist in increasing the attraction of bus journeys.

The comparisons above indicate that the low rate of previous and predicted cycle usage presents perhaps the greatest opportunity and challenge for improvement. The addition of new highway land along the Brighton frontage of the site to enable the future cycle-path is an important factor in this and can be required via legal agreement attached to planning permission.

This is particularly important if the high proportion of cycle parking provision and related travel-plan which is proposed in the application (as described in the Parking section below), is to represent a real and meaningful shift towards sustainable transport.

The Highway Authority is satisfied with the safety and visibility at the proposed Ham Road and accessibility for fire tenders, demonstrated in the recently amended plans.

Parking Provision

The amended proposal includes 60no. car & 190no. cycle parking spaces on-site. The intended use of these are summarised in table 5 & 6. The 57 residential spaces equates to a parking rate of 0.36 spaces/dwelling. This rate is considered under the heading 'Parking Analysis' further below, which follows after the explanation of relevant guidance in 'Parking - Policy and Guidance' immediately after Table 6

Table 5 Proposed Car Parking

Type of Car Space	Number of Spaces	Comment
Residential	57	Within Total 57 spaces: 3 spaces (5%) for wheelchair users 21 spaces (35%) with active EV charging points
Commercial	2	
Car Club	1 (and one on-street)	
Total	56 (and one on-street)	

Table 6 Proposed Cycle Parking

Type of Cycle Space	Number of Spaces	Comment
Cycles – secured stores	17	Within Total 190 spaces: 160 for residential use 30 for commercial use
Cycles - hoops	15	
Total	190	

Parking - Policy and Guidance

Local Plan Policy 28 states that new development should be within accessible locations, which minimise need for travel. It should provide appropriate levels of car and cycle parking and also promote, provide or contribute to new sustainable transport alternatives or mitigation of impacts. These may include improvements to the road and cycle network. Appropriate levels of parking should have regard to County Guidance and impact on-street parking.

This approach is consistent with the current NPPF and adopted County Parking Guidance of 2019. Both documents state that the transport approach to new development should take into factors including accessibility, walking, cycling public transport and local car ownership levels.

In relation to parking demand the County Guidance states that:

‘parking provision should be sufficient to accommodate parking demand while exploiting the potential for sustainable travel, minimising adverse effects on road safety, and avoiding increased on-street parking demand’ (4.2). ‘Calculation of expected...demand should normally be based on local or comparable data, taking account of forecast changes...in the local plan period’

(4.5). The County Council will: *'only consider objecting to development on parking grounds where parking arrangements do not comply with the guidance and this could result in a highway safety or capacity issue'* (1.5).

The calculation of residential parking demand within the Guidance is based on car ownership levels taken from Census data of 2011 for each Ward. A national growth model is then applied to predict needs up to 2033. The result is a series of parking rates for different Wards or a group of Wards, which are termed Parking Behaviour Zones (PBZ). These rates also vary according to dwelling size. Adjustments, (typically ten percent) may be made for locations close to transport hubs or where individual on-street evening parking surveys demonstrate on-street capacity.

St Mary's Ward, within which the site is located, and St Nicholas Wards, are entirely within PBZ 3. This covers all of the town centre and substantial suburban areas south of Old Shoreham Road and West of Southlands Hospital. Parking rates here are:

- 0.9 spaces / 1 bed;
- 1.3 spaces / 2 bed;
- 1.8 spaces / 3 bed;

Cycle parking should be one space for 1 & 2 bed homes and 2 spaces for 3 beds.

These rates applied to the proposed development without any reduction, they produce a total of 188 car and 175 cycle residential parking spaces. By comparison the application proposes 60 car and 160 cycle spaces respectively (57 residential car parking spaces at rate of 0.36). The following analysis considers this difference.

Parking Analysis

The adopted Guidance states that demand should normally be based on local or comparable data and forecast changes. Using this approach the applicant has examined 2011 Census data and has identified that car ownership rates vary between dwelling size, location and tenure and have barely changed in the decade up to 2011. The highest ownership levels in PBZ3 are for houses north of the railway at 1.04 vehicles per dwelling. Town centre flats are 0.7 per dwelling and this reduces to 0.52 per dwelling for flats which are rented or in shared ownership.

In light of this evidence it appears reasonable that a lower parking rate can be applied to new development. Mindful that a grant of planning permission would require 30 percent of flats (48no) to be rented or shared ownership this produces $(48 \times 0.52) = 25$ spaces. The remaining 111 market flats would produce $(111 \times 0.7) = 77.7$. The rounded-up total is 103 spaces.

The difference between this evidence-based method and the proposal is 46 spaces $(103 - 57)$. Applying a ten percent reduction due to the proximity of train and bus services would reduce this difference to a shortfall of 36 spaces.

The applicant proposes that a travel plan which builds on the strengths of this central location, is a reasonable justification for allowing the proposed lower number of parking spaces. This would include:

- Car club: two spaces and vehicles, one on-site, one on-street, with a period of paid membership,
- Travel vouchers for residents to use public transport or car club,
- A contribution towards the purchase of a new bicycle and/or equipment
- A Travel Welcome Pack with details of local footways, cycle routes and bus stops and bus services in the area,
- Monitoring and review of measures over a five year period

The County Highway Authority raises no objection to the proposals and the amount of parking space. It notes that there is little or no surplus on-street parking capacity but that the proposals are reasonable given the central location, travel plan and proximity to the future cycle route, to which the proposals would contribute required land. The Authority observes that the determination of parking requirements is a matter for the Planning Authority but it would not create severe highway impacts, which is the relevant threshold for concern under the NPPF.

In consideration of these observations, it is agreed that the travel plan can provide some counterbalancing effect for the low parking ratio here. A more fundamental point is that the promotion of future patterns of travel, which rely less on private car ownership, is a necessary step in achieving high density urban developments, using scarce land to good effect. It may be seen as a crucial response to climate change and air quality concerns.

Within the travel plan, the provision of two car club vehicles is of particular interest in promoting less car ownership. It has potential to serve both new and existing residents, with the potential wider benefit in reducing car ownership among existing residents and consequently reducing parking pressure. Its delivery through a legal agreement as part of this development, would coincide with the recent introduction of a car club of two vehicles in Pond Road. Other car clubs are due to follow at Free Wharf and the Mannings, with the potential to reinforce this emerging change.

It is also important that the proposed on-site parking spaces are used and managed effectively. The applicant states that car-owning residents would apply for a space rather than spaces being allocated to specific flats regardless of car ownership. This principle reduces the risk of locking-up unused spaces. No visitor spaces would be allocated, which might be used only intermittently (the applicant envisages the use of the Tarmount Street car park by visitors).

In summary, the matter of parking rates and amount is clearly an important issue. The evidence-based approach justifies a lower rate than the County guidance, along with proximity to public transport and town centre facilities, which are conducive to lesser car-reliance. The strengthening of emerging local car club availability is potentially a further important step in promoting this change.

A further important consideration is that it is highly likely that the scheme will be built as a 100% affordable development in line with the applicants submitted Memorandum of Understanding (MoU). Although this cannot be secured through any planning obligation it would reduce the gap between provision and need set out having regard to Census data. In this respect a higher proportion of affordable housing would relate to a requirement of 83 spaces (159 flats x 0.52). If a 10% reduction is applied due to the site's sustainable location this requirement reduces to 74.7 parking spaces - a shortfall of only 17.7. Given the travel plan commitments and the other initiatives to encourage sustainable transport this level of shortfall is considered acceptable and would not lead to unacceptable parking pressures in the vicinity of the site.

Commercial Parking

The proposed commercial floorspace comprising 840sqm, would encompass Class E uses including shops, restaurants, offices, medical & health services, nurseries / crèches and light industrial uses. County Parking Guidance gives a range of car parking rates for each type of use as an initial guide, for instance: 1 space per 30sqm for offices and light industry; 1 space per 14sqm for shops and 1 space per 5sqm for restaurants

The applicant's assessment of commercial parking needs is based upon an office use. In accordance with County Guidance it applies national (TRICS) data which predicts 53 daily two-way trips associated with office use of the commercial floorspace, which is 15% of all predicted residential and commercial trips.

The assessment concludes that for a commercial site located in a town centre a provision of 2 spaces is considered sufficient and is not dissimilar to other town centre commercial spaces whose clients and visitors are able to use the Tarmount Lane car park approximately 250m to the west. The assessment implies that a commercial travel plan would be applied, which could be secured by a planning condition. Whilst Class E now incorporates a range of uses with potentially different parking requirements given the town centre location of the site, the low level of parking provision for commercial uses is considered acceptable.

Disability Access

Car parking for people with disabilities would be available for any 'Blue Badge' Holder. It is not clear whether any assumption has been made regarding the use or management of small commercial vehicles by future occupiers or residents, and this is to be clarified as part of a wider update.

Within the site level surfaces and thresholds are envisaged in addition to internal lifts to ensure accessibility for all users.

Electric Vehicle (EV) Charging.

County Guidance includes the provision of a proportion of live charging points for electric vehicles (EV). The proportion has increased by 4 percent annually since the guidance was introduced in 2019 and is based on the year of construction for each development. The current development proposal includes 35 percent live EV charging spaces, this is slightly below the construction year of 2022 and would need to be increased to meet it (this can be secured by condition).

The Guidance also requires that ducting is provided to all other on-site spaces to allow for the installation of additional charging points as demand increases. Confirmation has been requested that this would also be included.

Residential amenity - for proposed dwellings

All proposed flat layouts meet Nationally Described Space Standards and are acceptable to the Private Sector Housing Team. Many are dual aspect, although the 15no (9.5%) have north-only aspect units, mainly in Block B as due to its D-shape footprint and long northern facade.

However, despite this and some areas of quite tight spatial relationships across the courtyard and central access (15-20m between facing windows), light penetration is good, as explained in Sunlight & Daylight below. Offsetting of facing windows and balconies, or use of narrow windows, help in the provision of privacy. Outlooks between the two blocks are somewhat eased by the graded masses and articulated frontages.

Outdoor Space & Recreation

In terms of external space, all flats have private amenity space in the form of either a balcony or terrace. The communal courtyard with its series of planted beds, seats and paths and informal play features is directly accessible from the entrances to Block B and a short distance from Block A across the landscaped central access. This provides approximately 1600sqm of semi-private amenity space.

Access to the Ham open space and skate park on the opposite side of Eastern Avenue is via the traffic-light crossing at the junction with Brighton Road (the indicative central crossing in Eastern Avenue shown in Figure 18 is not proposed in this application, nor is it part of any intended road scheme by the Highway Authority). This proximity provides for public outdoor recreation, albeit as the Parks Manager observes, there are limited opportunities for added facilities here beyond the intended planting of new trees as part of the greening of Brighton Road.

In accordance with Policy 32, the provision of a contribution towards other open space and recreation facilities may be considered, given the limitations of the site and the Ham. Use of the Council's recent guidance for Open Space, Recreation and Leisure and open space calculator identifies that contributions towards parks,

recreation grounds, children & youth play facilities, allotments and natural green space, would be justified.

An off site contribution has been requested from the applicant and this is subject to negotiation. The Parks Manager has indicated that this could be used for enhancements of other open spaces in nearby wards, such as Adur Recreation Ground and Buckingham Park. This would be included in a legal agreement. An update will be given, including the applicant's anticipated response.

Sunlight & Daylight

The applicant has used computer modelling to assess the potential light levels that would be achieved in the new accommodation. National guidance (Building Research Establishment - BRE) recommends that for new buildings, windows should receive between 1-2% of unobstructed daylight, with bedrooms at the lower end of the range and living rooms and kitchens at the upper end (1.5% or more). For sunlight, one or more windows in an apartment should be within 90 degrees of due south and receive 25% annual sunlight, 5% of this during winter. (flexibility) and northern-only aspects for living rooms should be avoided as far as possible.

The guidance, in common with NPPF advises that the guide should be applied with flexibility and recognises that planning authorities may take a different approach, particularly in densely developed areas.

The applicant daylight-tested 180 rooms at first and second floors, where effects on light penetration are greatest. Of these 165 (92%) met recommended levels. Three of the living rooms in Block A fall below half of the recommended level due to their internal length and blinker-effect of projected parts of the facade adjoining them. However, seating areas closer to the window would be likely to receive daylight comparable to other shorter living rooms.

Sunlight penetration is affected by the amount of east and west facing windows, which can only receive direct sunlight for half the day, particularly in Block A. Accordingly, less than 50 percent of Block A windows would meet the guideline , although Block B achieves 73 percent due to its longer southern-facing facades.

The site layout has led to 15no (9.5%). north-only aspect units, mainly in Block B due to its D-shape footprint and long northern facade. These are the smaller one-bedroom flats, and therefore affect the lowest number of people. Some mitigation is found in the presence of balconies which allow for some lateral views slightly away from the north.

In consideration of the challenges posed by the length of site frontages alongside the aim to achieve a high town centre density, access to light and the use of aspects are considered to be well-achieved for the majority of the proposed units.

Neighbouring amenity

Sunlight & Daylight

In accordance with national guidance from the Building Research Establishment (BRE), the applicant has undertaken a sunlight and daylight assessment. This examines the degree to which light levels to existing homes would be affected by the proposals. A 3D computer model of the proposals has been created to compare the difference between the proposals and the previous impact of the demolished Civic Centre building. It tests impacts on flats to the west and north west (Mercury House, Pashley Court & Glyndebourne Court), to the south side of Brighton Road and those at 372 & 374, immediately west of the Duke of Wellington PH (Fig. 20).



Fig. 20: Computer model testing neighbouring sunlight & daylight.

For existing homes, windows are considered to be affected if the amount of sky visible at the window face or within the room would reduce to less than a target of 0.8 times of its existing level, or below a factor of 27% of all natural light. Impact on direct sunlight is also tested for south facing windows, (including south-west & south-east). Allowance is made for existing features such as deeply overhanging eaves or projecting wings of existing buildings which may already affect light.

For most of the 115 windows tested, impacts would comply with the target values. There are some reductions below target at 63-67 Brighton Road, affecting 3 bedrooms to values of 0.69 - 0.78. This is considered insignificant given their likely primary night-time use. A first-floor lounge-kitchen/diner would be impacted to a level of 0.74, which has greater importance but this is considered relatively minor

and potentially somewhat alleviated by the recently amended plans, although this has not been tested.

At Pashley Court, Surry Street, targets are met with the exception of sunlight values which reduce to 0.71 - 0.75 of annual sunlight at two kitchen windows, but not affecting more sensitive winter values.

The most notable effect is at Mercury House, which comprises a three storey block of flats with side-facing windows some 5m - 21m from the proposed Block A of between three and six storeys. Fourteen windows are affected across ground, first and second floors. Eleven of these would retain 0.35 - 0.65 of their existing visible sky by comparison with the 0.8 target, and ten would be similarly affected in terms of daylight levels inside the room. Of these rooms many are bedrooms, and therefore unaffected at night, but five are lounges or kitchen/dining rooms, where the impact is of greater importance.

Sunlight levels at Mercury House are reduced below target within six rooms but those affected to the most significant degree (below 0.65) are bedrooms, with only one being a lounge-kitchen/diner (0.5).

It is noted that Mercury House was built after the Civic Centre and its long side wall close to the site boundary had the advantage of facing across the side and front car parks which surrounded the now-demolished building. Inevitably, any development which seeks to build along the Ham Road frontage would have some impact on these windows.

The difficulty in this case is that five of the affected windows are used primarily for daytime purposes and would experience effects well below the 0.8 BRE target guideline. It is unlikely that this impact will have been lessened by the reduction of two floors at Block B, which is well away from Mercury House. There appears to be no other available mitigation which might assist.

The scale of development proposed adjacent to Mercury House has been stepped down to 3 storey to reflect the scale of buildings along Ham Road and to close off views through to the rear car park. Whilst, there is an adverse impact on side windows to Mercury House these windows are close to the boundary and therefore any redevelopment seeking to create frontage development would have some adverse impact.

It is relevant that NPPF advises a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site and this is clearly the case in this instance. On balance, having regard to the need to maximise the development potential of this brownfield site, the adverse neighbour impacts here are offset by the overall benefits of the development.

Privacy & Outlook

As mentioned, at Mercury House side-facing windows are some 5m - 21m from the proposed Block A. The closest part of the proposed building is three storeys, and a substantial part of the side wall of Mercury House facing towards it contains no windows until several metres deeper along the wall. These windows and the several others further along the wall would either retain angled views past the rear corner of the proposed three storey wing, or would face onto the proposed car park, towards the side wall of the five-six storeys of Block A, some 21m away.

Whilst this would change the outlook from Mercury House greatly, the use of staged heights for the west elevation (Figure 21) space, with the six storey element at an angled distance of 22m and more away, and including the use of an intervening fourth floor 11-14m from the side wall of Mercury House, is considered to create a reasonable relationship for this edge of town centre location.

Likewise the presence of facing windows and balconies is also considered reasonable in this context, although a screen should be added to the edge of a fourth floor roof terrace above the (window-less) three storey western shoulder facing towards Mercury House, in order to maintain a reasonable degree of neighbouring privacy.



Fig. 21: West Elevation towards Mercury House, Duke of Wellington & Builder's yard

A similar relationship is proposed at the western boundary with the Duke of Wellington Public House. A three storey window-less elevation would face the side wall of the Public House 2.5m away with an intervening fourth floor at a 9m distance. The main block is 21m from this boundary, and proposed windows would have line of sight toward the rear public house garden and builders yard behind it, albeit slightly filtered by the proposed parking pergolas. The six storey element would be 17m across an angled distance from the rear corner of the public house.

Whilst this would introduce a significant degree of overlooking of the rear pub-garden and builders yard, these are largely commercial spaces rather than

private ones; as such they are considered reasonable here. The matter of noise from the public house and its relationship to the proposals is considered in the next section.

Small courtyard gardens to flats in Brighton Road and in Pashley Court are considerably further to the west, and not considered to be harmed by changes to their outlook and lines of sight.

Noise

Alongside Policy 11 which identifies the future development of the site to include housing, policies 15 and 34 of the Local Plan require development to be located in areas most suitable to its use of and to avoid risks from forms of pollution, including noise. Layouts and design should take into account the potential users of the site and should not have an unacceptable impact on adjacent properties.

National Guidance in the NPPF (para 187) states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Other relevant national guidance includes the Professional Practice Guidance on Planning and Noise (ProPG), of May 2017. This advocates good acoustic design in the form of site layout and orientation, not solely reliant upon sound insulation. However where insulation is required, this should also consider requirements for ventilation and overheating, including mechanical systems. Noise from such systems should be included in the assessment.

Guidance also recommends that an overheating assessment should be provided alongside the noise assessment. It should describe design options and an estimate of the amount of time needed for windows to be open for ventilation, such as for purging or ventilation of cooking odours. Following a recent change, overheating assessments are soon to be required under Building Regulations from summer 2022.

The proposed development would construct Block A at a distance of between 2.5m and 12m from the boundary of the Public House and its rear public garden (see Fig 22). The closest part of the building would step back to a distance of 9m at the third floor and above.

Between the first and sixth floor, the rear walls of Block A facing towards or perpendicular to this boundary would contain 24 bedroom windows across five storeys, and one living room. Rear balconies are not proposed here, but are included in the part of Block A further north, facing Mercury House and the side wall of the builder's yard office some 16m away.

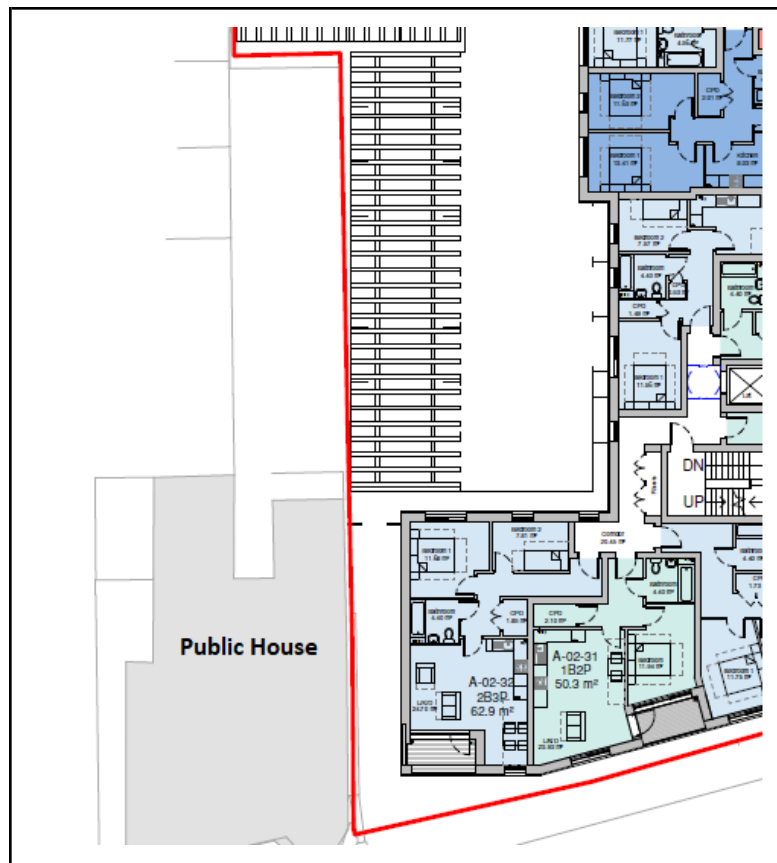


Fig. 22: Block A in relation to Public House (2nd floor layout shown)

In order to assess the noise climate of the proposed development, a noise survey was undertaken over 24 hours during 24th/25th October 2019. This observed the dominance of road traffic noise, which contributed to values of 61-66dB daytime and 57 - 62dB night-time. These are respectively in excess of target levels of 35dB for daytime use of living rooms and 30dB for night-time use of bedrooms. They also exceed the target levels for external amenity spaces such as balconies and terraces (50 - 55dB for terraces and roof gardens), but not necessarily achievable in central urban areas. An allowance for future traffic growth indicates negligible change to these values.

The survey observed no noise from the neighbouring builder's yard; the Duke of Wellington Public House, nor activity at the Ham Skate Park to the east.

The applicant's consultant's assessment of the noise climate survey concludes that it presents a medium to high risk of adverse noise effects upon the proposed development. Therefore acoustic glazing is required and this should be of a specification which produces a margin of at least 5dB greater than the amount of sound insulation required to meet the target levels for bedrooms and living rooms. This will also rely on the quality of installation and the provision of mechanical ventilation, as windows will need to be kept closed to achieve the necessary noise insulation.

The Environmental Health Officer is satisfied that the acoustic assessment of noise from the Duke of Wellington is significantly robust and the level of acoustic attenuation proposed on the new development will protect residents from noise. The Officer agrees that a mechanical ventilation & heat recovery (MVHR) system would be required and that an overheating assessment should be provided before approval can be given. This would demonstrate that sufficient heat management can be delivered by such a system, particularly mindful of the extensive southern-facing elevations, where passive heat-gain during summer is an important consideration.

Objections from owners and patrons of the Duke of Wellington Public House have referred to its importance as a local live music venue status over several decades. Including weekend and evening events and the additional capacity and attraction of its garden space. Given its position 20m – 40m from Mercury House to the rear (with the intervening builder's yard) and neighbouring flats above shops immediately to the west, there have been very few noise complaints.

The owner and patrons are concerned that the introduction of numerous new residents within 3m – 12m from its boundary will lead to complaints of noise and inevitable action against the pub. They fear that this would result in loss of its licence, or restrictions being placed upon it.

They are also concerned that the noise survey was undertaken during a period of Covid restrictions and did not capture the sound dynamics and variability of live music and audiences. They question whether future residents will keep their windows closed and rely entirely upon use of mechanical ventilation. Also, if the application were approved they seek written confirmation that such complaints will never be justified nor lead to action against the Public House. Furthermore the on-going costs of maintaining mechanical ventilation should be borne by the developer.

In consideration of these concerns it is noted that the acoustic design of the development is heavily reliant upon the use of sound insulation rather than layout and orientation, as recommended in guidance. However, given the close relationship between the site and the Public House it is probable that any form of residential development pursuant to the Policy 11 allocation for residential development, would encounter this issue.

In terms of the survey and assessment, the Environmental Health Officer is satisfied that the intention to provide an additional margin of noise insulation will address the noise climate, including that of the music venue, builders yard and skate park. Future residents will be able to open windows for purge ventilation but closed windows provide a reasonable and practicable solution to noise risks. The request for an overheating assessment could be required and assessed for fitness before formal determination of the application.

The subsequent maintenance of mechanical ventilation, glazing and seals can be required by a combination of planning conditions, to identify precise specifications, and legal agreement to assign responsibility to the developer and their future management entity for the site.

With these steps in place, it is unlikely that any future noise complaint would be actioned against the Public House as a live music venue, unless music levels exceed those of its licence, for instance this requires a noise limiting device to ensure that sound from the venue is inaudible at noise sensitive premises such as nearby homes, after 23:00hours.

Drainage and Flood risk

NPPF Guidance paragraphs 161 and 162 recommends that proposals should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
- d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

Adur District Council's Strategic Flood Risk Assessment (2020) identifies the site as lying within Flood Zone 3a due to its proximity to the River Adur which is tidally influenced. As a result, a Flood Risk and Drainage Strategy has been submitted

with this planning application.

The proposed uses include residential and commercial which are classified within the NPPG as being 'more vulnerable' and 'less vulnerable' uses accordingly.

For sites to have been allocated for development within Local Plans the NPPG notes that the Exceptions Tests would need to be passed for 'less vulnerable' uses in Flood Zone 3a to demonstrate that such uses will a) provide wider sustainability benefits to the community that outweigh flood risk, and b) that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

In developing the Adur Local Plan a Sequential and Exceptions Test exercise was undertaken for the Civic Centre in 2016 and the site was subsequently allocated. The sequential test undertaken at the time concluded that development of the site, with suitable flood risk mitigation, was required to assist in meeting housing requirements. This supported the approach of policy 11 to include residential use in any redevelopment of the site. It should be noted that the Adur Local Plan was adopted despite a shortfall in meeting the District's future housing needs and flood and environmental constraints placed on the District were given full consideration by the local Plan Inspector at the Examination in Public.

Since then the revised NPPF has reaffirmed the need to ensure that all sources of flood risks are considered and in response the Council has undertaken a further Strategic Flood Risk Assessment (SFRA) in 2020. This confirms that tidal risk remains high, with an associated low-medium risk of groundwater flooding due to the influence of tide levels on groundwater. Risks from surface water/rainfall remain low. Given that these risks are similar to those considered in 2016 and that the need for housing remains undiminished, it is concluded that development of the site remains acceptable under the sequential test.

The FRA that accompanies this application demonstrates that the proposal will be safe with less vulnerable uses on ground floor and more vulnerable uses on first floor above the highest predicted flood level of 5.57 AOD. The FRA states that the 2 critical defended flood levels are 5.205m and 5.577m AOD. The 2 towers' FFLs will be set at 3.85m AOD (west) and 3.70m AOD (east) and no residential accommodation is proposed at ground floor level, only commercial units and plant/bins/cycles plus parking and landscaping.

The lowest residential flats' floor level will be 6.50m AOD, this being 0.923m above the higher flood level of 5.577m (AOD). This conforms with the NPPF as there has to be a minimum of 0.6m of freeboard to all bedrooms.

Flood Resilience:

The ground floor of each tower is liable to flood – to a maximum depth of 1.727m in the east tower and 1.577m in the west tower. This depth is too great for resistance to be effective as standard construction can only withstand hydraulic pressure up to

0.7m in height. Above this the water pressure is likely to cause a local hazardous failure – or partial collapse. For this reason, the ground floor and up to 5.877m AOD (wall surfaces) will be constructed using flood resilient materials and techniques including:

- Solid concrete floor with either no screed or waterproof screed;
- Altro or similar durable flooring with integral skirting – or stone/tiled floor coverings;
- Cladding to the external walls to be durable/flood-proof up to the critical flood level (5.69m AOD);
- Electrical distribution to be easily isolated (switched off) in a flood event;
- Waterproofing installed up to the critical level; waterproofing will be tied in to the ground floor slab as appropriate; details will be provided at detailed design, to comply with building regulations;
- Plasterboard will be installed horizontally to minimise the number of sheets damaged;
- Any wood fixings below 5.69m AOD will be robust and/or protected by suitable coatings to minimise damage;
- Boilers and meter cupboards will be placed in flood-proof rooms;
- A non-return valve shall be fitted to the foul water drainage network.

Safe access to dry land:

Occupants in the commercial units on the ground floor would have no safe route to dry land (with the potential flood depth being approximately 1.6m) and so a Flood Risk Management Plan has been prepared to help these businesses plan and prepare for such an eventuality. This will be conditioned.

The proposal is therefore considered to comply with NPPF Guidance.

Surface Water Drainage and SUDS:

The drainage strategy seeks to attenuate the flow of runoff through vortex flow control measures and green roofs. (A vortex-type flow control will be fixed in the outfall manhole to manage flow rates prior to discharge to the public sewer network). The site is considered unlikely to have infiltration potential and following the SuDS hierarchy runoff will be discharged to the public sewer network and the run-off rates will be lower than the current brownfield run-off rate. The Council drainage engineer has asked for further information about ground conditions to verify whether there is any scope for infiltration.

Contaminated land

The Environmental Health officer has considered the submitted ground investigation report and further supplementary information, which finds that the risk of land contamination ranges between moderate low and very low. Further ground investigations would be carried out under the provisions of a planning condition

recommended by the officer which would in-turn identify any appropriate mitigation, such as removal, treatment or partial use of a capping membrane.

Other Matters

Fire Safety

In accordance with new fire safety consultation procedures introduced in August 2021, the proposals include a Fire Statement, prepared by the applicant's fire safety consultant and considered by the Health and Safety Executive. This identifies the commercial and six residential entrances as access points for fire-fighters, with external dry risers for hose connections and that details of existing hydrants will be provided and additional provision made if necessary.

In parallel the highway authority has confirmed the suitability of the Ham Road access for fire-tenders, which meets the requisite 45m access distance to each residential stair-well. A minor amendment of the internal courtyard layout is required for manoeuvring of a fire tender. Commercial uses at ground floor can be served from their street frontage accesses.

The Fire Statement describes the intended use of sprinklers both for the flats and commercial spaces and a mechanical smoke ventilation system (MSVS), for use in an emergency.

In response, the West Sussex County Council Fire and Rescue Service has recommended planning conditions to reaffirm the Highway Authority's requirement for the provision of access and manoeuvring space in accordance with the submitted plans and an awaited minor amendment; also to ensure that details are submitted of any additional hydrants if necessary.

The HSE has identified some points on which further information and possibly some amendment may be required. These include the residential foyer areas, which are required to be fire-sterile (current plans indicated they are furnished) and smoke-ventilated. Also, the design of one of the block B stairwells and internal travel/escape distances within some flats require further fire safety consideration.

Further information has been requested from the applicant on these points and others, including the use and verification of the MSVS and fire risks associated with contiguous balconies between some flats. The aim of seeking this information is to establish whether any design change is likely to be necessary to meet the separate, subsequent fire safety approval process under Building Regulations. A planning informative would be attached to any planning permission to remind the applicant of the need for Building Regulations. Any further comment if required from the HSE in response to the further information could be sought under delegated authority.

Railway Safety

As confirmed by Network Rail approval would be required for matters including

lighting, and it is presumed, for construction works of a tall structure near the railway land. An informative would advise the applicant of the responsibility to obtain separate consent from Network Rail. The matter of external lighting, where it might be visible from railway land, can be included in a wider planning condition for approval of external lighting, in consultation with Network Rail.

Employment & Skills

The applicant is keen to work with the Council and its contractors and education and community services to maximise the opportunities for new employment, local apprenticeships and local procurement. Key elements and targets for enhancing local employment and skills training can be included in the s106 agreement.

Legal Agreement

The following table summarises the content of a legal agreement between the applicant, Council and County Council, which would apply as part of a planning permission. As any sale of the land from the Council to the applicant is dependent on the grant of planning permission (and the Council cannot sign a legal agreement with itself) an initial agreement under s111 of the Local Government Act is necessary to require the applicant to enter into the planning obligation once the planning permission has been granted.

Table 7 - s.106 Legal Agreement - Heads of Terms

	Obligation	Terms
	Highways, Access & Parking	
1	Highway Improvements 1	<ul style="list-style-type: none"> · £223,127 TAD contribution towards measures included within the JAPP minus land value of 5m land to north of A259. · Fees for County Council Travel Plan liaison (£3,500) · Appointment of Travel plan coordinator for five years.
2.	Highway Improvements 2	<p>Brighton Road</p> <ul style="list-style-type: none"> · Dedicate land for highway use (repositioning of public footpath, with new roadside tree verge). Allows for creation of cycle path along southern side Brighton Road

3.	Car club	<ul style="list-style-type: none"> • Space for two cars (<i>one may be on-street and one on site subject to current discussion with WSCC Highways 8-12-21 SC</i>) • Procurement of a supplier to provide 2 cars • Paid membership per household for 2 years • £50 drive time per household • £7,500 Traffic Regulation Order for on-Street Parking Space
4	Car Park	<ul style="list-style-type: none"> • Management Strategy: to ensure most effective practical uptake and minimise risk of locking-up spaces.
Housing		
5	Affordable Housing (AH)	<ul style="list-style-type: none"> · Minimum 30% /48no. provision of AH with 75:25 social rented: intermediate tenures · Nominations (using <i>Council's Standard Nominations agreement</i>) relates only to the obligated 48no. dwellings.
6.	Discretionary Affordable Housing	<ul style="list-style-type: none"> · Mechanism & Formula for proportionate reduction of Education, Library & Health contributions for any social rented housing provided in excess of 30%.
Other Obligations		
7.	County Infrastructure (non-highway)	<ul style="list-style-type: none"> • Education (primary) £117,688 • Education (secondary) £126,664 • Education (six form) £29,672 • Libraries £45,379 • Fire and Rescue £3503 <p>These figures to be revised in response to amended plan</p>

8	Health	<ul style="list-style-type: none"> • Contribution £ [TBC]
9	Open Space and Recreation	<ul style="list-style-type: none"> • Financial contribution £ [TBC] for provision of public open space or Improvements and recreation works within The Ham, Adur Recreation Ground and Buckingham Park.
10	Air Quality Mitigation	<ul style="list-style-type: none"> • Mitigation of operational phase impact up to a value of £23,060, or financial contribution for the balance of this amount for any unmitigated impact.
11	Public Art	<ul style="list-style-type: none"> • Up to a value of [£ TBC] by a mixture of intrinsic art and/or financial contribution • Procurement process to ensure locally representative artwork
12	District Heating	<ul style="list-style-type: none"> • Clause dependant on the applicants final energy solution for the site
Site Management		
13	General Management	<ul style="list-style-type: none"> • Car Park Management and Servicing Plan • Secure cycle stores to be maintained • Implementation of Travel Plan • All common areas to be maintained, including watering and pruning and informal play; • Trees • Sustainable drainage, including arrangements for maintenance and end-of-life replacement. • on-site heating system if district heating implemented • bin stores and bins; • planting and communal areas, including watering and pruning; • Parking pergolas • External lighting

14	Noise Attenuation	<ul style="list-style-type: none"> • Maintenance of all acoustic glazing/systems and [mechanical] ventilation.
15	Local Procurement and Skills	<ul style="list-style-type: none"> • Employment & Skills Plan to be submitted and implemented in liaison with ADC Economy & Skills Officer
16	General	<ul style="list-style-type: none"> • Indexing of Contributions. • Monitoring Fee.

Conclusion

Development is in accordance with the Local Plan allocation of the site for mixed use at the site including new homes. The higher density approach is consistent with other recent town centre development at the Mannings, making best use of brownfield sites to meet needs. NPPF attaches significant weight to this merit in ensuring the continued supply of new homes, which is important in the overall balancing of planning merits.

The amended scheme is directed at concerns about the height of the original proposal and now follows the advice of the Design Panel to achieve something of a landmark but not taller than the highest part of the approved Free Wharf scheme. The amended scheme would sit within the emerging context of larger scale buildings, set away from, and not competing with, the historic centre of Shoreham and the predominant listed St Mary De Haura Church. Detailed designs are of good quality, subject to further amendment and detailing at ground floor, particularly commercial frontage, to increase distinctiveness and interest.

The mix of homes is acceptable, with thirty percent of affordable homes to be secured via legal agreement using locally referenced Social rents and 25 percent entry level equity for shattered ownership homes, in accordance with Homes England (HE). The possibility of a greater proportion of affordable homes via HE funding and the Memorandum of Understanding with the Council, as landowners is noted, although it is not a planning consideration. All homes would meet required space standards and are generally well designed in terms of relationships between the and access to outdoor space, subject to a contribution for off-site improvements.

Highway impacts are also considered acceptable, with a modest change in traffic compared with the previous Civic Centre use. The proposed parking rate is consistent with high density town centre living and reduced reliance on private cars. The counter-balancing provision of a travel plan with car club vehicles can serve

both new and existing residents, helping to reinforce this approach to car ownership and a beneficial response to climate change.

Other benefits include increased energy efficient design & heating; increased tree planting and an added sense of vitality in the mixture of a range of commercial uses and presence of new residents. Alongside these benefits, impacts on neighbouring amenities are considered generally acceptable; some effects on light at Mercury house are a consequence of making efficient use of the site and concerns regarding noise at the adjoining Duke of Wellington live music venue can be adequately addressed by acoustic insulation.

In the overall planning balance, the benefits of the mixed use scheme and its varied and locally referenced forms and detailed designs will help to breathe life back into this prominent edge of the town centre and is considered acceptable.

Recommendation

Delegate to the Head of Planning and Development to approve subject to resolving outstanding issues relating to amended plans for the ground floor, the energy strategy for the site, additional drainage information open space requirements, response to HSE and the signing of a s111/s106 agreement incorporating the Heads of Terms set out in in Table 7 above and subject to the following conditions:-

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

[to be inserted]

Reason: *For the avoidance of doubt and in the interests of proper planning.*

2. Standard 3 year time limit

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

Reason: *To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990.*

3. Materials

Prior to commencement of any works above slab level details and samples of

all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 15 of the Adur Local Plan 2017 and paras 126 - 135 of the NPPF, 2021.*

4. Detailed Design

Prior to commencement of any works above slab level detailed, large scale drawings (typically at 1:20 scale and with cross sections) of the following external details shall be submitted to and approved in writing by the Local Planning Authority:

- i. Windows, doors and frames,
- ii. Roof intersections, eaves, soffits and parapets,
- iii. Rainwater goods,
- iv. Balconies, rails, balustrades and any screens
- v. Grilles, including ventilation grilles
- vi. Typical intersection between brickwork and other materials
- vii Walls, ceilings and other external surfaces of the undercroft pedestrian path at Block B

Development shall be carried out only in accordance with the details thereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 15 of the Adur Local Plan 2017 and paras 126 - 135 of the NPPF, 2021.*

5. Design Code

Prior to commencement of any works above slab level a detailed code for the detailed design of commercial frontages and entrances, including materials, signage, fascias and advertisements, shall be submitted to and approved in writing by the Local Planning Authority. All commercial frontages, including any future changes, shall be in accordance with the approved design code unless the Local Planning Authority gives prior written approval for any variation.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in this highly prominent and important location, in accordance with policy 15 of the Adur Local Plan 2017 and paras 126 - 135 of the NPPF, 2021.*

Highways & Access

6. Provide site accesses and visibility

No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving it, (including visibility splays of 2.4 x 43m at the vehicular access), has been completed in accordance with the details shown on the Site Access drawing numbered 10292_200, at Appendix B of the Transport Assessment by GTA Civils, March 2021. The visibility splays shall be kept permanently free of obstructions to visibility above 0.6m height.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and in accordance with policy 28 and paras 92 & 110 of the NPPF, 2021.*

7. Accesses and Frontage Specifications.

With the exception of any site clearance works, no development shall take place until construction details of the vehicular access and manoeuvring, parking areas and footpaths within the site and their surface water drainage, including engineering cross-sections and specifications, and details of the design and surfacing of the public footpath, vehicular crossovers and kerb alignments at the site frontages, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details thereby approved and permanently maintained and retained.

Reason: *To ensure provision of robust and drained paths, access, parking and manoeuvring areas, including suitability for servicing, refuse and emergency vehicles, in accordance with policies 28 & 29 of the Adur Local Plan 2017 and para 112 of the NPPF 2019.*

8. Gate or Barrier

Any gate or barrier to the car parking area on the site shall be sited at least 6m back from the edge of the public highway. Details of any gate and of any entry control system (if used), shall first be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order.

Reason: *To provide vehicle waiting space clear of the public highway in the interests of the safety and free flow of vehicular traffic and pedestrians and in the interests of visual amenity, in accordance with policies 15 & 28 of the Adur Local Plan 2017*

9. Parking Spaces & Turning

No part of the development shall be first occupied until the car parking and associated turning space serving it has been provided in accordance with the approved plans, including identified spaces for wheelchair users, car club vehicles, which shall be marked out and identified on site in accordance with details of marking out which shall be first submitted to and approved by the Local Planning Authority. The approved spaces shall thereafter be permanently retained for their identified purposes.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and adequate parking, including provisions for wheelchair users and for sustainable transport in accordance with policies 15 & 28 of the Adur Local Plan 2017 and paras 110 -113 of the NPPF, 2021.*

10. Electric vehicle charging points to be approved (including power rating)

No part of the development shall be first occupied until live Electric Vehicle Charging spaces have been provided in accordance with plans and details, including number, location, power rating and charge rate, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of sustainable transport and air quality, in accordance with paras 110 -113 of the NPPF, 2021 and policy 28 of the Adur Local Plan 2017.*

11. Cycle Parking

No part of the development shall be first occupied until covered and secure cycle parking stores and cycle stands have been provided in accordance with details, including which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter these cycle stores and stands shall be retained at all times for their designated purpose.

Reason: *In the interests of sustainable transport and air quality, in accordance with paras 110 -113 of the NPPF, 2021 and policy 28 of the Adur Local Plan 2017.*

12. Wheelchair Access

Accesses to common external areas shall allow for access by wheelchair users, unless any variation to allow for any alternative is first approved in writing by the Local Planning Authority.

Reason: *To ensure accessibility for wheelchair users in accordance with*

policies 15, 28 & 32 of the Adur Local Plan 2017, and the NPPF 2021.

13. Travel Plan

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

Reason: *In the interests of sustainable transport and air quality, in accordance with paras 112 -113 of the NPPF, 2021 and policy 28 of the Adur Local Plan 2017.*

14. Servicing Management Plan

No commercial unit shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Servicing Management Plan.

Reason: *To safeguard the operation of the public highway and in accordance with paras 110 -113 and policy 28 of the Adur Local Plan 2017.*

15. Recycling & Refuse Stores

No part of the development shall be first occupied until secure bin stores have been provided in accordance with the approved plans. The bin stores shall thereafter be provided in accordance with the details thereby approved and retained at all times for their designated purpose.

Reason: *To safeguard the operation of the public highway and in accordance with paras 110 -113 and policy 28 of the Adur Local Plan 2017.*

Drainage

16. Surface Water – SUDS Drainage

Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme and measures to include the control of pollution (such as use of trapped gullies and/or oil interceptors) have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference

for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere in accordance with policy 36 of the Adur Local Plan 2017 and paras 167, 169 & 174 of the NPPF 2021.*

17. Drainage Maintenance

No development above slab level shall commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and its maintenance is adequate for the design lifetime and does not increase flood risk elsewhere in accordance with policy 36 of the Adur Local Plan 2017 and paras 167 & 169 of the NPPF 2021.*

18. Drainage Verification

Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an appropriately qualified engineer that confirms that the scheme was built in accordance with the approved drawings and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: *To ensure an accurate record of drainage in accordance with policy 36 of the Adur Local Plan 2017 and paras 167 & 169 of the NPPF 2021.*

19. Foul water drainage

With the exception of site clearance works no development shall take place until details of the foul drainage have been submitted to and approved in writing by the Local Planning Authority in liaison with Southern Water. Details shall including timing of first occupation of the development which shall align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. No part of the development shall be occupied until the drainage works have been carried out in accordance with the approved details.

Reason: *To ensure appropriate foul drainage, in accordance with policies 29 & 36 of the Adur Local Plan 2017.*

Land Remediation

20. Investigation and Scheme

A. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- (i) A remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any subsequent changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority).

B. A Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan

to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: *To prevent harm to human health in accordance with paras 183 - 185 of the National Planning Policy Framework 2021 and Policy 34 of the Adur Local Plan 2017.*

21. Precautionary Approach

If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development associated with the area of contaminated land shall be carried out until it has been investigated by the developer (unless otherwise agreed in writing with the Local Planning Authority). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: *To prevent harm to human health in accordance with paras 183 - 185 of the National Planning Policy Framework 2021 and Policy 34 of the Adur Local Plan 2017.*

22. Safeguarding of groundwater/ approval of piling

Piling or deep foundation using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: *To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the paras 183 - 185 of the National Planning Policy Framework 2021 and Policy 34 of the Adur Local Plan 2017*

Flood Risk Management

23. Floor Levels

The development shall be carried out in accordance with the submitted

Flood Risk Assessment (FRA) (ref: 'Flood Risk Assessment Former Adur Civic Centre, Ham Road, Shoreham By Sea', prepared by GTA Civils, dated: October 2020) and the following mitigation measures it details:

- i. Finished floor levels of the Residential Flats shall be set no lower than 6.50m above Ordnance Datum (AOD) (section 3.7 of the FRA), and
- ii. Finished floor levels for the commercial spaces are set no lower than 3.85m above Ordnance Datum (AOD) at Block A and 3.70m above Ordnance Datum (AOD) at Block B

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: *To reduce and manage the risk of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and para 167 of the NPPF 2021.*

24. Safe Access

No part of the development shall be first occupied until a Flood Risk Management Plan has been submitted to and approved in writing by the Local Planning Authority. It shall include the ongoing arrangements for the provision, dissemination and updating of flood risk information and means of safe access and escape for occupiers of the site. The Plan thereby approved shall be implemented upon the first occupation of the development and permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.

Reason: *To manage residual risks of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and para 167 of the NPPF 2021.*

Sustainable Design and Energy

25. Sustainable Construction & Energy

A. PWith the exception of any site clearance works and excavations, no development shall take place until an amended strategy for energy, heating and water has been submitted to and approved in writing by the Local Planning Authority, to include:

- i) Energy efficient building fabric and any mechanical ventilation with

- heat recovery,
- ii) Details of heating
- iii) LED internal & external lighting,
- iv) Efficient water goods and fixtures to achieve a usage of <105L/Person usage/day.
- v) Operational waste management.
- vi) Inclusion of renewable energy prediction on site
- vii) Calculations of carbon dioxide reductions achieved by i - vi

B. The development hereby approved shall be implemented in full accordance with the details contained at A (i-vii) above. Written confirmation, including professional verification by a suitably qualified person, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have been fully implemented and achieved the calculated carbon reductions and efficient water usage. The verification document shall include any proposed and timetabled remedial measures if these carbon reductions and water usage rates have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable

Reason: *To ensure efficient and renewable energy provision and sustainable construction in accordance with policies 18 & 19 of the Adur Local Plan 2017 and paras 152-158 of the NPPF, 2021.*

26. District Heating

With the exception of any site clearance works and excavations, no development shall take place until a strategy to facilitate the connection of the development to a future district heating network, has been submitted to and approved in writing by the Local Planning Authority. This shall:

- i) identify potential routes for connecting pipework between the buildings and public highway;
- ii) identify potential plant room space for the future installation of heat interface equipment, and/or other plant, which may be required for future connection to the network;
- iii) include a strategy to facilitate the potential connection of the network to the development and adaptation / transition to the supply of heat from the network into each building

The development shall be carried out in accordance with the details approved

under this condition.

Reason: *To provide for connection to a potential future district heating network in the interests of CO2 reduction through energy efficiency in accordance with policies 18 & 19 of the Adur Local Plan 2017 and paras 152-158 of the NPPF, 2021.*

Noise Insulation and Overheating

27. Acoustic Insulation & Ventilation

A. No development above slab level shall take place until detail measures or systems:

- i) of noise mitigation, including specifications of acoustic insulation and glazing, and
- ii) to reduce and minimise risk of overheating of the building (including the air-change rates and acoustic performance specification of any mechanical ventilation system),
- iii) and arrangements for the on-going maintenance of noise mitigation and overheating reduction measures

have been submitted to and approved in writing by the Local Planning Authority.

B. Neither of the blocks of flats hereby approved shall be respectively occupied until written professional verification by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority, to confirm that these detailed measures have been fully and effectively implemented, including a sound-test and air-change test for each respective block of flats to demonstrate that the approved acoustic specifications and air change rates have been met and air test to demonstrate. The verification document shall include any proposed and timetabled remedial measures if these carbon reductions and water usage rates have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

The measures and systems approved under A i) & ii) above shall be permanently maintained to ensure that they continue to meet their approved specifications and remain fit for their purpose, and in accordance with the on-going maintenance arrangements approved under A iii) above.

Reason: *To protect residents from noise, vibration and overheating in*

accordance with Policies 15 & 34 of the Adur Local Plan 2017 and the NPPF 2021.

Other Matters

28. Landscaping & Biodiversity

With the exception of any site clearance works or works up to slab level, no development shall take place until a detailed timetabled scheme of hard and soft landscaping in accordance with the submitted Indicative Landscape 2890-LA-21 01 P3, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- i) landscape planting, including species, size and number or planting densities,
- ii) details of any tree pits, planters or other planting structures,
- iii) details of protection measures to minimise risk of damage to planting or other landscaping elements
- iv) detailed measures for the enhancement of biodiversity,
- v) ground surfacing materials: type, colour, texture and finish,
- vi) a maintenance plan to ensure establishment and ongoing management of this detailed scheme of landscaping and biodiversity enhancement measures.

These details and timetable shall be adhered to throughout the course of development works. All planting, seeding, turfing, biodiversity enhancement measures and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

Reason: *To enhance the character and appearance and biodiversity value of the site in accordance with Policies 15, 30 & 31 of the Adur Local Plan 2017 and paras 126-135 & 174 of the NPPF, 2021.*

29. Means of Enclosure & Gates - Provision

No development shall be occupied until all boundaries, external enclosures and gates have been completed in full accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Details of gates shall include provision of access for people with disabilities and details of the southern boundary shall include provisions to manage surface water flow.

Reason: *To ensure appropriate means of enclosure and accessible gateways,*

in the interests of safety and the amenities of the area and for residual management of surface water in accordance with Policies 15 & 28 of the Adur Local Plan 2017 and paras 126-135 & 92 of the NPPF, 2021.

30. Means of Enclosure & Gates - Limitation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order. No additional means of enclosure shall be erected forward of any part of any façade of the buildings hereby approved facing a public highway, other than those which are shown on the plans hereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 15 of the Adur Local Plan 2017 and paras 126 - 135 of the NPPF, 2021.*

31. External Lighting – Provision and Limitation

A detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, including measures to:

- i) avoid any negative impact on railway safety (in consultation with Network Rail), in cases where lighting may be seen from operational railway land, and
- ii) to provide for the safe use of communal areas within the development, and
- iii) to minimise light pollution in all cases

Thereafter the lighting shall be provided and maintained in accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside the site without the prior approval in writing of the Local Planning Authority.

Reason: *In the interests of railway safety, safety of residents and to safeguard the residential amenities of the area and minimise light pollution in accordance with Policy 19 of the Adur Local Plan 2017 and para 185 of the NPPF 2021.*

32. Secure by Design

No development above slab level shall take place until details of secure entrances to buildings, lighting within the site and security for cycle and bin stores have first been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented and

fully adhered to.

Reason: *To ensure a well-designed, good quality and safe environment in accordance with Policy 19 of the Adur Local Plan, para 167 of the NPPF 2021 and section 17 of the Crime & Disorder Act 1998 and paragraph 92 of the NPPF, 2021*

33. Levels & Access

With the exception of any site clearance works development shall not commence until a survey and plan of existing and proposed site and slab levels, including provision of access for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

Reason: *In the interests of clarity and accessibility and because changes in levels may materially affect the impact of the development.*

34. Aerials

Prior to the occupation of each individual building, details of any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas which are visible from outside the site, unless details have first been submitted to and approved by the Local Planning Authority.

Reason: *To avoid multiple aerial/antenna and / or satellite dishes, in order to safeguard the appearance of the development.*

35. External plant

No external fixed plant, or mechanical vent or duct shall be installed until a scheme has first been submitted to and approved in writing by the Local Planning Authority. All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

Reason: *To safeguard the residential amenities of the area in accordance with policies 15 & 34 of the Adur Local Plan 2017.*

36. Fire Hydrants

In the event that the need for additional fire hydrants or other water supply are required as part of the Building Regulations Approval process, the following details shall be submitted:

1. Prior to the commencement of the development, or other such time as may be agreed by the Local Planning Authority, details showing the proposed location and timetable for installation of fire hydrants or other water supply and their connections to a water feed supply (which is appropriate in terms of both pressure and volume for the purposes of firefighting), shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.
2. No part of the development shall be first occupied until the fire hydrants / water storage and supply approved under a) above in the approved location (s) to BS 750 standards.

Reason: *In the interests of amenity and in accordance with policy 29 of the Adur Local Plan 2017 and in accordance with The Fire & Rescue Service Act 2004.*

37. Air Quality – Operational Phase

The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the mitigation shall be at least equal to a value of £23,060 as identified in the addendum of January 2022 to the emissions mitigation assessment contained within Section 7 of the Air Quality Impact Assessment produced by Phlorum dated March 2021.

Reason: *To minimise emissions and impact on air quality in accordance with Policy 34 of the Adur Local Plan 2017 and paras 174 and 186 of the National Planning Policy Framework, 2021.*

38. Public Art

Prior to any development above slab level,(or at such other time as shall be first agreed in writing by the Local Planning Authority, details of a scheme for public art shall be submitted to and approved in writing by the Local Planning Authority. This shall include a description of the type and location of art and arrangements for its procurement and implementation, including timing of this. The approved details shall thereafter be adhered to in the development hereby approved.

Reason: *To ensure the provision of public art in the development hereby*

approved, in accordance with Policy 15 of the Adur Local Plan 2017, the Council's Developer Contribution Guidance document 2013 and the National Planning Policy Framework, 2021.

Site Management During Construction

39. Construction Management Plan

No development shall take place, including any works of demolition, site remediation or preparatory works associated with the development until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

- a) the anticipated number, frequency and types of vehicles used during construction,
- b) method of access and routing of vehicles construction traffic during construction,
- c) parking of vehicles by site operatives and visitors,
- d) the loading and unloading of plant, materials and waste, including use of a banksman as appropriate,
- e) the location of any site compound, office, welfare facilities,
- f) the location of storage of plant and materials used in construction of the development,
- g) the erection and maintenance of security hoarding and gates, which shall include out-of-hours contact information for site management and images of the approved development,
- h) site lighting, including measures to minimise light nuisance,
- i) a commitment to no burning on site,
- j) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- k) details of public engagement, including neighbours both prior to and during construction works,
- l) a register of complaints received and response/action taken should be maintained and the Construction Management Plan reviewed and updated if necessary,
- m) methods to control dust and fumes from the site,
- n) methods to manage the impact or noisy activities,
- o) construction waste management strategy,
- p) best practical means in accordance with British Standard Code of Practice BS5228:2009+A1:2014 to be employed at all times to minimise the emission of noise and dust from the site,
- q) *measures for mitigating construction impacts on air quality, as contained*

within Section 5 and Appendix D of the Air Quality Impact Assessment produced by Phlorum dated March 2021 .

Reason: *To minimise and manage risks of nuisance and pollution in the interests of the amenities of the area and highway safety during the construction phase in accordance with policies 28, 34 & 35 of the Adur Local Plan 2017 and paras 185 - 186 of the NPPF, 2021.*

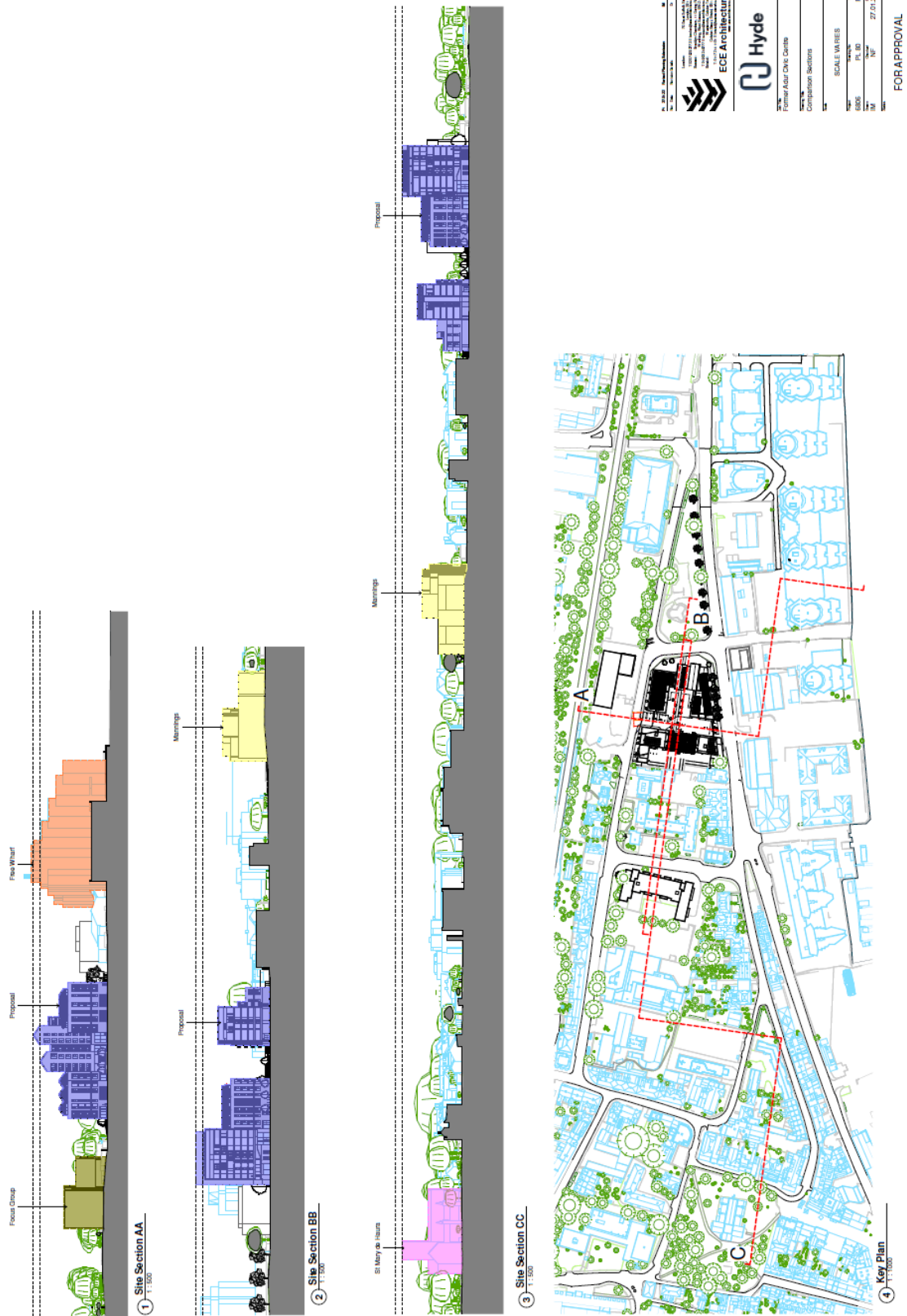
40. Hours of Work

No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 09.00 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

Reason: *In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with Policies 15 & 34 of the Adur Local Plan 2017.*

41. Any other appropriate conditions.

Amended Plan: Comparative Heights with Other Buildings



Amended Plan. Montage: Eastern Avenue



Amended Plan. Montage: Ham Park



Amended Plan. Montage: Brighton Road East



Amended Plan. Montage: Brighton Road West



Amended Plan. Montage: Ham Road



Original Plan (superseded 11-storeys)



Elevation to Eastern Avenue & The Ham



Elevation to Brighton Road



Elevation to Ham Road

2 March 2022

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Stephen Cantwell

Principal Planning Officer (Major Applications)

Town Hall

01903 221274

stephen.cantwell@adur-worthing.gov.uk

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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Planning Committee Addendum 2nd March 2022

Application AWDM/1450/21. Land East of 1 To 11 Mercury House, Ham Road, Shoreham

Additional Information

Housing

The applicant has stated that the proposal does not include any wheelchair-user M4(3) as this is not a policy requirement and the lack of ground floor units make this provision harder to achieve.

In relation to the affordable housing the applicant states that,

Nomination rights for affordable rented homes provided on the Homes England (HE) strategic funding (HESP) are unlikely to be achievable via the s.106 Agreement as this would undermine HESP funding

Occupiers of the shared ownership homes, by definition and Government legislation, cannot be second homes owners. Details are online at <https://www.gov.uk/shared-ownership-scheme/who-can-apply>.

This also sets out the equity percentage of open market value for shared ownership properties. The applicant has indicated that typically this would be 25%.

Highways and Parking

Although no comparative information on parking rates are available from the applicant's (Hyde Housing) other schemes, it agrees to a Car Park Management Plan. It would offer car parking spaces to the larger properties first on a first come first served basis. Spaces will be issued under annual licence, for the occupiers to renew this. If spaces are not reapplied for they will be offered to other residents. Hyde is also in early discussions with other local developers about provision of a local car-club hub to reduce car ownership.

Th agrees that a Commercial Travel Plan would be secured under a planning condition.

The Highway Authority has confirmed that part of the requested £223k highway contribution could be used for Real Time Passenger Information at nearby bus stops, although with care to ensure that this does not overlap with similar funds to be deployed from developments in the Shoreham Harbour JAPP area.

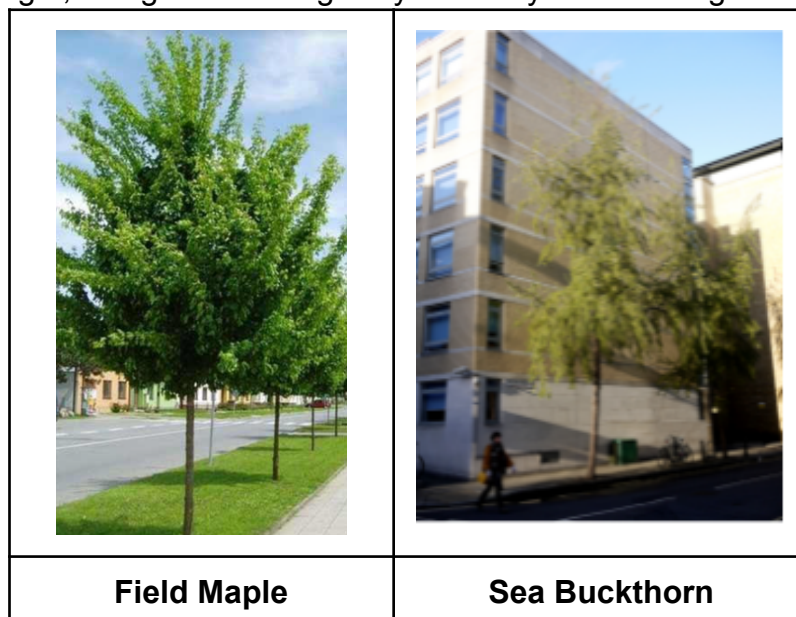
Heating

A non-communal electric 'dry' system is proposed with an electric panel heater system for each apartment. This will contribute to the 31% reduction of CO2 above Building Regulations, which can be controlled by planning conditions. The applicant comments that Local Plan Policy 19 of the does not require schemes outside the Shoreham Harbour Regeneration (JAPP) area to be network ready but to join networks 'where they exist' or identify opportunities for the expansion of heating networks. With the very limited time available to agree a heating strategy time to obtain Homes England funding for the development and current absence of a local network, they consider that the non-communal system is reasonable, given the CO2 performance it is expected to achieve and which could be verified by planning conditions.

Trees, Drainage & Highway

The applicant has considered the relationship between trees and drainage. It notes that new drainage on the site, including along its frontage, is likely to be private and therefore not subject to Southern Water Guidance. Notwithstanding this, having reviewed the Guidance, two tree species are suggested: Option 1 Field Maple (*Acer campestre*), which can attain 10-12m height and 6m spread after 25 years, or Option 2 Sea Buckthorn (*Hippophae salicifolia*) which can attain 8-10m height and 3m spread after 25 years and which requires less soil. The applicant prefers the field maple option. A root protection barrier is proposed also to protect the drains.

The Highway Authority, which has recently advised that distance from the carriageway will depend on the type of tree and future growth and crown spread. The Council's Tree Officer has advised that either option could be accepted. Comments have been sought, along with the Highway Authority and Drainage officer.



Regarding drainage the applicant comments that this will be subject to detailed design and located as close to the proposed buildings as possible (i.e. away from proposed trees).

Environmental Health (Noise & Overheating)

Following receipt of an overheating assessment the Environmental Health officer concludes that a planning condition can be used to determine the extent and specification of mechanical ventilation alongside acoustic insulation. Information regarding noise levels within the internal courtyard (away from noise sources) will be needed to when these details are submitted to assess whether natural ventilation will be acceptable for some windows (rooms).

Air Quality Contribution

The applicant comments that the £23,060 mitigation value identified by the updated air quality assessment, would be met by the car club provision. As such they have requested that this should not be included in the S106 agreement.

Open Space

The applicant questions the open space contribution requested and comments that other schemes in the Western Harbour Arm have only contributed much smaller off site contributions. If the Council is applying new standards it would be useful if developer contributions guidance is updated.

Ground Floor / Commercial Frontages - Amendment

The applicant is willing to review and amend the designs, subject to guidance from the Council under delegated authority.

Percent for Art

The applicant has agreed to provision of £30,000 for the provision of art, although it has asked that this be on-site. Officers suggest that the ability for provision to be off-site should also be built into an art strategy to be agreed.

Fire Safety

An updated Fire Statement has been prepared in response to the HSE comments. This refers to the detailed design of smoke shafts, to direct smoke away from air vents. It confirms that scissor stairs are not proposed and that balconies will be

designed as non-combustible to accord with National Standards. Confirmation has been sought from the HSE as to whether it wishes to consider the amended statement.

The West Sussex Fire Service has confirmed that suitable hydrant points can be provided close to site boundaries, to meet distance requirements, and that they will liaise with Southern Water regarding their adoption .

Updated County contributions

The County Council has requested the following amended contributions for 159 flats:

Primary Education	£91,513
Secondary Education	£98,493
6th Form Education	£23,072
Libraries	£40,455
Fire & Rescue	£3,125
Highways	£223,127
Traffic Reg' Order	£7,500
Travel Plan Audit/Promote	£3,500
Total	£490,785

Additional Representations:

15 additional objections received between 22nd - 28th February, including one by Adur Residents Environmental Action (AREA) as follows:

- Height should not exceed 5-6 storeys as in nearby Harbourside JAPP area.
- Design unsympathetic to gateway and Conservation Area' setting
- Parking contributes to local underprovision of 300 spaces including Focus, Frosts and Mannings redevelopments
- Air pollution - local levels exceed limits; what would s.106 money be used for?
- Loss of tree and carbon capture, not mitigated byu saplings
- Sewer upgrade needed. Drainage matters should be determined before approval
- Unresolved issues are numerous and should not be delegated.

Other representations partly overlap AREA objections or those previously received. Additional points refer to:

- parking pressure in streets north of the railway when Focus building was opened and may be increased by the proposals.

- Intervening rail-side vegetation to the rear of Gordon Road will not mitigate visual impact and it may be lost in any event by current planning application for new storage units there; this should be considered holistically.
- Low levels of parking do not reflect car reliance for regular shopping trips
- Car dependence will continue after cars become electric.
- Height should not exceed St Mary De Haura Church
- Character of Shoreham is disappearing. Less dense and more fitting design in recent Ham Road development
- Parking area should be relocated close to Duke of Wellington, to increase distance to new flats and safeguard music venue

Petition to retain poplar tree now includes 1300 signatures from BN postcodes and regular patrons of the Duke of Wellington pub, among 2500+ overall.

'We would like to protect the poplar tree next to the Duke of Wellington from being felled to make room for new flats. It important to the area to retain this tree as there are not many on the A259 Brighton Road Shoreham. The A259 has heavy good vehicles, bus, cars going along 24/7. The air quality is very poor along this stretch of road. The government says we need to improve air quality and plant more trees. So why should we fell the only one along this stretch of road. Please help save this tree which we need in the area very much. Removal of the Poplar tree from the land East Of 1 To 11 Mercury House Ham Road Shoreham-By-Sea West Sussex'

Correction (shown in strike-through and red font)

Condition 27. Acoustic Insulation & Ventilation

A. No development above slab level shall take place until detail measures or systems:

- i) of noise mitigation, including specifications of acoustic insulation and glazing, and
- ii) to reduce and minimise risk of overheating of the building (including the air-change rates and acoustic performance specification of any mechanical ventilation system),
- iii) and arrangements for the on-going maintenance of noise mitigation and overheating reduction measures

have been submitted to and approved in writing by the Local Planning Authority.

B. Neither of the blocks of flats hereby approved shall be respectively occupied until written professional verification by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority, to confirm that these detailed measures **in A above** have been fully and effectively implemented, including a sound-test and air-change test for each respective block of flats to demonstrate that the approved acoustic specifications and air change rates have

been met ~~and air test to demonstrate~~. The verification document shall include any proposed and timetabled remedial measures if these **sound reduction and air change** ~~carbon reductions and water usage~~ rates have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

The measures and systems approved under A i) & ii) above shall be permanently maintained to ensure that they continue to meet their approved specifications and remain fit for their purpose, and in accordance with the on-going maintenance arrangements approved under A iii) above.

Reason: To protect residents from noise, vibration and overheating in accordance with Policies 15 & 34 of the Adur Local Plan 2017 and the NPPF 2021.

Planning Assessment

The additional information has confirmed that energy and carbon emissions targets can be fully met by the proposal, even if this is without connection to a future district heating system. The recommended condition number 25 can settle details. The overheating information is acceptable to the Environmental Health officer, with use of planning condition no. 27, as corrected, to determine the precise specification and extent of use of this as part of overall noise insulation.

The applicant has confirmed that amended plans can be provided for ground floor frontages. This can be sought under delegated authority. The use of a design code under condition 5 can ensure that future occupiers work to a co-ordinated design approach thereafter.

The amended contribution amounts for County matters can be included in the s.106 Agreement together with the £30k provision for art. A contribution for open space is to be settled but it is considered that a figure of approximately £85k would be reasonable, taking a balanced view of the proximity of the Ham open space, previous contributions in other local developments such as the Mannings & Kingston Wharf and the Council's Open Space guidance and calculator. The response from the NHS Care Commissioning Group is awaited regarding its likely required contribution.

Further comments may be received from the HSE upon the updated Fire Statement recently forward to it. This can be progressed under delegated authority, along with comments from the drainage and highway officers regarding trees and drainage.

END

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