



ADUR DISTRICT
C O U N C I L

23 January 2023

Adur Planning Committee	
Date:	31 January 2023
Time:	7.00 pm
Venue:	QEII Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chair), Jeremy Gardner, Carol O'Neal, Vee Barton, Mandy Buxton, Dan Flower, Jim Funnell, Joe Pannell (Vice-Chair) and Julian Shinn

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 **midday** on **Monday 30 January 2023**.

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 **Thursday 26 January 2023**.

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. **Members Questions**

Pre-submitted Members questions are pursuant to rule 12 of the Council & Committee Procedure Rules.

Questions should be submitted by **midday** on **Thursday 26 January 2023** to Democratic Services, democratic.services@adur-worthing.gov.uk

(Note: Member Question Time will operate for a maximum of 30 minutes.)

5. **Confirmation of Minutes**

To approve the minutes of the Planning Committee meetings of the Committee held on **30 November and 5 December 2022**, which have been emailed to Members.

6. **Items Raised Under Urgency Provisions**

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

7. **Planning Applications** (Pages 5 - 50)

To consider the reports by the Director for the Economy, attached as Item 7.

Part B - Not for publication - Exempt Information Reports

Recording of this meeting

Please note that this meeting is being audio live streamed and a recording of the meeting will be available on the Council's website. This meeting will be available 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	Caroline Perry Senior Lawyer & Deputy Monitoring Officer 01903 221081 Caroline.perry@adur-worthing.gov.uk

Duration of the Meeting: Three hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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ADUR DISTRICT
COUNCIL

Planning Committee
31 January 2023

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1315/22 **Recommendation – Approve subject to completion of a Deed of Variation to the original s106 Legal Agreement.**

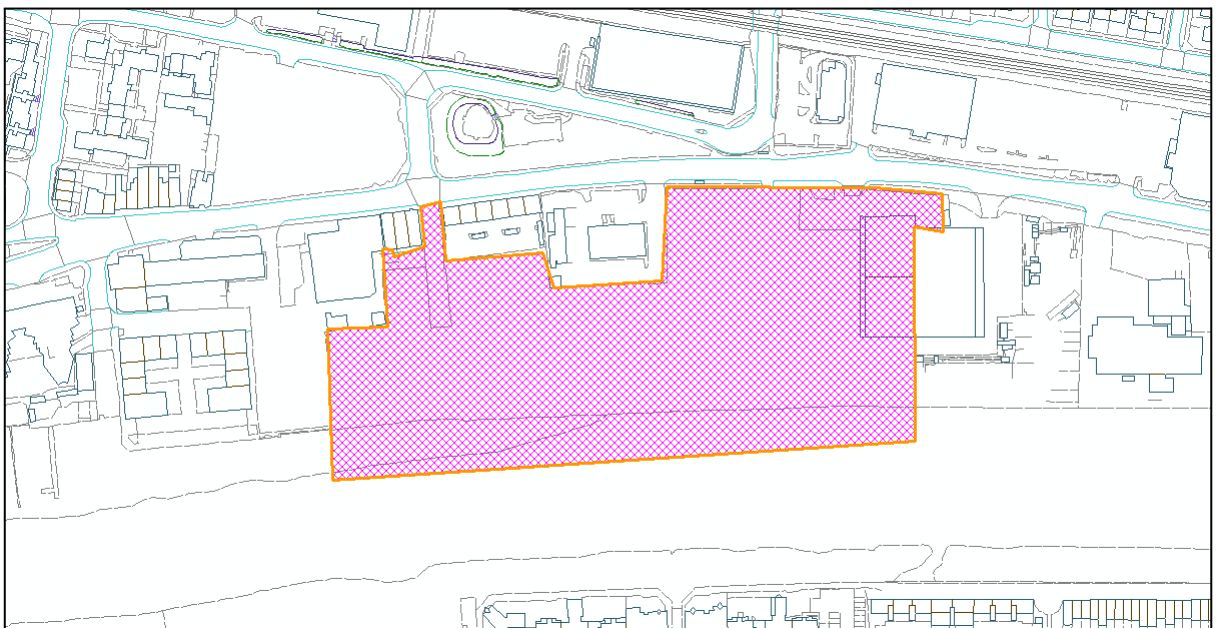
Site: Free Wharf, Brighton Road, Shoreham-by-Sea

Proposal: Application to vary condition 1, 23, 26 and 34 of previously approved AWDM/1497/17 to incorporate:

- i) 39 additional homes (together with 8no subject of previous application AWDM/2037/20) to give a new total of 587 homes
- ii) associated changes to profiles of riverside blocks A-F (heights unchanged);
- iii) reduce commercial space (Class E a, b, c and g) to 2,163sqm;
- iv) reduce the level of car parking to 381 residential spaces and 24 commercial spaces, with provision of car club
- v) reuse of existing sheet piling to support riverside walkway (omitting need for approved posts)
- vi) revised energy strategy.

Also, design amendments to blocks G and H, increasing overall height of block G by 1.08m (previously subject of applications AWDM/2037/20 and AWDM/1952/20). The application is accompanied by an Environmental Statement.

Application Number:	AWDM/1315/22	Recommendation - Approve subject to completion of a Deed of Variation to the original s106 Legal Agreement.
Site:	Free Wharf, Brighton Road, Shoreham-by-Sea	
Proposal:	<p>Application to vary condition 1, 23, 26 and 34 of previously approved AWDM/1497/17 to incorporate:</p> <ul style="list-style-type: none"> i) 39 additional homes (together with 8no subject of previous application AWDM/2037/20) to give a new total of 587 homes ii) associated changes to profiles of riverside blocks A-F (heights unchanged); iii) reduce commercial space (Class E a, b, c and g) to 2,163sqm; iv) reduce the level of car parking to 381 residential spaces and 24 commercial spaces, with provision of car club v) reuse of existing sheet piling to support riverside walkway (omitting need for approved posts) vi) revised energy strategy. <p>Also, design amendments to blocks G and H, increasing overall height of block G by 1.08m (previously subject of applications AWDM/2037/20 and AWDM/1952/20). The application is accompanied by an Environmental Statement.</p>	
Applicant:	Southern Housing Group	Ward: St Mary's
Agent:	Davies Murch	
Case Officer:	Stephen Cantwell	



Not to Scale

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Application Site and its History

This riverside site comprises approximately 2.95ha located to the south of the A259 Brighton Road and 350m to the east of the heart of the town centre. It is located within the Shoreham Harbour Regeneration Area as defined by the adopted Joint Area Action Plan, 2019 (JAAP) and forms part of the Western Harbour Arm (WHA), of approximately 1.4km between Kingston Beach in the east, up to (but not including) Riverside Business Centre in the West.

The site has a road frontage of 140m at its eastern end, where the first phase of the Free Wharf redevelopment, approved in 2018 (AWDM/1497/17), is currently under construction. This comprises two 6-8 storey blocks known as blocks G & H, containing 137 apartments and 782 sqm ground floor commercial space at the road frontage and two vehicular accesses from Brighton Road.

A further six blocks (A-F) forming part of the 2018 permission will comprise Phases 2 & 3 of the development, bringing the total to 548 apartments and 2163 sqm ground floor commercial space. These blocks are along a riverside frontage of approximately 295m and located behind the Phase 1 blocks and the Ham Business Centre, Kwik-Fit and Car Wash. They will be accessed by a combination of three accesses, two accesses in the Phase 1 frontage to Brighton Road and one via Humphrey's Gap in the west.

In March and June 2021 amendments to the 2018 permission were agreed by the Committee under three planning references (AWDM/1952/20; AWDM/2037/20 & AWDM/0558/21). These made minor design changes to the appearance of Phase 1, and changes to its heating and parking arrangements. Some commercial space in Phase 1 was redeployed to provide 8no. of the total 548 apartments.

The Proposal

Table 1 provides a summary of the proposed main changes by comparison with the approved. Figure 1 shows the proposals as they would appear from the riverside.

Table 1: Summary of Proposed Changes

	Approved	Proposed
Homes	548	587
Affordable Homes	164	176
Commercial Space	2163 sqm	2163 sqm
Car Parking Spaces	512	419
Car Club Spaces	2	up to 12
Heating	Gas/District Heating	Exhaust air heat pumps



Fig. 1: Riverside View of Proposal (recently amended)

The proposal is to add 39no. 1, 2 & 3-bedroom apartments to Phases 2 & 3, to create a new overall total of 587 for the Free Wharf development. This is achieved by redeployment of some ground floor commercial space together with enlargement of some of the approved riverside floors of blocks B - F, as shown in Figures 2 & 3 later in this report.

Affordable housing is to be increased by 12no. apartments. This represents 30% of the 39no. additional homes, in accordance with policy 21. The tenure split of 75% (9no.) rented and 25% (3no) intermediate/shared ownership is also compliant. These would be added to the 164 affordable homes already secured through the original permission and the minor revisions in 2021. The current proposal also has the potential to unlock additional Homes England funding which will allow the applicant to provide a greater proportion of affordable homes of up to 55% overall.

Commercial space in the current application is 2163 sqm, which is 554sqm less than the 2,707sqm of the 2018 approval. This change was accepted in 2021 as part of the planning application AWDM/2037/20, which redeployed a first floor mezzanine commercial space to residential (8no. apartments). This was accepted by the Committee in March 2021.

The approved development is set upon a podium above existing ground level, in order to provide flood defense, this is unchanged in the current proposals.

Below the podium the approved basement car park beneath riverside blocks B-F and parts of the roadside phase 1 blocks G & H is proposed to be divided into two. Part of this would be located below blocks B, C, D and part below blocks E & F and none below blocks G & H. The new amount of parking, including open surface parking, would be 419no. spaces, a reduction from the 512no. of the approved scheme. Notably the amended proposal provides for up to 12 car club spaces as

part of the new total.

The amended scheme also includes the approved pair of riverside mooring pontoons and public viewing deck at the end of Humphreys Gap, which were part of the 2018 approval.

Energy and sustainability are updated in the current application. The previous reliance on gas condenser boilers is now changed to one of exhaust air heat pumps (EAHP) for space heating and hot water generation within new apartments. This is predicted to increase CO2 savings from 27% to 60%. This report discusses the relationship between this change and the requirement under Policy 20 to be capable of connection to the future Shoreham Harbour Heat Network.

Relevant Planning Permissions

AWDM/1497/17 (*'the 2018 Permission'*)

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

Approved with s.106 Agreement: 7th August 2018

AWDM/1952/20

Application to vary conditions no.1 (Approved plans) and no.26 (Energy Strategy) of planning permission reference AWDM/1497/17: Condition 2 - Amendments to the facade material from previously approved corium to brick, changes to the balcony design and other minor internal layout and elevational changes. Condition 26 - Amendments to the approved energy strategy.

Committee Resolution: to Approve Subject to s.106 Variation March 2021

AWDM/2037/20

Erection of a six to eight storey building comprising 782 sqm of office space (Class E (g)(i)) floorspace and 97 residential homes, resident's concierge, car and cycle parking, refuse and landscaping (an alternative to the building previously approved as part of planning permission AWDM/1497/17)

Committee Resolution: to Approve Subject to s.106 Variation March 2021

AWDM/0558/21

Application to Vary Condition 1 of previously approved AWDM/1497/17. Amendment: change location of part of the basement under block G and H and redistributing to area under block A.

Committee Resolution: to Approve Subject to s.106 Variation - June 2021

AWDM/1307/22

Application for a Non-Material Amendment to previously approved AWDM/1497/17 to amend the description of works to read: Redevelopment of the site to provide ten buildings, containing new homes, commercial floorspace at ground floor level within use class E (a, b, c & g) and Yacht Facility (88sqm). The development also includes parking spaces, reconstruction of the river wall, construction of mooring pontoons and observation platform at the end of Humphrey's Gap, provision of a riverside pedestrian/cycle route, areas of semi-private and publicly accessible open space, internal access roads, cycle parking spaces and associated ancillary areas.

Approved: 8th September 2022

2019-2022

Various applications have been determined, dealing with approval and partial approval of details such as groundworks, site remediation, drainage, archaeology & materials

Consultations

West Sussex County Council: - Further information required.

- i) Confirmation of how many car club spaces would be provided initially.
- ii) The applicant should also update the proportionate contributions calculated for the 2018 permission in light of the scheme now proposed.
- iii) The applicant should also confirm the intention in terms of whether parking spaces are to be allocated or unallocated.
- iv) A plan showing that land being safeguard to provide the WSCC proposed A259 cycle route should also be submitted.

The reduced parking provision proposed falls below the number of spaces based on current County guidance. The Highway Authority's main interest is to ensure that any overflow parking result from the development does not result in any obstructive or safety related concerns.

Parking: The applicant's parking survey within 200m - 500m of the site(using accepted methodology) demonstrates there are very few locations with no on-street enforceable parking restrictions. These areas may already be under heavy demand, limiting their availability.

Commercial parking is also reduced . The highest trip-generating uses permitted under use class E (indoor sports/fitness) demonstrates insufficient parking at peak times in the worst case. The enforceable parking controls on the surrounding highway would prevent any overflow parking occurring in unsafe locations off-site.

It would be helpful to confirm the future management of proposed residential and commercial parking and whether spaces are allocated or unallocated; unallocated parking allows for a more flexible use. A car park management plan is requested.

Car Club: The proposed car club for up to 12 spaces provides additional mitigation for reduced parking with the number increasing based on demands. An appropriate initial number should be identified and a means of monitoring, reporting, and requiring additional car club spaces via a s106 agreement to secure the location and safeguard the potential maximum 12 car club spaces.

Trip Generation Residential: The potential additional trip generation for 46 dwellings is not considered to be significant with only 25 trips AM and 23 trips in the PM network peak hour.

Trip Generation Commercial: Since the 2018 approval the wide-ranging commercial uses now fall within Class E, with potential for a range of potential trip generation. The applicant's assessment, assuming a single operator/use is simplistic but nevertheless presents a worst case scenario e.g if occupied by high trip generating use (i.e an indoor sports/fitness use). The commercial floor space has been reduced from to 2018 approval and a cap of 533 sqm is proposed for retail use. This would result in a reduction in the potential trip generation.

s.106: A proportionate increase in financial contributions towards the identified highway mitigation within the Shoreham Harbour Transport Strategy is required to reflect the increased number of dwellings.

Cycle Route: No concerns at removal of condition 23, since frontage land is now to be safeguarded within a s106.

WSSC Planning - Awaited

[**Officer Note:** It is anticipated that a proportionate increase in the previously required education, libraries and fire services contributions will be required via a s.106 - for instance education was previously £779.000 in 2018]

Adur & Worthing Councils:

Environmental Health - Public Health - Awaited

Environmental Health - Private Housing

Plans showing the internal layout of the new dwellings are required for comment

Waste Services - Awaited

Technical Services (Drainage) - Awaited

Parks & Foreshore Team - comment

Good species mix of planting, incl. trees & hedging

Play area spaces offer low play value and do not meet all play elements. Limited value for people with disabilities to connect with the play space and seating does not

meet DDA standards. Wind pipes are usually annoying to nearby residents, due to noise - please rethink. The small grass area could also be expanded to ensure that appropriate play value for all is provided.

Environment Agency: No Objection

The additional units must comply with previously agreed finished floor levels

The river wall change from the approved original cantilever design to a sheet pile wall only with a walkway on top, is acceptable and is likely to require a Flood Risk Activity Permit from the Agency. The Local Planning Authority must satisfy itself that this proposal is structurally sound. Any intertidal habitat loss should be compensated for on a like-for-like basis.

Shoreham Port Authority: Comment Awaited.

Southern Water: No Objection

NHS Clinical Care Group: Comment Awaited.

Historic England: Response

We suggest that you seek the views of your specialist advisers. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as a comment on the merits of the application.

Natural England: Response

If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies.

Representations

Amended Plans - 4no. letters and AREA: Objections

Objections (9 letters):

- Detrimental to character and amenities of locality
- The development has negatively affected local skyline
- Lack of infrastructure, in particular school, health and dentists
- Inadequate parking
- Pricing-out of local people
- There must not be any changes or alterations to the public right of way and access to the water and should outweigh developer interests.
- Removal of the viewing platform, which by default removes the previously

approved public access slipway and long association with the river. The 1976 court case decision keeps Humphries Gap publicly accessible.

- Reduced width riverside walkway, will increase tensions and possible accidents between pedestrians, scooters and bikes.

Adur Residents Environmental Action (AREA) – Objection

Reiterates objections to the original application: density; traffic congestion; overdevelopment; lack of green space and equipped children's play area; inadequate parking provision adding to parking stress (existing local shortfall of 400 spaces) only for financial reasons, reduction in parking places will not decrease vehicle movements; lack of adequate set back from A259 to avoid canyon-effect, noise to new residents and air impacts (Policy CA7); lack of plans to improve inadequate infrastructure. Blocks G & H already too high. Loss of tree planting along site frontage. Impacts add to local resident stresses.

Lack of consideration of PM2.5 effects which have no safe level and is being monitored - "as the local AQMAs were declared due to elevated concentrations of NO2, this is understood to be the primary source of concern in this area." Added traffic queues will worsen air quality - A259 was at capacity in 2013 report. Concerns for the health of children using the adjacent play area/skate park at The Ham.

Viability: fluidity of the housing market is a risk developers should take, need for river wall was known. Southern Housing financial report 2020-2021 refers to high levels of liquidity, low levels of borrowing and well positioned with a highly resilient business plan. Questions applicant's view of profit margin.

Additional development strain upon local infrastructure e.g roads; questions trust in Southern Water regarding additional sewage; also when will cycle path be delivered?

Original Submission - Eleven responses (10no. objection, 1no. comments)

Objections (9 letters):

- Overdevelopment – previous density was at top-end
- Increased heights reduced views to Shoreham Beach and wind funneling,
- Viability is not sufficient justification
- Should not be increased to underwrite financial success in difficult economic climate
- Increased traffic and inadequate transport provisions
- Lack of parking will cause overspill
- Lack of infrastructure, schools, health, parks, leisure.
- Drainage and water stress requires more infrastructure
- Additional homes and reduced children's play
- When will cycle path come forward , as other have not yet provided frontage space
- Increased air pollution
- Would welcome removal of pontoons

- Object to scaling down of waterfront facilities
- Slipway must be reinstated including vehicular access
- Objection as inland Waterways

Inland Waterways Association - Objection:

Boat hard for public access and range of vessels must be retained in accordance with JAAP requirements and previous Court ruling. Approved viewing platform should be retained and width of riverside path should remain as approved; restricted width of the quayside walk and the reduction in the mooring places would not be in the public interest.

Comment (1 letter):

- Limit development to 5 storeys
- Provide affordable homes

Relevant Planning Policies and Guidance

Adur Local Plan - 2017

Shoreham Harbour Joint Area Action Plan - 2019 (JAAP)

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

Planning Contributions for Infrastructure Provision (ADC 2013)

WSPCC Guidance on Parking at New Developments 2019 (Sept 2020).

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

National Planning Policy Framework - July 2021 (NPPF)

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 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

Planning Assessment

Principles - Density & Amount

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 199 dwellings/ha (d/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 are shown in Table 2 (below). These 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 is similar to the Free Wharf development.

Table 2 Density Comparisons

Site	Number of Dwellings	Density
Free Wharf (Approved)	548	186 d/ha
Free Wharf (Proposed)	587	199 d/ha
Former Civic Centre site		256 d/ha
Kingston Wharf	150	250 d/ha (excluding commercial land)
Mariners Point	132	189 d/ha
The Mannings	74	264 d/ha

Principles - Sustainable Development

The location is considered to be accessible, within a short distance of town centre services, the railway station and bus services along the A259 and in nearby Ham Road. The principle of additional homes is acceptable here, subject to detailed considerations, as considered in the remainder of this report.

As described in the Access and Parking section of this report, there is a reduction in car parking but a significant shift towards the use of Car Clubs, as promoted in JAAP policies. An easily accessible new Car Club hub would be located in the new open surface car park at Humprey's Gap. This is the largest car -club provision to be made in the area and will be available to future residents of the development and the wider public. Benefits, in terms of reduced private car ownership, are described in

this secretion of the report.

Sustainable energy is based upon high insulation values from construction materials, incorporating improvements in thermal fabric beyond the requirements of Building Regulations Approved Document L 2021. In addition, the proposal to deploy dedicated exhaust air heat pumps ('EAHP') for space heating and hot water generation within residential dwellings will deliver a substantial contribution to annual CO2 reductions as a low-carbon technology. The outcome is 60% CO2 savings compared to the 27% achieved for Phase 1 and 3% for the original 2018 approved scheme. Details of this are considered in the Energy section of this report.

In respect of biodiversity, the application also includes a new means of support for the riverside walkway, using the recently reconstructed river wall, rather than new off-shore supports. This reduces the impact on ecologically important tidal mudflats, and an improved biodiversity outcome.

Housing Need and the 'tilted balance'

Members will be aware that the Local Plan Review is underway as the Local Plan is now over 5 years old. Members will be also aware that developers often refer to the 'tilted balance' and whilst this term is not mentioned in the NPPF it refers to paragraph 11(d) which states that,

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. - if the most relevant Local Plan policies for determining a planning application are out of date (or the Local Plan is silent on a matter), the application should be approved unless it is in a protected area (as defined by the NPPF) or the harms caused by the application significantly outweigh its benefits.

The footnote to the 11(d) clarifies that the tilted balance comes into play where the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74) or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Unfortunately, the Council is unable to demonstrate a 5 year supply, the last assessment there was only 4.8 years. In addition, although the Housing Delivery Test (HDT) was passed for 2020/21, your Officers anticipate that the 2022/23 period which will be published shortly will show that we did not exceed 75% due to the redevelopment of existing housing sites such as the Mannings in Surry Street (HDT based on net completions).

The net result of these various 'tests' is that Adur is a presumption authority where the tilted balance comes into play. This means that the 'balancing exercise' which the decision-taker makes when deciding whether or not to grant planning permission; changes from a neutral balance where if the harms outweigh the benefits planning permission is usually withheld to a tilted balance where the harm should *significantly and demonstrably* outweigh the benefits for permission to be withheld.

The under supply of housing both in previous years and the predicted future supply as well as the age of the Plan all point to the need to carefully weigh the harm against the benefits of additional housing. There has been considerable publicity about the Government's proposed changes to the planning system. The recent consultation on changes to the NPPF are potentially beneficial in terms of acknowledging the difficulties of meeting very high housing requirements in areas such as Adur. However, there are no planned changes to paragraph 11(d) for decision makers and only a slight emphasis change for plan makers:

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or,

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.; **such adverse impacts may include situations where meeting need in full would mean building at densities significantly out of character with the existing area; or**

iii. there is clear evidence of past over-delivery, in terms of the number of homes permitted compared to the housing requirement in the existing plan.; in which case this over-delivery may be deducted from the provision required in the new plan.

Unfortunately, the changes shown above (bold and underlined) would not help Adur with its under supply of housing and a significant shortfall in meeting our objectively assessed needs (over 3,000 with the 2017 Plan).

Housing

The proposed additional 39no. apartments will increase the total from 548no to 587no. The mix of apartment sizes is also amended by the proposal, as summarised in Table 3 (below). The most notable changes here are the increased number of smaller apartments, particularly 2-bedroom which increases by 42no, while the number of 3-bedrooms is almost halved. This assists in achieving a balance between the attainment of greater numbers without substantial changes in the sizes of the approved buildings.

Table 3: Free Wharf - Apartment Sizes

	Approved	Proposed	Change
1 Bed	188	202	+14
2 Bed	324	366	+42
3 Bed	36	19	-17
Total	548	587	

In terms of planning policy, the need for a range of dwelling sizes was assessed in 2015. Based on this, the JAAP considers the following size mix to be suitable: 35% - 1 bed; 60% - 2 bed & 5% - 3 bed. Table 4 illustrates that the percentage size mix across the Western Harbour Arm is very close to these assessed needs. For instance 35.3% for one bedroom homes is in step with the 35% need; 58.3% for two-bedrooms is very close to 60% need and the 6.4% of three bedrooms is close to the 5% need.

The effect of the proposed development is shown in the right hand column. It makes negligible difference to the percentage mix, which remains within 1-2% of need in each case. Accordingly, the proposals are in keeping with the 2015 assessed needs.

Table 3: Overall Sizes at Shoreham Western Harbour Arm

Approved Flats					With Proposal
	Kingston Wharf	Free Wharf Approved	67 Brighton Rd	Combined (%)	
1 bed	87	188	10	285 (35%)	302 (35.3%)
2 bed	149	324	4	477 (58%)	499 (58.3%)
3 bed	19	36	0	55 (7%)	55 (6.4%)
Total	255	548	14	817	856

Affordable Housing

The proposal for 39 additional apartments would include 12 no. affordable homes: 9 no. for affordable rent and 3 no. for intermediate/shared ownership. This accords fully with the requirements of Policy 21 in terms of amount (30%) and tenure split (75% rent and 25% shared ownership).

The applicant's table 2, which is reproduced below, shows the affordable mix to comprise 7 no. 1-bed homes and 2 no. 2-bed, which has raised no objection from the Council's Housing Officer.

Applicant's Table 2 (below)

Table 2	Studio	1 Bed	2 Bed	3 Bed	Total
Market	0	8	19	0	27 (70%)
Intermediate	0	2	1	0	3 (7%)
Affordable rent	0	7	2	0	9 (23%)
Total	0	17	22	0	39 (100%)

The proposal adds to the 164 affordable homes, which also comprised 30% of the original total 548 homes, although the tenure mix of the approved scheme was the reverse of the policy requirement, i.e 75.6% were intermediate/shared ownership and 24.4% were affordable rented (Policy Requirement is for 75% affordable rented and 25% intermediate/social rented). This reflected the viability concerns at the time despite the £10 million Housing Infrastructure Funding (HiF) secured for this development.

In the current application the proposed number and mix of affordable homes would be added to that of the approval to give a total of 176 affordable homes comprising 127 (72%) intermediate/shared ownership homes and 49 (28%) affordable rented. This represents a small improvement (3 percentage points) in the overall mix of affordable rent.

A benefit of the development and consequent Homes England funding, is that the applicant is able to use these funds to convert some of the approved market housing in order to provide more than the 30 percent of affordable homes which can be achieved through planning policy. The grant is available only for shared ownership and not for affordable rented homes. The applicant's table 3 below summarises the outcome.

Applicant's Table 3 (below)

Table 3	Studio	1 Bed	2 Bed	3 Bed	Total
Market	2	82	166	16	266 (45.3%)
Intermediate	0	97	172	3	272 (46.3%)
Affordable rent	0	21	28	0	49 (8.4%)
Total	2	200	366	19	587 (100%)

In the above table the total of affordable homes (272 + 49) would rise to 321, which represents approximately 55% of the total. This is achieved largely through the increased number of intermediate/shared ownership homes, which would rise to

272, an increase of 145 by comparison with the amount which can be secured through the planning process.

This further increase in the proportion of affordable homes would have to be outside the scope of the planning process as any mention of this additional affordable housing would affect the ability to draw down grant funding. This is because Homes England grant is specifically to provide additionality beyond what can be secured in line with Local Plan policies. However, the applicant has offered a memorandum of understanding (MoU) committing to use reasonable endeavours to deliver this additional affordable housing. As Southern Housing is a strategic partner with Homes England the affordable housing grant is guaranteed so long as the homes can be delivered within the relevant timescales. The current affordable housing tranche requires homes to be built by March 2026.

The viability appraisal submitted with the application illustrates that the completion of the development is dependent on affordable housing grant. Even with this grant funding the development is below what would be seen as a commercially viable project but Registered Providers with a long term interest in the site operate on very different financial models and are in many instances not for profit organisations.

Residential Amenity

Due to their location in the south facing, staggered upper floors of the development, the additional apartments, which are commonly dual or multi-aspect, have a good outlook towards the river and a good degree of daylight. At ground floor a small number which are single aspect, have angled bays to principal windows, which also provides a good riverside outlook and light.

Three new apartments at the ground floor of blocks C & D, which are furthest from the river-frontage and are single aspect. These occupy the space of a previously approved undercroft car park, where light penetration is less due to the flanking wings of blocks C & D. It is noted that the staggered profiles of these blocks are of some assistance. Of greater benefit is the open view directly southwards across the landscaped podium courtyard onto which these homes will face. This is considered to offer some counterbalance to the effect of the flanking blocks.

A detailed list of dwelling sizes has been provided with the amended plans, and a further comment sought from the Private Sector Housing Officer, and from the applicant, to confirm adherence to Nationally Described Space Standards. An update will be given.

In terms of wider amenity, it is not expected that the additional apartments would be exposed to any greater levels of noise than other approved apartments. The final comments of the Environmental Health officer are awaited, and any need for conditions, such as for acoustic performance of the fabric and/or fenestration, is likely to be manageable by conditions, if needed.

Outdoor and Play Spaces are largely as originally approved, the exceptions being the podium amenity space between blocks B & C, which is approximately 25% smaller, due to the redesigned basement access ramp here. A small margin of

planted space to the south of block H is made narrower due to a road realignment here, [previously accepted as part of AWDM/1952/20 in March 2021.

Annotations which previously identified areas of podium space which are for resident usage, are missing from the amended plans and it has been requested that these be re-inserted. Also, in response to the Parks Officer comments, the applicant agrees that detailed design of play areas will be designed for accessibility. The range of locations will provide variously for younger and slightly older children and quiet enjoyment for adults. Detailed plans can be required by planning condition.

It is also noted that the increased number of dwellings will generate a further financial contribution for wider offsite recreation, such as for older children/youth, in accordance with the Council's adopted open spaces calculator. This will include payment in lieu of the small reduction of podium space.

Design and Visual Impact

Policy SH9 of the JAPP - 'Place Making and Design Quality', requires a high standard of design which enhances the visual quality of the environment, including high quality materials. Designs should reflect the marine environment and be sensitive to views of the landscape and historic features. Policy CA7 'Western Harbour Arm' should include active uses along the water-front, for instance open spaces and uses with active frontages. Buildings of up to five storeys are generally considered acceptable along the river frontage with greater heights away from this.

In consideration of this, the images at Figs. 2a, b & c show the comparison between the approved scheme (top image) and the proposal as amended (middle image). The third image illustrates the superseded plan. A summary of the changes in massing are shown in orange in Figure 3; this compares the additions of the amended plan with those of the recently superseded version.

In the foreground, the amended plan reverts **block A** largely to its approved form. The exceptions are the slightly taller side windows to the riverside facade; the use of metal-railing balustrades to the upper floors rather than brickwork parapets, which reveals more of the approved windows behind them and the slightly taller upstand of the uppermost floor, although the ultimate height of the roof rail of the cylindrical top floor is unchanged.

At **block B** the architectural changes are a little more extensive. In addition to the slightly taller side windows to the riverside facade and use of railing balustrades to the upper floors, the upstand of the uppermost floor is taller and angular (instead of the approved cylindrical shape); upper window arrays are larger and more extensive, and the ultimate rail height may be slightly taller (estimated. +300mm). At the riverside the approved five storey height of the building is unchanged



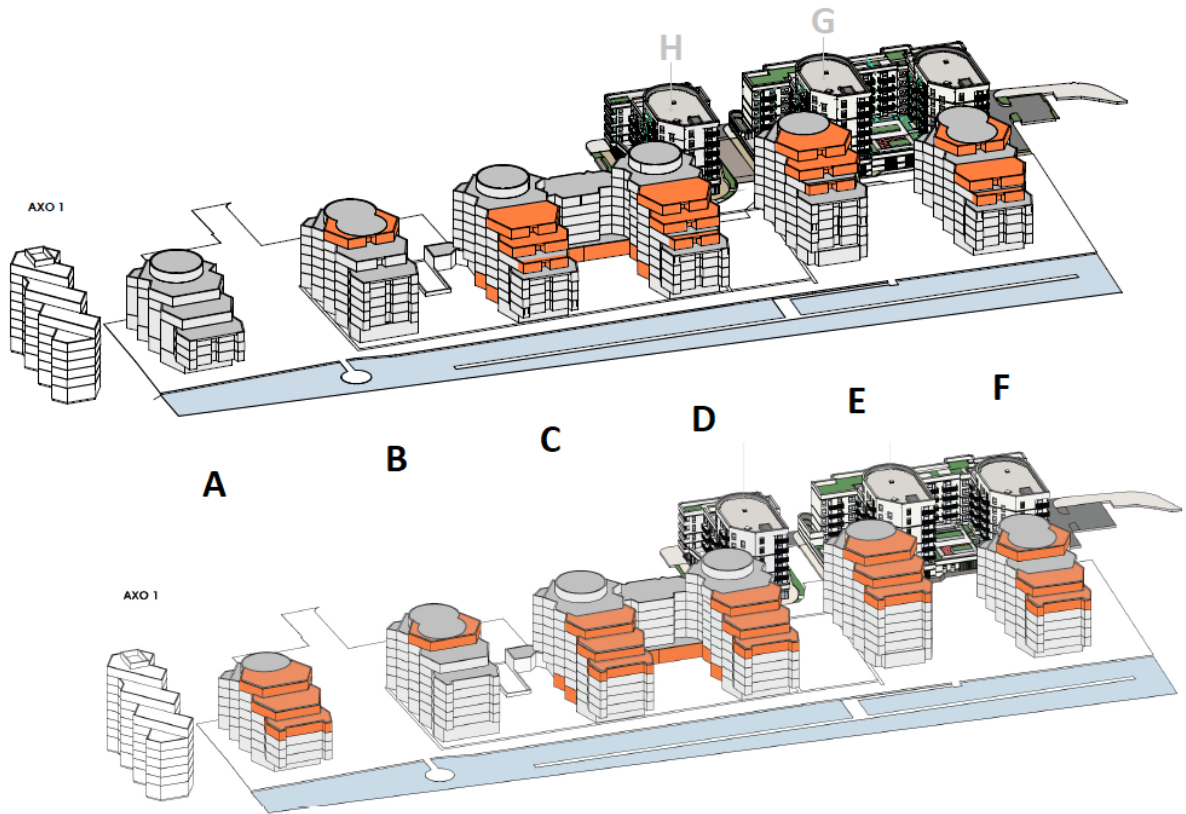
Fig. 2a: Approved Scheme 2018 (above)



Fig. 2b: Proposal as Amended (above)



Fig. 2c: Proposal before Amendment (above)



**Fig. 3: Additional Apartments (shown Orange):
Amended Plan Above, Original Plan Below**

Each of the recently amended **blocks C, D & F** now also retain the approved five storey height of the approved riverside frontage through recent setting back, and **block E** retains its approved six storey frontage. Overall, these four blocks contain some more discernible differences in their profiles than blocks A & B by comparison with the approved.

Each stage (or 'footplate') of the upper floors is made deeper, which somewhat accentuates the staggered profile of these blocks rather than the horizontal sweep of the approval. The proportion of some windows arrays are more vertical in places than the approved, which also slightly weakens the horizontal lines. The slightly taller upstand of the uppermost floor is also evident in blocks E & F, although the cylindrical top floor is unchanged in the prominent central paired blocks C & D, with blocks F & F adopting the new angular form on their southern faces. Ultimate heights of these appear similar to the approval.

Although these combined changes of the six blocks affect some of the finesse and sweep of the original design, the overall form remains one of a distinctive and well-composed series of graduated forms, with a vertical ebb towards the skyline. This continues to respond well to the marine character of the harbourside, in accordance with policies.

Whether some further minor changes might be possible has been raised with the

applicant; for example a return to some of the more-horizontal window arrays of the approved scheme and a reduction in some areas of upper masonry in favour of glass in order to appear more lightweight, (such as at the 5th-7th shoulders of block C in Fig. 2b and its neighbours). Whether or not this is possible, the overall design combined with the use of good materials; a predominance of contrasting light and varied 'tan' coloured bricks, for detailed approval by planning condition, is expected to produce a high quality appearance.

Heritage & Townscape

Consideration of the setting of the Shoreham Conservation Area, which encompasses much of the town centre 130m and greater to the east, and the listed St Mary De Haura was undertaken in 2018. This included the yellow wire line image in the upper panel of Figure 4 (below). The more recent photograph in the lower panel shows the completed Mariner's Point development in the foreground.

The Heritage assessment concluded that any heritage impact was limited, and that most of the important buildings within the Conservation Area will have no visibility nor historic association to the proposed development due to distance and the buffer effect of the intervening buildings, including the recent Mariners Point.

Given that the changes to the approved development do not affect its overall height, distance from the Conservation Area and listed Church, and because the changes are largely of detailed profile within the overall silhouette of the yellow wire line, it is concluded that there is no change in heritage impact. The conclusion of the heritage and townscape addendum is considered reasonable, as follows:

"Having regard to the cumulative schemes, the Amended Proposed Development are not anticipated to give rise to any additional or increased significant townscape, visual or heritage effects over and above those previously assessed in 2017..."





Fig. 4: Wireline silhouette of the Free Wharf Development in 2017 (upper) and recent image (lower)

Accessibility & Parking

Vehicular and pedestrian access would be as previously approved; two-way vehicular access from Humphreys Gap via the traffic-light junction with Brighton Road; an entrance-only access at the centre of the site, between the phase one blocks G & H and an exit-only at the eastern end of the site. pedestrians These would serve open-surface car parks at the eastern and western ends of the site, and two ramps to basement car parking. Pedestrian paths would adjoin each access, with an intervening area of shared surface south of Humphrey's Gap.

As illustrated in Figure 5 (below). the basement car parking which was formerly beneath all of blocks B - F would be split in two, the larger part beneath blocks B, C & D and the smaller beneath blocks E & F; each served by a separate in-out ramp. The number of spaces would reduce by 93no from 512 to 419. The reduction is due to the loss of spaces in the below-ground zone between the two separated basement car parks and due to the redeployment of undercroft parking at the ground floors of blocks C & D, which would convert to residential apartments.

The Highway Authority has reviewed the predicted additional trips associated with the additional homes. As originally submitted, the overall potential increase in trips associated with 46 additional, would have comprised 25no. trips during the morning peak and 23no in the evening peak. These trips were for all modes of transport (public transport, private vehicle, cycle). The Highway Authority regarded these increases as not-significant. Given the subsequent reduction to 39 additional apartments (-15%), these figures will also be commensurately less.



Fig.5: Basement Parking: Proposed (upper image) and approved (lower image)

Trip Generation

In consideration of how many of these additional trips would be made by private vehicles, the Highway Authority advises that this is unlikely to increase beyond those associated with the approved development, due to the reduced number of parking spaces.

Other considerations which support this conclusion are the lack of on-street parking opportunities within 200 metres of the site (there are very few locations with no on-street enforceable parking restrictions), and the applicant's proposal to increase car-club provision. Bus stops in Brighton Road are also close to the site. Town centre bus services in Ham Road and the Railway Station are within a 10 minute walk.

The Highway Authority has requested that the increased number of dwellings should be reflected in a proportionate increase in the £658,422 secured as part of the approved development. This is required for off-site highway improvements. A final

conclusion as to the amount of the contribution and the scope of works for which it would be used, is awaited and an update will be given. The 2018 approval and associated legal agreement listed the following works:

- (a) Improvements to A259 Brighton Road/Norfolk Bridge/A282 Old Shoreham Road Roundabout;
- (b) Shoreham Town Centre public realm improvements, which can include:
 - i. review and refinement of existing short-stay parking provision;
 - ii rationalisation of bus stops from four to two
 - iii improvements to signing to and from car parks in all directions;
 - iv review of taxi parking; and
 - v remodeling of Ship Street and Middle Street junctions
- (c) the provision of a cycle route along the A259 between Kingston Lane and Eastern Avenue;
- (d) provision of dedicated bus priority for buses on the A259 at Eastern Avenue and Kingston Lane traffic signals;
- (e) new or improved pedestrian and cycle crossing points at High Street/John Street/East Street;
- (f) improvements to bus stops along the A259 in the vicinity of the development to including real time passenger information; and
- (g) wayfinding and Legibility Network Improvements for key destinations consistent with the approach in Brighton & Hove.

Residential Parking

As mentioned earlier, the number of parking spaces would reduce by 93no. from the approved 512 to 419 as proposed. Within this total the number for residential use has reduced from 438 to 381. In terms of ratio this represents a change from the approved rate of 0.8 spaces per dwelling to a proposed rate of 0.65.

By comparison, the County Parking guidance of 2019 for the St Mary's Ward area (Parking Behaviour Zone 3 *aka* PBZ3) would produce a rate of approximately 1.18 spaces per dwelling, giving a total of 692 residential spaces. The approved scheme of 548 apartments provided 217 fewer spaces than this guidance, the proposed scheme of 587 apartments would provide 311 fewer spaces.

In consideration of this reduced rate and number of parking spaces the adopted 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).

Local Census data 2011 and has identified that existing car ownership rates vary between dwelling size, location and tenure and have barely changed in the decade up to 2011. 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.

If these rates are applied to the proposed dwellings, most of which (97%) are 1-2 bedroom apartments, it would produce an upper figure of 411 spaces using the 0.7/dwelling rate and a lower figure of 379 spaces if the 0.52/dwelling rate is applied to the 30% of apartments which would be secured for affordable rent or shared ownership through a s.106 legal agreement. The proposal to provide 381 residential parking spaces would meet and slightly exceed this lower figure.

The location of above ground car parking is shown in Figure 6, as areas outlined in dark blue. When viewed in combination with the proposed basement parking plan at Figure 5. It is evident that blocks B-D and E-F are conveniently served by their respective basement car park, which are accessed via lifts from within these buildings, and the open surface car park adjacent to block E. However, clarification has been sought as to the location of spaces which will serve block A.

It is also noted that the new layout removes the basement parking area below the phase 1 blocks G & H. This was previously considered under application AWDM/0558/21 and is repeated here. The effect of this change is to remove the direct connection (lifts and stairs) between the first phase buildings G & H and basement parking. However, re-arrangement of the undercroft parking at block G has increased the number of spaces here from 15 to 22. A further 12 open spaces are also adjacent to block G, giving a total of 34.

The Committee previously resolved (AWDM/0558/21 - June 2021) that this long-term relationship is acceptable, given the short distances between the two phase 1 blocks and parking to the rear, (basement access via doorways to the riverside blocks).

In the shorter term, when phase 1 is occupied and phases 2 & 3 are incomplete, the 34 spaces serving these 137 phase 1 apartments will give a low parking rate of 0.25. In recognition of this, the previous Committee resolution included a planning condition to require details of phasing and another to require provision of parking as buildings are occupied. This approach recognises that the order and timing of development can assist. For instance, phasing-timetabling might demonstrate that the time between occupation of phases is suitably short as to render the duration of the low parking rate acceptable; or some temporary other car parking might be provided on site. Given that phase 1 development is anticipated for occupation in autumn 2023, updated information has been requested from the applicant

Car-Club Hub

Part of this residential parking provision would comprise a car-club hub containing up to 12 car club vehicles. This would be located in the open surface parking spaces at Humphrey's Gap as shown in the top left corner of Figure 6 below. (Light and dark blue spaces have electric charging, orange and dark blue spaces are for wheelchair-access parking)



Fig. 6: Surface and Undercroft Parking, including Car-Club Hub

National data (by CoMoUK) indicates that increases in car-club usage since the 2018, has increased the potential displacement of private vehicles from 6.1 per car-club vehicle provided. in 2018, to a potential 20no. in 2021. CoMoUK data indicates that 10-11no. car club vehicles would be suitable for a development of 500 dwellings in an English town, outside London, hence the proposal for up to 12 here. This figure is also informed by discussions between the applicant and car club providers.

The proposal is a significant step in scale of provision by comparison with the 2018 approval, which provided two car-club vehicles. The applicant would provide one year's free membership to the future residents of the development. Officers also recommend that this should include a 'drive-time' credit allowance for each of the first households, in order to promote familiarisation and uptake; this has been applied to other recent major developments in the area.

The applicant has also undertaken discussions with car club providers regarding the phasing of car-club provision. They conclude that this would increase as demand dictates. A more detailed framework for this has been requested to shape this progression. It is likely that this will include regular liaison with the County Highway Authority team, for the first five years from the completion of development.

The applicant has also started discussions with Hyde Housing to look at combining sites and increasing the attractiveness of increased customers to car club operators.

Commercial Parking

Proposed parking for future commercial occupiers amounts to 26no. spaces. This is a reduction of 48no. spaces from the 74no. spaces of the approved scheme. It equates to a car parking ratio of 1 space per 104 sqm. These parking spaces are to be located in the open surface car park close to Humphrey's Gap in Figure 6.

The commercial uses of the approved scheme fall within Class E, comprising a range of formerly separate use classes which were amalgamated by National Regulations in 2021, including retail, office, professional services, food and drink, light industry creches, medical facilities and indoor sports. In light of the vacancy of the new commercial spaces at Mariner's Point, the breadth of the Class E use proposed here would assist in catering for a broad range of commercial activities and services and increasing the likelihood of potential uptake.

According to County Parking Guidance, these uses have a range of parking rates: (1:30 sqm for offices, light industry and professional services; 1:14sqm for retail; 1:5sqm for food and drink and individually assessed needs for creches, medical facilities and indoor sport). Clearly these are perceived to generate quite different parking demands. In recognition of this, the applicant has agreed that the retail floorspace within Class E, be capped to a maximum of 533 square metres in order to manage car parking demand. This can be subject to a planning condition.

It is also noted that the location is close to the edge of the town centre, where food and drink premises often offer no customer parking. However, it is recommended that where uses may have the potential for greater numbers of vehicle trips, parking and dropping-off, such as creches, nurseries and indoor recreation, that a further planning condition should be used to require approval of the details of their transport and parking arrangements, given the reduced amount of commercial parking in the current proposal.

Cycle Parking

The proposal retains the 596 cycle spaces of the approved scheme within a series of secure bike stores integral to each block, with the exception of block A. These provide for both commercial users: 78no for commercial use and 518 for residential use at the rate of 0.88per dwelling.

Land at the site frontage would be dedicated for the future construction of a segregated roadside cyclepath. This approach was agreed as part of the 2021 Committee resolutions in respect of applications AWDM/1952/20 & AWDM/2037/20. This removes the need for the planning condition 23 attached to the original approval in 2018, which required provision of a drawing of the cycle path. Since that time the future route of the cycle path has been identified by the Highway Authority and the drawing is no longer required.

Wheelchair Access

Accessibility for wheelchair users is provided by 4no. basement spaces close to the

lift below blocks B-D, 3no. open surfaces adjacent to block F and one basement space below it. Clarification has been sought concerning provision for block A occupiers. Blocks G & H (the phase 1 development), are served by 9no. spaces, which are a combination of open surface spaces and undercroft (semi-basement) at block G.

Summary of Accessibility & Parking

In summary, it is considered the site occupies a sustainable location, providing access to good bus and train services closeby. As such the 39 additional homes are not considered to impact significantly upon roads or parking pressure. The proposed 381 residential parking spaces meet the need derived from census data of existing rates of car ownership in the area.

Whilst it is not fully clear whether such ownership rates will be typical of future residents in the wholly-new harbourside residential environment, the provision of a car-club hub of up to 12 vehicles, is a significant addition. It increases confidence in the ability of the development to promote lower levels of private-car dependence in the future, given the national trends. This would operate alongside the promotion of public transport, cycling and walking, which is part of the travel plan already required by the 2018 approval.

Further information is awaited concerning the broad framework by which the car club and number of vehicles would begin and grow; parking locations for block A and its wheelchair-user spaces and an update regarding parking provision related to the timing of occupation of phase 1 development. An update will be given

Commercial uses will also benefit from the accessible location. The upper limitation on the amount of retail space (553 sqm) and use of a condition to require approval of transport and parking details for intensive uses such as creches, nurseries, day-centres & indoor recreation, will assist in balancing future parking demand.

Energy and Sustainability

The original planning permission for the Free Wharf development proposed a energy solution with high efficiency condensing boilers and a combined heat and power plant which would have enabled future connection to a heat network in line with policies of the JAAP and the Councils SPD, entitled Sustainable Energy. The development allowed for space in the basement area to allow for a future connection and this requirement was reflected in the signed s106 legal agreement.

The subsequent application seeking amendments to phase 1 (the 3 blocks fronting the A259) sought to vary the agreement to allow for individual direct electric boilers which demonstrated a emissions saving of 23.7%, 10% of which is produced by renewable sources. This equates to a 20% improvement over the existing permitted scheme. The legal agreement attached to phase 1 requires that the applicant would pay for any alterations required to enable future connection to a District Heat Network.

In connection with this application the agent submits that this phase of development

would deliver a 60% CO2 savings compared to the 27% achieved for Phase 1 and 3% for the original 2018 approved scheme. In terms of sustainability the proposed solution would be regarded as a low carbon solution. The submitted Energy Statement submits that,

'The proposed design will incorporate improvements in thermal fabric beyond the requirements of Building Regulations Approved Document L 2021. In addition, the proposal to deploy dedicated exhaust air heat pumps ('EAHP') for space heating and hot water generation within residential dwellings will deliver a substantial contribution to annual CO2 reductions as a low-carbon technology.

Part L 2021 (SAP 10.2) software is currently in development and is not yet available to use to demonstrate compliance. The SAP 2012 methodology has therefore been used with SAP 10 emission factors applied to demonstrate the CO2 emission reductions. The SAP 10 emission factors take into consideration the decarbonisation of the National Electricity Grid and will therefore provide a truer reflection of the operational CO2 emissions prior to the implementation of SAP 10.2.

Test SAP calculations and SBEM assessments have been carried out based on architectural information available for Blocks E & F and extrapolated across the site for future phases.'

There is no doubt that the proposed energy solution will result in a significant carbon reduction but the Councils SPD is clear that All new development will be expected to incorporate low and zero carbon decentralised energy generation, including heating and cooling. In this respect it states that all development must demonstrate that heating and cooling systems have been selected in accordance with the following hierarchy:

1. Connection to existing heating/cooling network
2. Site-wide heating/cooling network
3. Building-wide heating/cooling network or
4. Individual heating/cooling

Where no heat network is in place, the SPD states that development proposals must be designed to be connection ready. The applicant in preparing the proposed strategy has argued that,

Following exercises conducted to interrogate the design and cost implications of comparative heating and hot water strategies, including the Phase 1 direct-electric system (with varying thermal fabric performance) and a central air-source heat pump network, SHG directed the design team to proceed with future phases on the basis of using dedicated Nilan EAHP systems to individual dwellings.

The Nilan EAHP system facilitates energy recovery from an exhaust air stream by means of an on-board electric air-to-air heat pump that neither requires, nor can utilise, connections to an external source of heat. The Phase 1 design has been developed such that a future connection to the Shoreham DHN could be made, replacing the electric boilers as the source of heat. However, for future phases, unless the Nilan EAHP systems were to be entirely replaced throughout with a

water-based heating system, there would be no practical purpose to installing pipework for future connection to the Shoreham DHN. Given the estimated level of annual CO2 emissions reductions achievable as a result of using the Nilan EAHP system compared to that achieved in Phase 1, and the potential financial burden to be incurred, we do not propose to install pipework for such connections.'

This would mean quite a departure from the adopted JAAP policies and SPD and potentially would set a precedent that other developers in the Western Harbour Arm might follow. Unlike phase 1 where the costs of retrofitting future connections were to be borne by the applicant, in this case the applicant is arguing that the cost would be too high and would threaten the viability of the whole project. As indicated earlier the viability appraisal indicates that the current scheme would not be viable to any commercial developer and the development is only proceeding on the basis of Government grant funding via Homes England.

The Agent also argues that it is unrealistic to require costly future connections when there is no reasonable prospect of a District Heat Network being delivered. In addition there are new technologies on the market that provide for a significant reduction in carbon and importantly do not involve the use of gas boilers even if for a temporary period waiting for a District Heat Network solution.

When the JAAP was being prepared and permission was first granted for Free Wharf, the Council had employed Consultants to prepare a business case for a Shoreham Harbour Heat Network using funding from the Heat Network Investment Programme (HNIP). However, despite significant research the project identified that HNIP funding would not be available and the project would not be viable for commercial heat network providers. This does leave the Council's policy requirements rather vulnerable as no commercial interest in developing a Heat Network has come forward.

As this is a complex area your Officers have sought further information from the applicants about the energy costs to the customer, compared with alternative heating solutions (including a District Heat Network) and Members will be updated at the meeting. Your Officers have also sought additional information from the Councils Consultants advising on the potential roll out of a District Heat Network on Worthing which has received significant public funding.

Other Matters

Riverside Walkway and Ecology

The revised engineering approach to the riverwall construction utilises the replacement riverside piling already completed, to support the new riverside path. This shared pedestrian and cycle path is part of the continuous walkway along the Western Harbour edge, required under JAAP policies.

This revised means of support eliminates the need for additional posts in the riverside mudflats, which reduces the ecological impact thereon. Whilst Natural England makes no specific comment on this matter, the approach is accepted by the Environment Agency, which has sought to achieve minimal ecological impact

throughout the course of development since its original approval.

Public responses have questioned whether the path has been reduced from its approved width. Plan measurements are being checked, which necessitates a larger scale drawing in order to ensure that the 4m width required to form the shared cycle and pedestrian use is being provided.

Marine Access and Leisure

The application continues to provide the approved pair of river pontoons for riverside leisure and mooring, in accordance with JAAP Policy CH7. One of the pontoons is shown in figure 7 below. In the current proposal the approved circular viewing platform opposite the southern end of Humphrey's Gap in the upper image, is replaced by a wider onshore viewing area, which can be seen as a widening of the riverside walk.

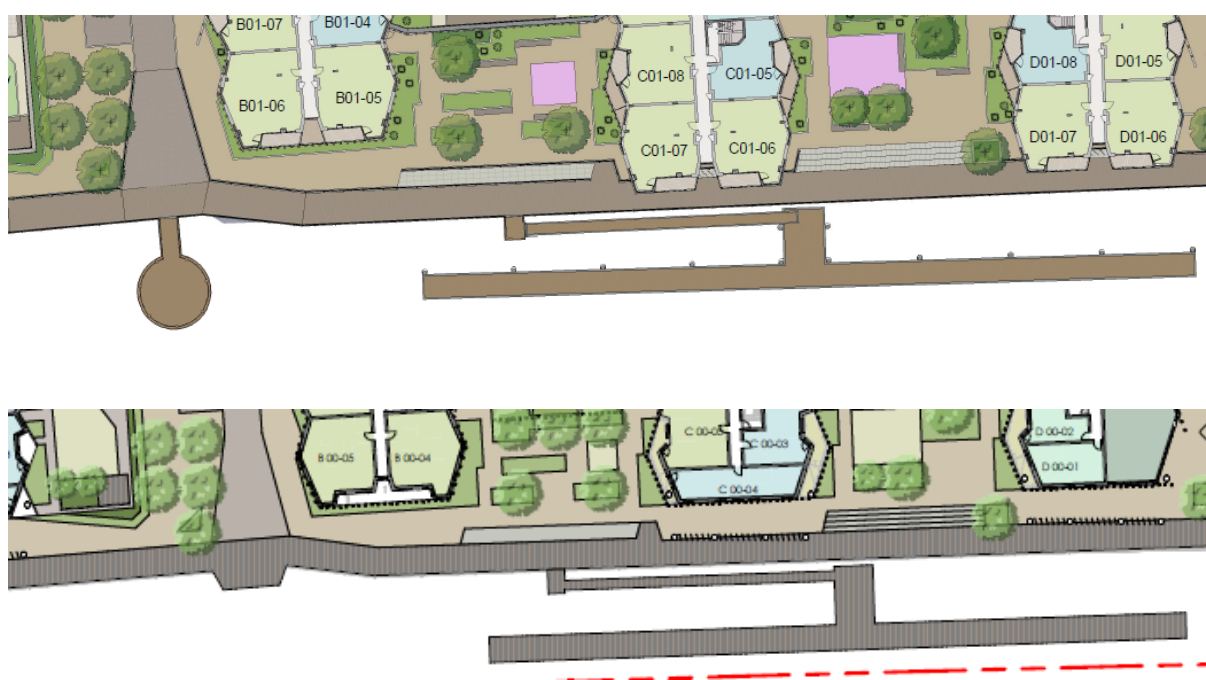


Fig. 7: Pontoon 1 and Viewing Area: As approved (above) As Proposed (lower)

In response to comments received, the applicant has explained that the approved platform did not in itself provide access to the water; this is provided via the pontoons. However, in the current proposal, the applicant has offered to provide a mooring cleat but more details would be required to resolve access to the river and details can be required by planning condition, e.g as an addition to plans to be submitted for play and landscaping.

This would slightly augment the riverside access of the approved scheme and does not raise any policy objection. The formal response of the Shoreham Port Authority is awaited and any comment will be provided as an update.

Air Quality and Environmental Impact Assessment

The approved development followed an Air Quality Impact Assessment in 2017, as

part of the wider Environmental Impact Assessment (EIA) Environmental Statement. It examined predicted levels of Nitrogen Oxide/Dioxide (NOx) and particulate matter (PM10 & PM 2.5), including impacts on the Shoreham Air Quality Monitoring Area in Brighton Road and the nearby town centre. Its conclusions were that impacts would be 'slight adverse' but not significant. However, an air quality mitigation payment was justified by this change, in accordance with the Sussex Air Quality and Emissions Guidance.

In the EIA Environmental Statement update addendum submitted with this application, the conclusions in relation to traffic are that this is unlikely to have a material change to the transport and accessibility assessment, and that impacts remain as stated in the approved scheme. As stated in the Highway Authority response to this application, there is an increase in trips associated with the development, but this is unlikely to have a traffic impact.

The comments of the Environmental Health officer are awaited to confirm whether, under the Sussex Air Quality & Emissions Guidance, there is any requirement for change to the mitigation measures and financial contribution contained in the conditions and legal agreement of the approved development.

On this matter and others considered in the EIA Environmental Statement, noise, light, microclimate, biodiversity, cumulative impacts and socio-economics, the addendum concludes that the additional homes are unlikely to generate significant effects in relation to those matters.

This appears to be a broadly reasonable conclusion, given the scale of the change (a 7% increase in homes and commensurate reduction in commercial space) since the 2018 approval, and that the height and spacings are almost all unchanged. The differences in terms of biodiversity (lesser effect on tidal mud), appear to be beneficial; microclimate and wind patterns are unlikely to be significantly affected; nor are heritage and townscape impacts, as considered earlier in this report. The socio-economic benefit in the provision of new homes is considered broadly positive.

Flood Risk, Drainage and Land Remediation

The Environment Agency is satisfied with the proposals, which are flood defended to the required standard but the new riverwall and podium height, which include allowance for climate change. Any details, such as basement flood proof doors, can be required by planning conditions. Both the Environment Agency and Environmental Health officers have previously agreed to site remediation works and practices, under conditions of the approved development, which have been largely completed.

The wider surface water drainage requirements, including water storage for attenuation purposes, have also been approved under conditions of the approved development, along with foul drainage details. There is no objection from Southern Water and confirmation is awaited from the Council's Engineers that these are unaffected by this proposal.

Fire Safety

A Fire Safety Statement has been submitted with the current application and recently amended plans. Given that the approved scheme pre-dated fire safety consultation procedures with the Health and Safety Executive, a copy has been sent to them for any comments. Whilst it is unlikely that these will be received before Committee meeting, it is recommended that these could be received under delegated authority to officers.

Infrastructure

The applicants have agreed to a proportionate increase in the level of development contributions to offset the increase in 39 apartments. This would include contributions for highway works, education, libraries, fire services, and open space and any changes to air quality mitigation, as recommended by the Environmental Health Officer.

Whilst, residents and amenity groups have expressed concern about the level of supporting infrastructure for the Western Harbour Arm, many of the off site works are to be undertaken by infrastructure providers and not the individual developers (consultation on the A259 cyclepath is currently underway). In this case, in view of the poor viability of the project, a number of the infrastructure contributions are at risk of not being delivered (including the riverside cyclepath) if the applicant cannot secure additional grant funding and complete the development.

The increase in 39 dwellings will provide additional contributions and a policy compliant mix of affordable housing and importantly secure the completion of the development.

Conclusion

The increased density proposed by this application does ensure that the applicant, a Registered Provider, can increase the amount of affordable housing and ensure the delivery of the remainder of the development. This is achieved by utilising Homes England funding and the submitted viability appraisal demonstrates that the viability of the scheme is well below the normally accepted profit margin for a commercial developer.

The report carefully assesses the impact of the development on heritage assets and the local townscape and concludes that, as amended, there are no increased harmful impacts. The amended scheme ensures that the apartment blocks remain consistent with the JAAP objective of stepping up from 5 stories on the river frontage and the overall design quality remains.

The density of the development, whilst significantly higher than the 100 minimum referred to in the JAAP, is much lower than other developments allowed in the vicinity (see Table 2) and the limited footprint of the apartment blocks allows for a high quality public realm. Given that the tilted balance is in play your Officers are satisfied that the overall benefits of the development do clearly outweigh any

residual harm caused by a slight increase to the bulk and massing of the apartment blocks.

Recommendation

To **GRANT** permission conditionally subject to a Deed of Variation (DofV) to the original s106 Agreement by 31st March 2023. In the event that the S106 legal agreement has not been completed within this timescale or an extension of time has not been agreed, planning permission to be refused on the grounds that the development does not provide for the additional affordable housing and development contributions to mitigate the impact of the development.

Following the completion of the DofV planning permission to be granted subject to the following conditions

Approved Plans

1. 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

[Insert plans]

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

Approved Documents

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

[Insert documents previously approved under discharges of condition to AWDM/1497/17, including drainage, remediation, archaeology, etc.]

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

Quantum of Development

3. The development hereby approved shall not exceed to following total development:

- i) 587 residential units;
- ii) 2,163sqm of commercial floorspace (Class E);
- iii) 381 residential car parking spaces;
- iv) 26 commercial car parking spaces
- v) Up to 12 car club spaces; and
- v) 596 cycle parking spaces.

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

Riverside Path

4. Prior to construction of the riverside walkway, details including engineering specifications, shall be submitted to and approved in writing to the Local Planning Authority to demonstrate that it is structurally sound and has an unimpeded width of at least 4m throughout; also to provide for any access and mooring opportunity at the public viewing deck to the south of Humphrey's Gap. The development shall only be implemented in accordance with these details.

Reason: *In order to ensure a suitable standard and resilience of development and to enhance access and recreation value of the river and riverside.*

5. Prior to commencement of works on phases 2 & 3 of the development an updated Construction Management Plan in respect of these works 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) the method of access and routing of vehicles during construction,
 - c) the parking of vehicles by site operatives and visitors,
 - d) the loading and unloading of plant, materials and waste,
 - e) the storage of plant and materials used in construction of the development,
 - f) the erection and maintenance of security hoarding,
 - g) 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),
 - h) details of public engagement both prior to and during construction works including neighbouring and nearby residents (including those at Shoreham Beach), businesses and other occupiers.

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

Phasing Programme

6. Prior to commencement of phases 2 & 3 of the development, a more detailed phasing programme shall be submitted to and agreed by the Local Planning Authority, setting out a list of planning conditions which shall be submitted in accordance with that phasing programme.

Reason: *To ensure the comprehensive phased development of the site in accordance with the general and site specific policies set out in the Adur District Local Plan 2017 Shoreham Harbour Joint Area Action Plan 2019.*

Construction Management Plan

7. Prior to the construction of phase 2 & 3 development an updated Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

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

Drainage As Built Details

8. Immediately following implementation of the approved surface water drainage system and prior to occupation of each phase of the development, as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: *To ensure adequate foul and surface water drainage,*

Remediation Verification

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

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

Water Efficiency

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

Reason: *To comply with Policy 18 of the Adur Local Plan and Policy SH1 of the Shoreham Harbour Joint Area Action Plan 2019.*

Materials and Details

11. No above ground works, excluding Enabling Works for phases 2 & 3, shall take place until the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
 - a) particulars and samples of the materials to be used on all external faces of the building;
 - b) details of all elevations to show typical details of all external components including details of drainage;
 - c) details of the balconies and wind mitigation measures including details of drainage;
 - d) details of ground floor elevations including entrances;
 - e) details of escape doors, gates, doors bin storage entrance and bicycle storage entrance;
 - f) details of soffits, hand rails and balustrades;
 - g) details of ground level surfaces including materials to be used;
 - h) details of external lighting attached to the building including anti-collision lights, lighting to the soffits and lighting to pedestrian routes;
 - i) details of plant and ductwork to serve the commercial uses;
 - j) details of ventilation and air-conditioning for the commercial uses;

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

Landscape, Public Realm and Play

12. Prior to the commencement of any development in phases 2 & 3 above ground level, excluding Enabling Works, until details of the landscaping and recreation shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - a) Details of materials

- b) Street furniture and lighting
- c) Planters, tree pits and planting
- d) A timetable for the implementation of the hard and soft landscaping,
- e) A maintenance plan to ensure establishment of the soft landscaping.
- f) Play area locations and play equipment

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

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

Travel Plan update

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

Reason: *To encourage and promote sustainable transport*

Site Management, including Parking

14. No part of the development shall be first occupied until such time as until
- i) a Servicing Management Plan and
 - ii) a Car Parks Management Plan

has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries associated with the residential and commercial uses. Once occupied servicing shall be carried out only in accordance with these approved plans.

Reason: *To safeguard the operation of the public highway.*

Low Emission Vehicle Charging

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

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

Access - Detailed Implementation

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

Reason: *In the interests of road safety.*

Car Parking Provision

17. No part of the development shall be first occupied until the car parking spaces serving that respective part of the development have been constructed in accordance with the approved plans, including phasing plans. These spaces shall thereafter be retained at all times for their designated use.

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

Trade & Service Vehicles

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

Reason: *In the interests of road safety.*

Cycle Parking Provision

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

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

Noise - Attenuation

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

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

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

Waste & Recycling

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

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

Flood Risk Management

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

Finished floor levels are set no lower than the above Ordnance Datum (AOD) identified within the FRA and approved drawings.

Basement car park flood defence and resilience measures, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

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

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

External Lighting

23. External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of

Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

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

Commercial Uses, including transport and parking requirements

24 i) The commercial spaces hereby approved shall not be used other than for purposes within Class E Town and Country Planning (Use Classes) Order 1987, (as amended) and notwithstanding the provisions of Schedule 2, Part 3 of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting these Orders they shall not be used for any other purposes whatsoever.

ii) Prior to the commencement of any use within Class E for any indoor sport, recreation or fitness or any creche, day nursery or day centre, details shall be submitted to and approved in writing by the Local Planning Authority including hours of use, measures to minimize risk of noise and disturbance to neighbours or occurrence of odours, measures to minimise and control traffic and deliveries and anticipated numbers of staff and visitor and customers. These uses shall only operate in accordance with the details approved by the Local Planning Authority

Reason: *To provide an appropriate commercial use of the space in accordance with the current application, to add vitality but also to minimise risk of conflict with parking and access interests and neighbouring residents at the site or adjoining sites, in accordance with policies 8 & 28 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Retail Floorspace

25 No more than a total of 553sqm of the commercial spaces hereby approved shall be used for retail purposes , and this condition shall apply notwithstanding the provisions of the Class E Town and Country Planning (Use Classes) Order 1987, (as amended) and notwithstanding the provisions of Schedule 2, Part 3 of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting these Orders

Reason: *To avoid an excess of retail use to minimise risk of conflict with parking and access interests, in accordance with policies 8 & 28 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Hours of Use [amend to Class E Equivalents]

26. The commercial units shall only be open for trade in accordance with the following:

[A1/ A2] use class between the hours of 07.00 and 23.00 Monday to Saturday and 09:00 to 23:00 on Sunday. Any unit greater than 280 sq.m will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays

[A3/ A4] use class between the hours of 07.00 and 23.00 Monday to Thursday, 07.00 to 00.00 Friday and Saturday and 09:00 to 23:00 on Sunday. Any unit greater than 280 sq.m will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays.

[B1] use class between the hours of 07.00 and 23.00 Monday to Saturday and 09:00 to 18:00 on Sunday. Any unit greater than 280 sq.m will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays.

[D1] use class between the hours of 07.00 and 23.00 Monday to Saturday and 09:00 to 21:00 on Sundays

Reason: *To comply with Adur Local Plan Policy 16, and in accordance with the National Planning Policy Framework.*

Delivery Hours

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

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

Hours of Development Works

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

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

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

Energy

29. The commitments in the approved Energy Strategy and Sustainability Statement Revision 1 *[insert]* shall be installed prior to the first occupation of the development and shall be implemented in accordance with the

approved strategy and retained as operational thereafter.

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

Sustainable Energy - Verification

30. a) The development hereby approved shall incorporate the following sustainable energy and heat management measures, in accordance with the details in [reference] submitted with the current application

- Energy efficient building fabric,
- LED internal & external lighting,
- Provision of Solar panels,
- Mechanical Ventilation with Heat Recovery System (MVHR), with summer bypass
- Building Energy Management Systems,
- Efficient water goods and fixtures to achieve <110L/Person/day.

The development shall be implemented and maintained in accordance with the details thereby approved, unless the Local Planning Authority give prior written approval for any variation.

b) Written confirmation, including independent professional verification, 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 achieved the target CO₂ reduction below the baseline model including renewable energy, as identified in the submitted Energy Statement and confirming the installation of water goods and fixtures to achieve a target of <110L/Person usage/day. The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: *In accordance with the submitted application, to ensure that the development is sustainable and makes efficient use of energy, water and materials to achieve CO₂ reductions having regard to the National Planning Policy Framework and policies 18 & 19 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan and the Council's Sustainable Energy SPD, 2019*

District Heating

31. No below ground work in phases 2 & 3, apart from the Enabling Works shall take place until the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:

- Details which identify the supply of all space heating and hot water in the buildings by a centralised, communal wet system
- Details which identify and safeguard plant room space for the future installation of heat interface equipment, and/or other plant, required for future connection to a future heat network
- Details of a safeguarded pipe run into, through, and out of the site to connect the plant rooms with the proposed heat network
- A strategy to facilitate the connection of the network to the development; and
- A strategy to facilitate access to the site and plant rooms for the heat network developer to carry out works required to connect the site to the Shoreham Heat Network, lay underground infrastructure within the roads, footpaths, open space and public areas of the development, and carry out repair and maintenance work to any heat network infrastructure

Reason: *To enable the delivery and operation of the planned Shoreham Heat Network having regard to Policies 8 and 19 of the Adur Local Plan and Policy SH1 of the Shoreham Harbour Joint Area Action Plan 2019.*

31 January 2023

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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