

# Public Document Pack

**Minutes of a meeting of the  
Adur Planning Committee  
20 March 2023  
at 6.30 pm**

\*Councillor Carol Albury (Chair)  
Councillor Joe Pannell (Vice-Chair)

Councillor Jeremy Gardner  
Councillor Carol O'Neal  
Councillor Vee Barton  
Councillor Dan Flower

Councillor Jim Funnell  
Councillor Julian Shinn  
\*Councillor Mandy Buxton

\*Absent

**Officers:** Head of Planning and Development, Principal Planning Officer, Senior Lawyer and Democratic Services Officer

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*Councillor Joe Pannell substituted as Chair in Councillor Carol Albury's absence*

## **ADC-PC/83/22-23 Substitute Members**

Councillor Angus Dunn substituted for Councillor Mandy Buxton  
Councillor Andy McGregor substituted for Councillor Carol Albury

## **ADC-PC/84/22-23 Declarations of Interest**

There were no declarations of interest.

## **ADC-PC/85/22-23 Public Question Time**

There were no questions raised under Public Question Time.

## **ADC-PC/86/22-23 Members Questions**

There were no questions raised under Member Question Time.

## **ADC-PC/87/22-23 Confirmation of Minutes**

**RESOLVED**, that the minutes of the Planning Committee meeting held on **6 March 2023** be confirmed as a correct record and that they be signed by the Chairman.

## **ADC-PC/88/22-23 Items Raised Under Urgency Provisions**

There were no items raised under urgency provisions.

**ADC-PC/89/22-23 Planning Applications**

The planning application was considered, see attached appendix.

**ADC-PC/90/22-23 Proposed Revision to Pre-Application Charging Fees**

The Head of Planning and Development delivered the report explaining the reasons behind the proposed increase to pre application charges.

The Committee voted unanimously in favour of recommending to the Adur Executive Member for Regeneration that the proposed changes to the Councils Charging Schedule be adopted by Adur District Council and that they be implemented from 1st April 2023.

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The meeting ended at 8.33 pm

**Chair**

1

<b>Application Number:</b>	<b>AWDM/2039/22</b>	<b>Recommendation - Approve subject to a s.106 Agreement, the receipt of additional information and outstanding consultee responses.</b>
<b>Site:</b>	<b>69 - 75 Brighton Road, Shoreham-By-Sea, West Sussex</b>	
<b>Proposal:</b>	<b>Demolition of existing buildings, construction of 176no. one and two bedroom residential apartments and commercial development over 4 blocks between 5 and 9 levels, basement parking and raised deck, new highway access, flood defences, drainage infrastructure, landscaping and ancillary development. (Including changes in heights and reduction from previously proposed 183no. apartments to 176no.).</b>	
<b>Applicant:</b>	<b>Shoreham Brighton Road Ltd</b>	<b>Ward: St Mary's</b>
<b>Agent:</b>	<b>Waller Planning</b>	
<b>Case Officer:</b>	<b>Stephen Cantwell</b>	

The Head of Planning and Development presented the report explaining the amendments that had been made to address the refusal reasons of the previously rejected application of September 2022. The Principal Planning Officer clarified that there was a correction to the report in that the description referred to nine storey and this should read eight storey. Similarly, the same error appeared in the table on page 39 of the report. In terms of district heating he explained that the applicant would be using Air Source Heat Pumps fitted individually within each dwelling. The Officer elucidated the aspects of the s.106 table within the report and clarified some changes to conditions 14, 27 and 38.

Members had questions for the Officers regarding the following aspects -

- Glazing
- Cycle paths
- Density, scale and mass
- Planting
- Access for service and emergency vehicles
- The proposed commercial space within the development
- Parking

There were two registered speakers who gave representations in objection to the application, one on behalf of AREA and the other an adjacent Ward Councillor. There was one registered speaker, a barrister, who gave a representation in support of the application.

During debate members discussed -

- How the height, density and massing of the proposed development had been changed
- Whether existing infrastructure could cope with the increase in dwellings
- The issues of parking and discouraging car use.
- Balancing the advice of the JAAP and the Local Plan with regards to density and over development
- Air quality issues
- The proposed affordable housing allocations.

A proposal was made to accept the Officer's recommendation. This was seconded and voted on with an outcome of 5 votes in favour, 3 votes against and 1 abstention.

**Decision - Approved**, subject to s106 and amendments to conditions agreed. Decision delegated to HP&D to secure s106 agreement.

Conditions -

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 drawing numbers]*

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

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

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

### **Phasing (and Enabling Works)**

3. a) Prior to commencement of any works on site a phasing programme, (which shall include any phase or phases of Enabling Works) shall be submitted to and agreed by the Local Planning Authority. Development shall be implemented in accordance with that phasing programme and details required under conditions of this planning permission, shall be submitted and approved in accordance with that phasing programme.

b) For the purposes of the conditions of this planning permission, 'Enabling Works' shall comprise the following:

- i. Demolition of any structures above ground level.
- ii. Removal of building foundations & slab and associated above ground cables, pipes or ducts.
- iii. Breaking-up and crushing of existing hard-standings.
- iv. Removal of below ground cables, pipes or ducts.
- v. Re-routing of existing sewer main.
- vi. River-wall survey works, including excavation to assess existing condition.
- vii. Site survey works (other than river-wall survey) to inform the design of

- remediation works.
- viii. Creation of a piling mat using clean rubble or similar clean material.

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

### **Enabling Works**

4. The following Enabling Works at condition 3b) shall only be undertaken after the following details have been submitted to and approved in writing by the Local Planning Authority:

(iii) Breaking-up and crushing of existing hard-standings.

Details of measures to manage and minimise noise, vibration and dust.

(iv) Removal of below ground cables, pipes or ducts

(v) Re-routing of existing sewer main

(vi) River-wall survey works, including excavation to assess existing condition.

Details of measures to be taken to minimise and manage risk of contamination, (including risks to human health and the water environment), noise and dust

The details thereby approved shall be fully adhered to in the undertaking of the respective Enabling Works.

**Reason:** *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, and to manage impacts of noise, vibration and dust in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **River-wall works**

5. Prior to commencement of works to replace or repair the river wall and/or sheet piling, full details shall be submitted to and approved in writing by the Local Planning Authority, which includes the following:
- i. riverside retaining walls and associated cappings and railings, engineering details and cross-sections and details of external appearance and finishes,
  - ii. the inter-relationship between the riverside retaining wall, new riverside path and site drainage, and
  - iii. measures to be taken to minimise and manage risk of contamination, (including risks to human health and the water environment), noise and dust

The details thereby approved shall be fully adhered to in the undertaking of the respective Enabling Works.

**Reason:** *To ensure that the proposed development is satisfactorily provided with required infrastructure including riverside defences, pathway and drainage, to ensure an appropriate and high quality appearance and to manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, and to manage impacts of noise, vibration and dust in accordance with Policies 15, 18, 29 & 34 of the Adur Local Plan 2017, Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 170, 178 - 180 of the National Planning Policy Framework 2019.*

### **Materials and Details**

6. With the exception of Enabling Works in Condition 4, (and unless agreed otherwise in writing by the Local Planning Authority), no works above ground level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority and all development of that phase pursuant to this permission shall be carried out and permanently maintained in full accordance with details thereby approved:
  - a) Details and samples of the materials to be used on all external faces of the building(s) and ground surfacings, including colours and finishes;
  - b) Details, including 1:20 drawings and profiles of external columns doors; windows and frames; roof intersections, soffits, parapets & cappings, balconies, balcony screens and external rails;
  - c) Any external plant and utility cabinets, their location, size, design, materials, colours and finish and any associated ducting,
  - d) Details of solar panels and height relative to adjoining parapets / roof edges,
  - e) Details of external lighting for the purposes of public safety and including measures to minimise light pollution, which shall be implemented,
  - f) Details of pedestrian and vehicular access ramps and steps and ground floor plinths, including detailing and/or materials to add visual interest,
  - g) Details of the location and design of any externally visible ventilation louvres, gaps or ducts

Development shall only be carried out in accordance with the details thereby approved and this condition shall apply notwithstanding any information contained in the current application.

**Reason:** *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies 15 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

## **Landscaping, Play and Biodiversity**

7. A) Hard and soft landscaping ('soft landscaping' means new planting, associated ground preparation and biodiversity enhancement measures) for each phase of development shall be completed 'according to the approved phasing plan under condition 3 of this permission, (with all planting to be completed no later than the first planting season following the occupation of each phase).
- B) Before the commencement of development above ground level, (other than Enabling Works), and unless otherwise agreed in writing, the following details shall be submitted to and approved by the Local Planning Authority:
- i) Details of hard landscaping materials and surfacing
  - ii) Details of provisions for informal play & recreation
  - iii) Any external seating
  - iv) Planters and tree pits including irrigation and drainage
  - v) Ground preparation to create a planting medium
  - vi) Biodiversity enhancement measures
  - vii) Details where appropriate, of any temporary landscaping at the public footpath along the Brighton Road frontage
  - viii) A maintenance plan to ensure full establishment of new planting
- C) Development shall thereafter be carried out in accordance with the approved hard and soft landscaping plans, phasing plan and the details at B)(i-viii) above, and the planting maintained, in accordance with the approved details and the phasing plan. Any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** *To ensure the provision, establishment and maintenance of hard and soft landscaping on the site, including provisions for play & recreation and biodiversity, and to provide for minor revision to the landscaping layout at point B i) in accordance with policies 15 & 30 of the Adur Local Plan 2017 and Policies SH 7 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

## **Means of Enclosure gates or barriers & Permitted Development restriction**

8. Before the commencement of development above ground level, (other than Enabling Works), details of all means of enclosure, gates or barriers for any phase shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided for each phase of development prior to the occupation of each such phase. No additional or other means of enclosure, or increase in height of any means of enclosure shall be carried out without the prior written approval of the Local Planning Authority, and this restriction shall apply equally to any balcony or terrace and this condition shall apply notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order.

**Reason:** *In the interests of visual amenity, to ensure an ongoing high quality appearance and character of development in accordance with policies 15 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Commercial Units - Uses and limitations**

9. i) The commercial spaces hereby approved shall not (with the exception of the unit to be used for deliveries under condition [ x ] of this permission) 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 minimise 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 neighbouring residents at the site or adjoining sites, and in the interests of flood risk safety in accordance with policies 8 & 28 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Commercial Units - Hours**

10. The commercial spaces shall only be used and open to customers and visiting members of the public between the following hours, (unless otherwise approved in writing by the Local Planning Authority, including any written approval under condition [x] of this permission, which may include other or shorter hours):

Monday – Saturday 07:30 – 23:00

Sunday & Bank/Public Holidays: 08:30 – 20:00

**Reason:** *To achieve a balance between business needs and the protection of residents immediately adjacent or close to the premises from noise and disturbance in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Commercial Units - Noise Insulation**

11. a) Construction work (with the exception of any demolition or stripping out), shall not commence until an insulation scheme for protecting the first floor flats from noise from the commercial spaces has been submitted to and approved by the



Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors.

b) Before the residential units are occupied a test shall be undertaken to demonstrate compliance with this level and submitted to and approved in writing by the Local Planning Authority.

**Reason:** *To protect neighbouring residents from noise and vibration.in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

## 12. **Commercial Units - Ventilation & Amplified sound**

- i) No kitchen for the preparation of hot food shall be installed in any commercial space unless details of means, plant or equipment for the extraction and disposal of cooking odours have been submitted to and approved in writing by the Local Planning Authority.
- ii) No external fixed plant serving the café space shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. The design shall have regard to the principles of BS4142:2014 and aim to achieve a rating level which is no greater -5dB above existing background noise level, shall include any necessary anti-vibration mountings and any necessary odour control.
- iii) No amplified sound equipment in or outside the commercial spaces terrace shall be used until details have been submitted to and approved in writing by the Local Planning Authority, including proposed hours of its use and to ensure that any sound level measured 1m from any speaker or equipment shall not exceed 75dB(A) LAeq 1 min.

The use of the commercial spaces shall only take place in full on-going conformity with any details approved under this condition.

**Reason:** *To protect neighbouring residents from odour, noise and vibration.in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

## **Commercial Units - Advertisements**

13. Details of any external signage for the commercial spaces (whether illuminated or non-illuminated), shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation of each respective space. Thereafter no additional illuminated signage shall be erected without the prior written approval of the Local Planning Authority.

**Reason:** *In the interests of visual amenity and in consideration of the site prominence, the setting of the nearby conservation area and listed buildings, to*

*achieve a balance between business needs and the impact and appearance of signage in accordance with policies 15 of the Adur Local Plan and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Highways & Access**

14. i) No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving that part of the development have been constructed in broad accordance with the details shown on the drawing titled [XXX and numbered XXX].

ii) Details of any new temporary access if required to serve demolition and construction works shall also be submitted to and approved in writing by the Local Planning Authority, including arrangements for its subsequent removal at the completion of these works.

**Reason:** *In the interests of road safety and to ensure suitable access to and around the site, including provision of the riverside path in accordance with policies 28 & 29 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

### **Accesses and Frontage Specifications**

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

**Reason:** *To ensure provision of robust and drained access, parking and manoeuvring areas, including suitability for servicing, refuse and emergency vehicles, including sustainable drainage where appropriate in accordance with policies 28 & 29 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

### **Car-Park Barrier**

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

**Reason:** *To provide vehicle waiting space clear of the public highway in the interests of the safety and free flow of vehicular traffic and pedestrians and in the*

*interests of visual amenity, in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Vehicle Parking**

17. No part of the development shall be occupied until the vehicle parking and manoeuvring spaces serving that part (including associated visitor/unallocated parking and car club space) has been constructed and provided in accordance with the approved details. Once provided the spaces shall thereafter be permanently retained at all times for their designated purpose.

**Reason:** *To ensure the provision of well-located car-parking facilities and sustainable parking to serve the development in accordance with policies 28 of the Adur Local Plan 2017 and SH5 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Electric Vehicle Charging**

18. No part of the development shall be first occupied until Electric Vehicle Charging spaces and ducting/cabling have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority and shall be permanently maintained thereafter.

**Reason:** *To ensure the provision of well-located Electric Vehicle Charging spaces to serve the development in accordance with policies 28 of the Adur Local Plan 2017 and SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Secure Cycle Parking**

19. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority and shall be permanently maintained thereafter.

**Reason:** *To provide alternative travel options to the use of the car in accordance with policy 28 of the Adur Local Plan 2017 , SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

### **Travel Plan**

20. No residential part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented including any monitoring, reporting and subsequent updating measures in accordance with each Travel Plan thereby approved.

**Reason:** *To encourage and promote sustainable transport in accordance with policy 28 of the Adur Local Plan 2017 , SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Access only for Service & Emergency Vehicles**

21. Other than vehicular access to the basement car park, no vehicles or deliveries, other than service and emergency vehicles, shall access into other parts of the site. Details of physical obstructions and /or barriers and signage to prevent unauthorised vehicular access shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the site and shall be implemented and permanently maintained and adhered to thereafter.

**Reason:** *To manage vehicular access in the interests of highway and pedestrian safety and amenity to avoid traffic within the interior of the site, other than emergency and service vehicles in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Deliveries**

22. Details of arrangements for the use of one of the commercial units at the front of the site for concierge purposes and to receive deliveries to the site, for the benefit of site occupiers, shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the site. Thereafter the unit shall only be used for this delivery purpose and for no other use.

**Reason:** *To manage deliveries to in the interests of the safety and free flow of vehicular traffic and due to the need to avoid other traffic within the interior of the site, other than emergency and service vehicles in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Wheelchair access – apartments and all external areas**

23. Accesses to the apartment block and all common external areas of the development using level thresholds and ramps shall provide for access by wheelchair users, unless otherwise approved in writing by the Local Planning Authority.

**Reason:** *To ensure accessibility for wheelchair users in accordance with policies 15, 28 & 32 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Recycling & Refuse Stores**

24. No part of the development shall be occupied until the refuse storage space(s) serving it have been provided in accordance with the approved plans and shall be permanently retained and maintained thereafter.

**Reason:** *To ensure adequate internal storage space for refuse in accordance with policy 15 & 18 of the Adur Local Plan 2017 and the interests of Highway safety and residential and public amenities.*

## **Flood Risk and Riverside Management**

25. The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment ('FRA') (entitled 'Flood Risk and Drainage Strategy', Project Ref: 332510124/4001, Revision C, dated July 2021, by Stantec) and Technical Note (Technical Note, Job No: 332510124/4001, Note No: TN006, dated March 2022, by Stantec) and the following mitigation measures detailed therein:
- i. Finished floor levels of the residential properties must be set no lower than 6.2 mAOD (Sections 6.2.8 and 10.2.1 of the FRA).
  - ii. Finished floor levels of the commercial units must be set no lower than 4.4 mAOD (Item 5 of the Technical Note, pages 5 and 6).
  - iii. New flood defences for this site (Appendix F of the FRA) must be built at the height of 5.6 mAOD or higher (Section 6.2.4 of the FRA).
  - iv. There must be at least 5 metres of unobstructed space between the river wall and the development to provide access for emergency and maintenance purposes (Item 3 of the Technical Note, pages 3 and 4).
  - v. The footpath connecting the development to the neighbouring Free Wharf development site to the east shall be set no lower than 5.6 mAOD (Sections 6.3.4 and 10.2.1 of the FRA).

These mitigation measures shall be fully implemented prior to occupation of the development and subsequently in accordance with the scheme's timing/phasing arrangements. They shall be fully maintained in accordance with the scheme's timing/phasing arrangements and shall be fully retained and maintained throughout the lifetime of the development.

**Reason:** *To reduce the risk of flooding to the proposed development and future occupants, in accordance with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Repairs to existing steel sheet pile wall**

26. The development hereby permitted shall not be occupied until such time as the identified repair works in the Technical Note (Technical Note, Job No: 332510124/4001, Note No: TN006, dated March 2022, by Stantec) item 2, page 2 to Steel Sheet Piles (SSP) wall along the river frontage have been completed.

**Reason** *Repairs must be undertaken to make river walls fit for purpose prior to any occupation of the site to protect future residents from flood risk in accordance with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019*

### **Demountable flood defence barrier/flood gate for basement car park**

27. The development hereby permitted must not be occupied until such time as a specification for the demountable (or other type of) flood defence barrier/flood gate for the basement car park, details of the level of protection it will provide and a schedule for maintenance and inspection of the demountable flood defence barrier/flood gate once installed has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason.** *Further details of the type of barrier/flood gate are required, including the expected level of protection it will provide before installation to ensure it will be adequate in accordance with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019*

### **Flood Risk & Safe Access**

28. Prior to the occupation of any phase or part of the development, a Flood Risk Management Plan for each phase or part of the development shall be submitted to and approved in writing by the Local Planning Authority. It shall include the ongoing arrangements for the provision, dissemination and updating of flood risk information and means of safe access and escape for occupiers of the site. The Plan thereby approved shall be implemented upon the first occupation of each respective phase or part, including the provision of any escape routes contained in the Flood Risk Management Plan and shall be permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.

**Reason:** *To manage residual risks of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 164 - 167 of the NPPF 2021.*

### **Temporary Floodrisk Management**

29. In the event that any building is to be occupied before the full completion of all flood risk defence and management measures for the site, details of any temporary flood defence and management provisions shall be first submitted to and approved in writing by the Local Planning Authority and shall be fully implemented during such interim period.

**Reason:** *To manage residual risks of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Drainage 1 - Details of Foul & Surface Drainage**

30. No works except Enabling Works shall take place until details of the proposed means of foul and surface water sewerage disposal including a timetable for its

provision, in liaison with Southern Water and assessment of pollution risks with any measures necessary for its control or mitigation, have been submitted to, and approved in writing, by the Local Planning Authority in consultation with Southern Water. This shall include any details of development phasing necessary to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. The development shall then be carried out to comply with the agreed details, timetable and phasing.

**Reason:** *To ensure that the proposed development is satisfactorily drained in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

## **Drainage 2 – Sustainable Surface Water Drainage**

31. No works except Enabling Works and site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. It shall include the following:
- a) a 30 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate no flooding;
  - b) a 100 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere;
  - c) a 2 year climate change rainfall rain-fall event combined with a 2121 200 year tide, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere, and
  - d) Winter groundwater monitoring data to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage.

Details shall also include measures to manage and intercept any pollution risks, including risks to controlled waters with measures for control and mitigation of these risks. No building shall be occupied until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

**Reason:** *To ensure that the proposed development is satisfactorily drained and managed and manage any risk of contamination which could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). where controlled waters, ware particularly sensitive in this location. This is in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Drainage 3 – As-Built Records**

32. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by a qualified 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 permanently maintained in perpetuity.

**Reason:** *To ensure that the proposed development is satisfactorily drained and managed in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

### **Drainage 4 - Management**

33. i) With the exception of Enabling Works Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life.
- ii) Upon the completed construction of any phase of the surface water drainage system, the owner or management company shall permanently strictly adhere to and implement the recommendations contained within the manual.

**Reason:** *To ensure that the proposed development is satisfactorily drained and managed in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

### **Remediation and Groundwater**

34. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- i) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.



- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be fully implemented as approved, any changes to these components shall require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** *To safeguard groundwater, controlled waters and aquifer from risk of presence of contaminants at the development site, in accordance with NPPF paras 174- 183, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Remediation Verification**

- 35. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**Reason:** *To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF and in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Previously Unidentified Contamination**

- 36. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall then be implemented as approved.

**Reason:** *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, in accordance with para 174 of the National Planning Policy Framework 2021, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

## **Piling Works & Contamination**

37. With the exception of any Enabling Works and unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until details of any foundation design and method using piling or penetrative methods have been submitted and approved in writing by the Local Planning Authority including information to show that there is no resultant unacceptable risk to the water environment, including groundwater and the River Adur. The development shall be carried out in accordance with the approved details.

**Reason:** *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, because piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, mobilising contamination, drilling through different aquifers and creating preferential pathways. This is required in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

## **Sustainability & Energy**

38. a) The development hereby approved shall incorporate the following sustainable energy and heat management measures, in accordance with the details in Energy & Sustainability Statement by Daedalus, dated [ x ] , submitted with the current application:

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

Prior to development above ground level, updated calculations, including any updating of overheating and ventilation calculations and information, shall be submitted to and approved in writing by the Local Planning Authority, in order to demonstrate the CO<sub>2</sub> and Energy efficiencies of the Energy & Sustainability Statement.

The development shall be implemented and maintained in accordance with the details thereby approved, including the updated calculations, unless the Local Planning Authority gives 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 CO<sub>2</sub> reduction below the baseline model

including renewable energy, as identified in the submitted Energy & Sustainability 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*

### **Noise Mitigation and Ventilation - Provision**

39. Prior to the commencement of development above slab level, details of noise and vibration mitigation, including acoustic glazing, mechanical ventilation and heat recovery systems together with an updated overheating assessment, shall be submitted to and approved in writing by the Local Planning Authority. Details shall also include any necessary measures to minimise risks of noise and vibration from any lifts or other plant provided as part of the development. This condition shall apply notwithstanding any information contained in the current application

**Reason:** *To protect residents from noise and vibration in accordance with policy 15 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan.*

### **40. Noise Mitigation and Ventilation - Verification**

No development shall be occupied until all noise mitigation and ventilation approved under condition [x] above has been completed and details of the post implementation independent verification have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

**Reason:** *To protect residents from noise and vibration in accordance with policy 15 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan.*

### **Air Quality Mitigation**

41. With the exception of the Enabling Works, development shall not commence until full details of all proposed operational phase air quality mitigation measures for that respective phase have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall either be equal to the values of [ x] for or shall comprise in whole or part, the provision of a financial contribution (s) in accordance with [ Schedule x ] of the s.106 Legal Agreement which forms part of

this approval.

The development shall be implemented in full accordance with the details thereby approved. If required, a verification report shall be submitted to and approved in writing by the Local Planning Authority on completion of the respective phase of development to demonstrate and confirm that the operational phase air quality mitigation measures thereby approved have been implemented and have achieved mitigation equal to the value identified.

**Reason:** *To minimise emissions and impact on air quality in accordance with Policies 16 & 17 of the Adur Local Plan 2017 and the National Planning Policy Framework, 2021.*

### **Levels**

42. The development hereby approved shall be carried out in accordance with the existing and proposed site levels shown in drawings:

[insert drawing number]

No other raising of levels shall be carried without the prior written approval of the Local Planning Authority

**Reason:** *In the interests of clarity and to minimise floodrisk and because changes in levels may materially affect the appearance and impact of the development, in accordance with policies 15, 36 of the Adur Local Plan 2017, SH6 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Aerials / Antennae**

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

**Reason:** *To avoid multiple aerial / antenna and / or satellite dishes, in order to safeguard the appearance of the development and impact on the setting of the Kingston Buci Lighthouse.*

### **Obscure Glazing & Privacy Screens**

44. *To bathroom and other windows as necessary detailed wording to be provided*

### **Fire Hydrants & Water Supply**

45. Prior to the commencement of the development details showing the proposed location of fire hydrants or stored water supply required to serve the development, shall be submitted to and approved in writing by the Local Planning Authority in

consultation with West Sussex County Council's Fire and Rescue Service. Any new or replacement hydrants or water supply forming part of the details thereby approved shall be installed at the expense of the site developer or owner, prior to occupation of the site (or any phase of the development in the event of a phased programme), in the approved location (s) to BS 750 standards (or any updated BS standard) and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

### **Construction Environment Management Plan - Development**

46. Prior to commencement of enabling works no development shall take place, until a Construction Management Plan in respect of these works has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- a) the anticipated number, frequency and types of vehicles used during construction,
  - b) 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 location of any site compound and site office,
  - f) the storage of plant and materials used in construction of the development,
  - g) arrangements for efficient construction waste management,
  - h) measures to be place to deal with minimise risk of and respond to any accidental spillages including containment and clear-up,
  - i) a Dust Management Plan incorporating the dust control measures,
  - j) a commitment to no burning on site,
  - k) the erection and maintenance of security hoarding, including provision of public information about the development and viewing ports,
  - l) 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),
  - m) Arrangements for regular and responsive traffic management liaison with other imminent or active development sites in the Western Harbour Arm and A259 Brighton Road,
  - n) details of any external lighting during the development//construction period, including provisions to avoid any hazards to shipping and activities at Shoreham Harbour Port, in liaison with the Shoreham Port Authority,
  - o) 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 and to minimise the risk of pollution, hazards and noise and to safeguard the amenities of neighbouring and nearby occupiers during the period of development works in accordance with Policies 8, 15, 28 & 34 of the Adur Local Plan, 2017.*

## **Hours of Work - Development**

47. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 08:30 - 13:00 Hours

Sundays and Bank / Public Holidays no work is permitted.

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 amenities of neighbouring and nearby occupiers during the period of development works in accordance with Policies 8, 15, 28 & 34 of the Adur Local Plan, 2017*

## **Archaeology**

48. Prior to commencement of enabling works an archaeological investigation of the area subject to those works, including below ground and investigation and recording of the existing flint building on the site, shall be carried out at the expense of the developer in accordance with a specification (written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing before the commencement of building works, excluding demolition.

**Reason:** *To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works. Policy: National Planning Policy Framework paragraphs 204-205; Adur Local Plan 2017 Policy 16.*

## **49. Tree Pits**

[ Details of design, irrigation, maintenance to be approved and implemented ]

## **50. Any other appropriate conditions**