



ADUR DISTRICT C O U N C I L

5 January 2024

Adur Planning Committee	
Date:	15 January 2024
Time:	6.30 pm
Venue:	QEII Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chair), Joe Pannell (Vice-Chair), Jeremy Gardner, Carol O'Neal, Vee Barton, Dan Flower, Jim Funnell, Gabe Crisp and Andy McGregor
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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 Friday 12 January 2024**.

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 **Wednesday 10 January 2024**.

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 **Wednesday 10 January 2024** 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 **4 December 2023**, 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 - 12)

To consider the report by the Director for Place, attached as Item 7.

8. Enforcement Report (Pages 13 - 26)

To consider a report by the Director for Place, attached as item 8.

9. Tree Preservation Order 2 of 2023 (Pages 27 - 32)

To consider a Tree Preservation Order, attached as item 9.

10. Appeal Decisions (Pages 33 - 64)

An update on appeal decisions, attached as item 10.

Part B - Not for publication - Exempt Information Reports

None

Recording of this meeting

Please note that this meeting is being audio live streamed and a recording of the meeting will be available 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	David Jones Lawyer 01903 221093 david.jones@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
15 January 2024

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Place

Planning Applications

1

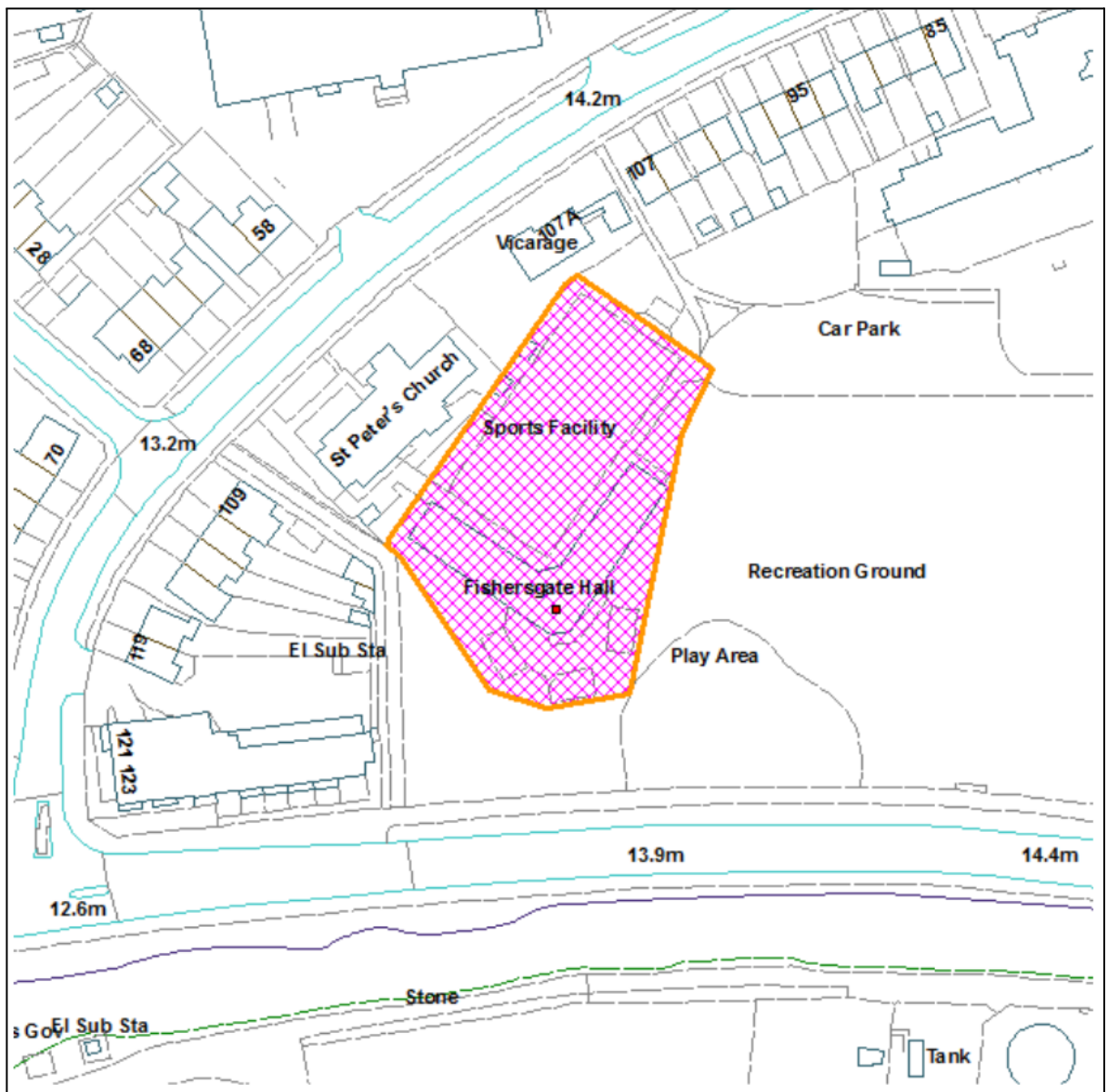
Application Number: AWDM/1705/23 Recommendation – APPROVE

Site: Eastbrook Manor Community Centre, West Road, Fishersgate

Proposal: Replacement Windows & Doors to North Elevation

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Application Number:	AWDM/1705/23	Recommendation - APPROVE
Site:	Eastbrook Manor Community Centre, West Road, Fishersgate	
Proposal:	Replacement Windows & Doors to North Elevation	
Applicant:	Adur District Council	Ward: Eastbrook
Agent:	Technical Services, Adur & Worthing District Councils	
Case Officer:	Eve Hearsey	



Not to Scale

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This application is brought to committee for determination as the application has been submitted by the Council.

Proposal, Site and Surroundings

The application seeks to replace 2no. sets of doors and 4no. windows from timber to white powder coated aluminium, on the north elevation of the Eastbrook Community Centre. The building is a single storey structure, with the proposal relating to the west wing of one of the 2no. wings running from the central hexagon, which operates as the 'Shark Park Cafe'. The wing has a deep roofslope on its south elevation and a gentle roofslope on its main roof, falling to the north. The building is used as the activity room for the community centre. The north elevation of this wing section is also the only elevation with windows and doors, all of which overlook the hockey pitch. The community centre is within a larger sports area/recreation ground comprising a football pitch and a childrens play area.

The surroundings of the site have mixed uses such as residential directly to the north, plus a college, and further north are commercial uses such a motorcycle parts warehouse, and then there is the east west railway line. To the south of the site is the main A259 east west highway and to the south of the road is the River Adur, with its accompanying commercial uses, including boat cargo.

Relevant Planning History

SW/26/98/TP - New Community centre and sports club, canopy over roller hockey rink, enlarged car park (on site of existing hall) and improved access. Approved

AWDM/1124/12 - Demolition of timber domed structure linking east and west wings, construction of new single storey steel framed link building. Approved

Consultations: None

Representations: None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

National Planning Policy Framework (July 2021)

Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) 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.

Planning Assessment

Principle

The relevant issues are the effects on the amenities of the existing neighbouring residential occupiers of the dwellings, and the effect on the character and appearance of the area.

Visual amenity:

The replacement windows and doors, although using powder coated aluminium and not wood, will be of the same design and size, thereby making no material change to the external appearance of the building.

Further, the thermal efficiency of the new windows/doors will also provide an insulating factor to the building and thereby contributing to a reduction in heating costs.

It is not considered that the window replacements will alter the existing character of the locality.

Residential amenity:

There are residential dwellings in Gardner Road, which are contiguous to the whole site, and others which are opposite the site which could be affected by the change in windows and doors, however, it is not considered that the existing residential amenities of the neighbouring properties will be materially affected in any manner by the replacements.

Sustainability:

It is considered that the aluminium frames offer the opportunity to be thermally broken i.e. a high performance insulator material separating two metal halves, whether aluminium, steel or bronze. It is the frame that is an important part of making doors and windows. Frames form a critical part in a window and door system. Installing thermally broken windows will help to ensure that there isn't an exchange of cold air from the outside in winter conditions, and in warmer times, the windows will not be sweating since the heated exterior will not come into direct contact with the interior part of the frame.

The proposal is therefore considered to be acceptable.

Recommendation

APPROVE

Subject to conditions:-

1. Compliance with approved plans
2. Implement within standard time limit

15 January 2024

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Eve Hearsey

Planning Officer

Town Hall

01903 221233

eve.hearsey@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.

Planning Committee
15 January 2024
Agenda Item 8

Ward: St Mary's

Report by the Director for Place

ENFORCEMENT REPORT

Planning Application reference AWDM/0501/12

Update in respect of flood defences and landscaping at Mariner Point, 79-81 Brighton Road, Shoreham

1. BACKGROUND

- 1.1 This report is an update to Members following a report to the Planning Committee on July 5th 2021 (see attached).
- 1.2 Mariner Point is a mixed residential/commercial development on Brighton Road, adjacent to the Sussex Yacht Club and the River Adur. Permission was granted in 2012 for the demolition of the former Parcelforce warehouse on the site and the construction of a 5-7 storey building with 132 dwellings (Use Class C3) (comprising 32 x 1-bed flats, 87 x 2-bed flats and 13 x 3-bed flats of which 27% are affordable units), a 1,265 sqm foodstore (Use Class A1) and 121 sqm of ancillary commercial floorspace (Use Classes A1, A2, A3, A5 and B1) with 150 parking spaces plus cycle spaces at basement level and at the front of the site, new vehicular access to serve the foodstore from Brighton Road, access to residential units via Surry Hard, improvements to the existing river wall, public hard and boathouse and new landscaping (AWDM/0501/12).
- 1.2 The development is now completed and occupied. The foodstore is not likely to be provided now and a dental surgery occupies half of the ground floor with a gym currently seeking to occupy the other half. There is an outstanding planning application for that use which is still under consideration (AWDM/1391/23).

1.3 Following occupation of the development a number of residents contacted the Council to complain about a number of issues and concerns, predominantly relating to the adequacy of the flood defence works, quality of build and poor quality of landscaping. Following those complaints, the Environment Agency visited the site and noted a number of issues with the design of flood defence measures installed at the site which required urgent attention. A subsequent meeting was arranged on site on the 10th June 2021 between the EA, Planning Officers and the developer to seek to address the various defects identified. The report in July 2021 set out the various breaches identified and recommended enforcement action was taken to ensure that the required works were undertaken within an appropriate timescale to ensure a robust flood defence is in place to protect existing and future residents.

1.4 This report seeks to update Members on the current situation.

2. FLOOD DEFENCES

2.1 The permission was granted subject to a number of conditions, of which the following are relevant in this case (numbers 21, 33 and 34 set out below):

Prior to the commencement of development, details of the replacement river wall, the floor level of the proposed building and alterations to the ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in strict accordance with such details as approved and no occupation of the buildings shall take place until the approved works have been completed.

Reason: In the interests of amenity, the environment and flood risk avoidance, having regard to saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework

The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref:42285 Issue 3, dated December 2012, and the following mitigation measures detailed within the FRA:-

1) Finished floor levels of residential units are set no lower than 5.57m above Ordnance datum (AOD).

2) A scheme for managing surface water, including arrangements for the storage of surface water during periods when the system may be tide locked.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the principles of the National Planning Policy Framework.

The development hereby permitted shall not be commenced until such time as the following have been submitted to, and approved in writing by, the local planning authority:

1) Design details of the proposed on site flood defences, including the flood gates. This should include confirmation that the proposed gates are as few in number as possible.

2) A scheme for the maintenance and operation of the on-site flood defence measures over the lifetime of the development, with assurances in place that the relevant parties have formal responsibility for these structures.

The approved flood defences shall be installed and be operational prior to first occupation of the building and they shall be maintained in accordance with the approved details in (2) above thereafter.

Reason: To demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere in accordance with the principles of the National Planning Policy Framework.”

3. BREACHES

3.1 There were a number of breaches that needed to be rectified. These are listed below:

Surry Hard flood wall

3.2 The development included the infilling of Surry Hard to the east of the site and forming a new stepped quay. After that work had been carried out it was discovered that during the highest spring tides the river overtopped the new wall and flooded the adjoining land. To afford better flood protection the developer agreed to raise the outer wall of the Hard, adjacent to the river by a further 300mm (AWDM/0601/15 refers).

3.3 The additional 300mm of wall was constructed on top of the new wall but it was evident that river water was still seeping through a gap between the original construction and the additional raised wall flooding the adjoining area despite the river still being seemingly behind the raised flood wall as illustrated in the photo below. Further water ingress appeared to be occurring through outfall pipes in the end of the new wall as tidal flaps to prevent back

flow of water as the tide comes in. The wall is also cracked in places and is generally in poor condition. Works were needed to prevent water penetration and make repairs to the wall and install tidal flaps. The photo below shows a tide flap (blue flap) on only one of the outfall pipes.

- 3.4 The developer has confirmed that a flap valve has now been fitted (see photo below).



Flood gate to basement car park

- 3.5 There was evidence that water had been running down the ramp to the basement car park and seeping underneath the flood gate. Furthermore, it has been found that the flood gate has been installed incorrectly, opening inwards rather than outwards, resulting in water putting pressure on the flood gate during a flood event and causing concern that it may eventually buckle and fail. It was explained at the site meeting by the developer that the gradient of the ramp and the necessary head height to access the underground car park meant that the flood gate had to be installed partly on the ramp (resulting in the door having to open down the slope).
- 3.6 Unfortunately no amendment was sought by the developer at the time and there was no discussion with the EA before the gate was installed incorrectly. The developer has since provided evidence that the gate is safe and a full height leakage test was carried out in November 2022 by a qualified engineer which was successful.
- 3.7 The approved FRA states that *“The entrance to the basement car park will be raised 300mm above the existing ground level to tie into road levels and as a secondary measure a flood gate (bulkhead doors) capable of resisting water pressure of an extreme flood event will be installed at the entrance.”*

This has not been done due to land ownership constraints but an alternative measure has been carried out which is to construct a raised bump at the entrance to the car park to prevent surface water ingress. The developer has informed us that the works have been completed on site. However, as the photograph below indicates the ramp is hardly noticeable and further details have been requested to illustrate the change in levels and that this will address the issue of surface water run-off from the road to the ramp and basement car park. The developer has initially stated that there is now a fall from the ramp to the drain in the road which should address previous issues and any further information received will be reported verbally at the meeting.



Water ingress within the basement car park

- 3.7 There is evidence that water had been seeping through the flood wall into the basement car park. There were a number of small holes in the wall on the south side of the car park which are part of the piling/concrete works and whilst a number of these have been plugged a couple had not been done. The developer is insistent that no water is coming through the concrete wall itself due to its robust construction but has agreed to plug or re-plug any holes.



Gaps in flood wall

- 3.8 A hole had been cut into the flood wall on the east side to enable pedestrian access from the front car park to the rear of the building. This was a serious breach as it would have allowed water into the development and an electricity substation. It has since been blocked up (as shown below)..



- 3.9 There was another gap at the entrance to the commercial loading area on the east side of the building. The developer has now filled this in with a new low wall and glazing as the retail store is not going ahead and the lorry delivery area is not therefore needed.



- 3.10 The entrance to the surface car park at the front of the site has now been fitted with demountable flood barriers as required. The flood gate to the

pedestrian access adjacent to the basement car park has also now been fitted correctly.

- 3.11 The repairs and corrective works that have been carried out are considered to be sufficient to overcome previous concerns about flood risk to the building and your Officers are now satisfied that the flood defence works have been completed in accordance with the requirements of the FRA and planning permission. As such, no further action is required on this issue.

3.12 *Landscaping*

- 3.13 Another matter which is currently under consideration is the landscaping for the development. The relevant condition 11 is set out below:

'No development (except enabling works) shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. This shall include the planting of replacement trees along the A259 frontage, such trees being 5m-6m high and 18cm-20cm trunk girth at the time of planting. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants 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 unless the Local Planning Authority gives written consent to any variation. For the purposes of this condition, "Enabling Works" shall mean operations comprising site assessment and remediation, archaeological investigation, demolition, site clearance and preparation, diversion and laying of services, the erection of fences and hoardings and the construction of temporary accesses or service roads.'

Reason *In the interests of visual amenity and the environment and to comply with saved policies AB25-27 of the Adur District Local Plan and the policies of the National Planning Policy Framework"*

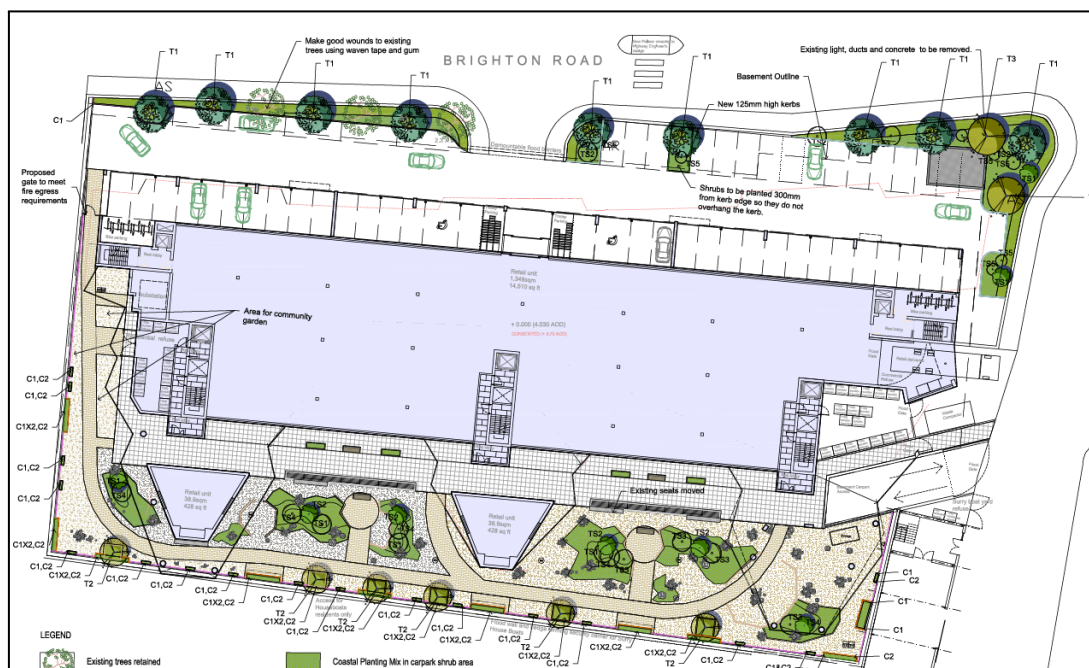
- 3.14 An application (AWDM/0455/21) has been submitted for the approval of details pursuant to the landscaping condition. It is clear that planting which has been carried out to date at the rear (and front) of the site is not as extensive as initially proposed, although it is not substantially different from the preliminary landscaping plan submitted (albeit not approved). Bench seating, box planters against the flood wall and tree planters have been provided as well as shingle and paving. However, the dominant feature at

the rear of the site is shingle and a number of the planting boxes were of a poor quality and would quickly deteriorate. The implemented landscaping scheme was not approved.

3.15 At the front, 19 trees were originally shown to be planted along the frontage to replace preserved trees felled as part of the development but none have been planted. The reason for this is due to a WSCC requirement for the widening of the pavement in front of the site, which has been carried out as part of the approved highway works and which is needed to accommodate a future cycle path along the A259. Consequently, the amount of land available for new planting within the site has been significantly reduced. A few trees have been retained at the western end of the frontage but further planting is needed.

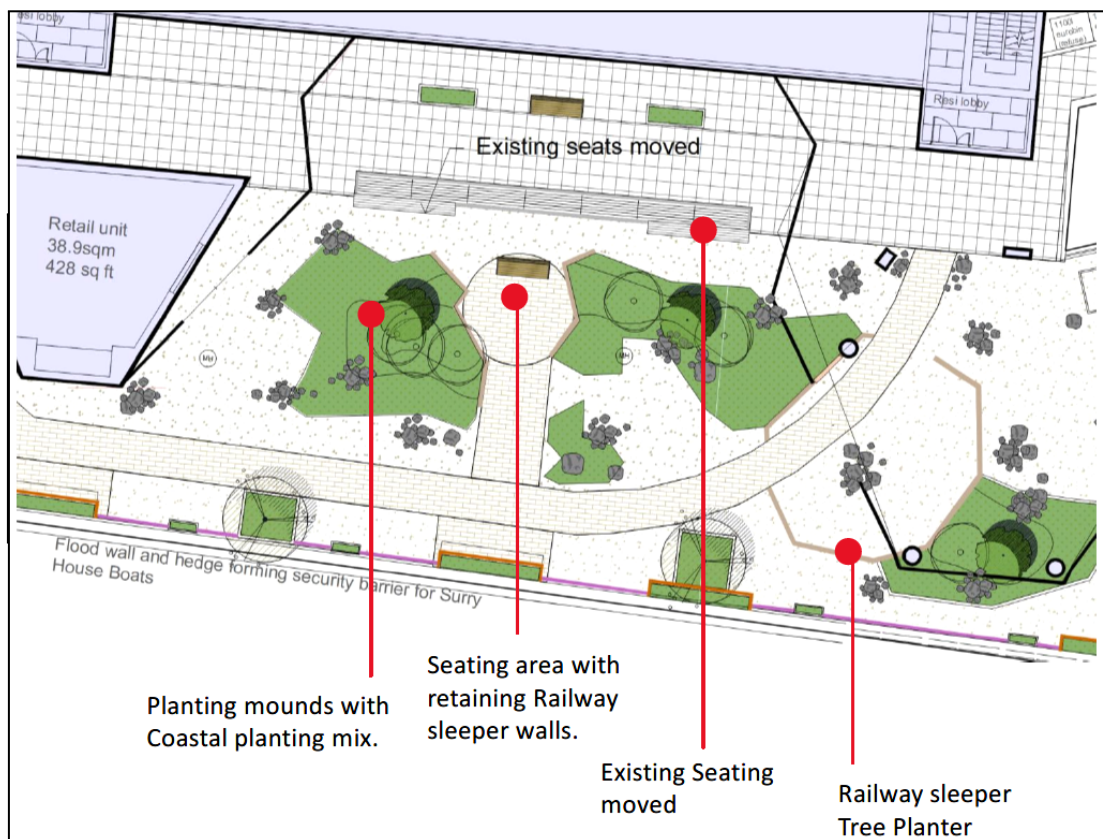
3.16 At its meeting on the 5th July 2021 Members resolved to serve a BCN requiring the submission of a revised landscaping plan. A plan was submitted on the 1st December 2021 to comply with the BCN. However, although an improvement on what has been planted, residents did not consider that the improvements went far enough and the plan still did not show the level of tree planting originally approved along the frontage of the site. A further plan was submitted on the 27th June 2022 but was still not considered to be acceptable.

3.17 A site meeting then took place in March 2023 involving Council Officers, the developer and his landscape consultant, Members and residents. The meeting was positive and the newly appointed Landscape Consultant agreed to a number of changes on site and a revised landscaping scheme was submitted in May 2023 (see extract below).



3.18 The revised plan shows the retention of the 3no. remaining sycamore trees and new tree planting with narrower, more suitable trees for the location, a sycamore variety of small form (*Acer pseudoplatanus* 'Worley'). Such a tree significantly reduces the need for tree pruning in the future. The plans show the introduction of tree planting in tree pits among the parking spaces at the front of the site, which is necessary due to the lack of space for planting along the frontage. While this will result in the loss of three parking spaces, this is considered to be an acceptable compromise in order to achieve improved landscaping.

3.19 At the rear, it is proposed to remove much of the pea shingle that currently exists and to install a series of mounds of soil to enable planting of evergreen, seasonal and biodiversity friendly species suitable for a coastal location and drought tolerant. Railway sleeper walls will form seating areas around the edge of the mounds with large standalone planters provided for new tree planting, plus low level planting to help soften the site. Informal boulders will also be dotted around the space.



- 3.18 Residents were consulted on the plans but a formal response has not yet been received despite several reminders being sent. Your Officers are aware that there are ongoing concerns amongst residents primarily related to drainage matters on the site and that they have previously advised that landscaping proposals should not be designed, approved or implemented until site drainage has been professionally assessed and any issues dealt with.
- 3.20 Whilst sympathetic to residents' drainage concerns, as set out earlier in this report, your Officers are satisfied that the outstanding flood risk issues have been dealt with. There is no clearly identified planning breach in relation to the implemented drainage scheme on the site. The drainage was signed off by an Approved Inspector (not the Local Authority Building Control) and on some of the general maintenance issues (water penetrating into the basement) the Developer has made some incremental improvements.
- 3.21 It is regrettable that we have not received the residents' response to the latest landscaping proposals despite being submitted in May 2023. It is understood that the residents are going to discuss the landscaping at their AGM in January 2024. Any comments received will be reported verbally at the meeting.
- 3.22 Nevertheless, your Officers consider that the current landscaping scheme is a significant improvement on earlier submissions and it has now got to the stage where the planting needs to take place before another planting season is missed. If it is not implemented by the end of March it will have to wait until November 2024. In view of the length of time it has taken since the development was substantially completed and occupied, this is now considered to be an urgent matter. Further delay to seek additional amendments is therefore not desirable. There has been extensive consultation with residents, including a positive on site meeting, and it is considered that the latest scheme is one that can be supported.
- 3.22 It is therefore suggested that Officers should advise the developer to implement the submitted landscaping scheme as soon as possible. To ensure compliance a further Breach of Condition Notice (BCN) can be served to ensure compliance if the landscaped is not undertaken during the current planting season. .

4. Recommendation

- 4.1 Members are requested to note the contents of the report, approve the latest landscaping plan and to delegate authority to the Head of**

Planning and Development to serve a further BCN if the approved landscaping is not implemented during the current planting season.

Local Government Act 1972

Background Papers: Planning Applications references AWDM/0501/12 and AWDM/0801/12.

Contact Officer:

Peter Barnett
Principal Planning Officer
Portland House
01903 221310
peter.barnett@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

- 1.1 Compliance with planning policies as set out in the adopted Local Plan Strategy

2.0 Specific Action Plans

- 2.1 Planning Enforcement and Policy Guidance

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified

4.0 Equality Issues

- 4.1 Matter considered and no issues identified

5.0 Community Safety Issues (Section 17)

- 5.1 Matter considered and no issues identified

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 noninterference 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 who have carried out unauthorised developments as well as those affected by them and the relevant considerations which may justify interference with human rights has formed part of the assessment process in deciding whether enforcement action is expedient.

7.0 Reputation

- 7.1 Residents and members would expect that planning conditions are complied with and that the Council will take action when clear breaches occur.

8.0 Consultations

8.1 Consultation with Legal Services as set out in the report.

9.0 Risk Assessment

9.1 Enforcement action is a discretionary activity which should only be taken here there is clear evidence to do so. The felling of trees provides clear evidence that action should be taken in this case.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

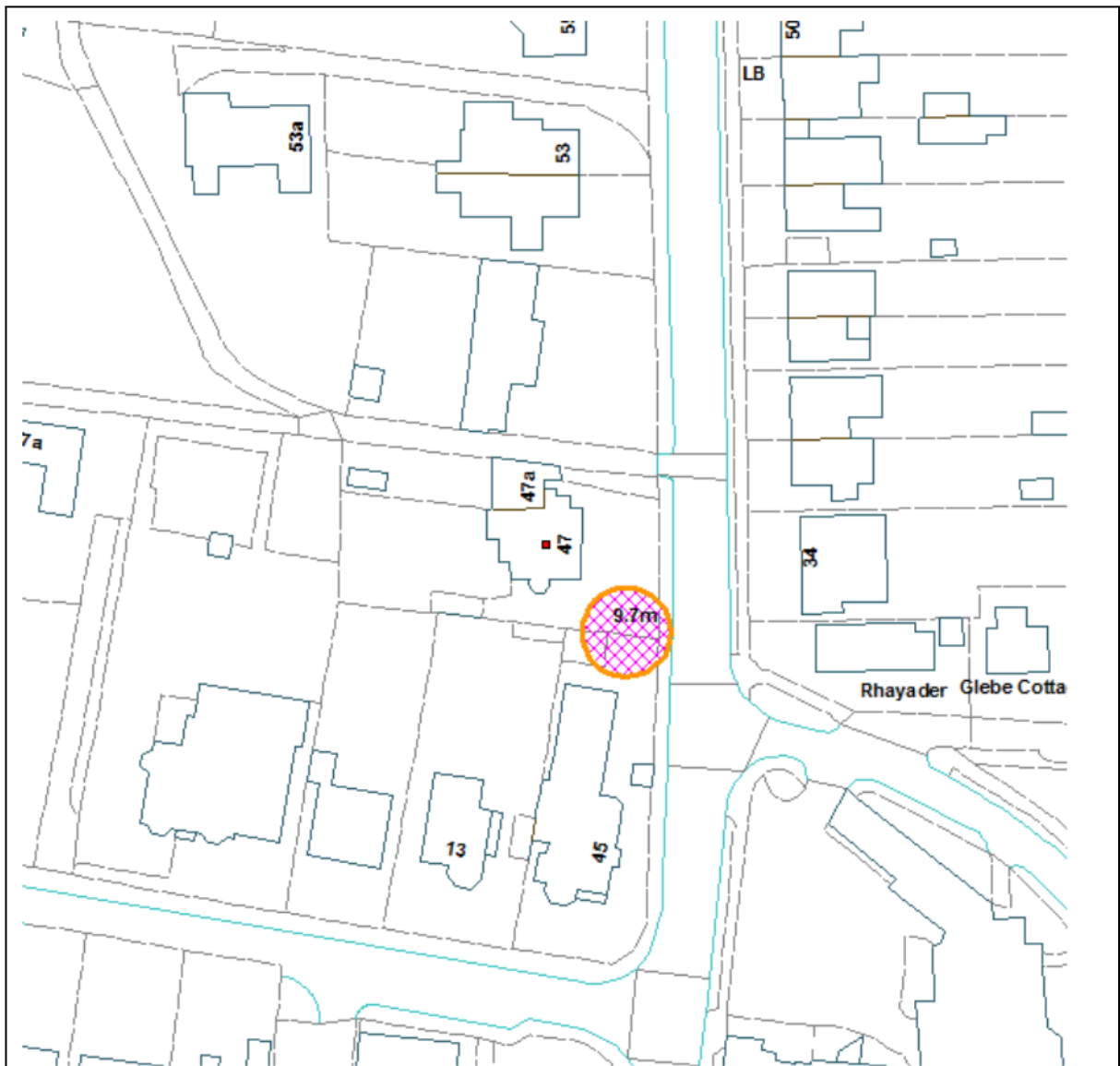
12.0 Partnership Working

12.1 Matter considered and no issues identified

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Agenda Item 9

Application Number:	TPO 2 of 2023	Recommendation - Confirm.
Site:	47 Southwick Street	
Proposal:	Confirmation of Tree Preservation Order 2 of 2023	
		Ward:Southwick Green
Case Officer:	Jeremy Sergeant	



Not to Scale

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Proposal, Site and Surroundings

The Tree Preservation Order (“TPO”) which refers to two large mature Holm Oak trees on the southern side of the front garden of 47 Southwick Street was made on the 22nd August 2023. The trees are a prominent part of the street scene and make a significant contribution to the character and visual amenities of the Southwick Conservation Area.

Relevant Planning History

1976: The Southwick Conservation Area was first designated in June 1976.

2015: Section 211 Notice under the Town and Country Planning Act 1990 to reduce radial spread by up to 2 metres, and to crown lift up to 4 metres two Holm Oak trees in the Southwick Conservation Area.

2017: Section 211 Notice under the Town and Country Planning Act 1990 to crown lift up to 4 metres one Holm Oak T4, Crown lift up to 4 metres and reduce radial spread by up to 2 to 3 metres, one Holm Oak T5, and to fell four trees: Holm Oak T3, Oak T6, and Leylandii T1 and T2, in the Southwick Conservation Area.

2018: Section 211 Notice under the Town and Country Planning Act 1990 to crown lift up to 5.5 metres one Holm tree in the Southwick Conservation Area.

2023: Section 211 Notice under the Town and Country Planning Act 1990 to fell and replace three Holm Oak trees and one Bay tree in the Southwick Conservation Area.

Consultations: None

Representations

A total of six representations were received with two in support and four objections.

Those in support of the TPO state that:

- The trees have a significant visual amenity that contributes to the character of the Conservation Area.
- They provide habitat and support for wildlife.
- That the trees if preserved can still be reduced or have other works similar to those carried out to Holm Oak trees at 49 Southwick Street.

The letters of objection state:

- That the trees have grown too big for their location.
- That the trees, due to their size are causing the property to become damp.

- That the tree T1 has fruiting bodies within and above a cavity near the base of the tree, and is therefore dangerous.
- Excessive shading to the building and front garden, and leaf fall.
- That tree T1 over hangs the pavement and carriageway of Southwick Street.
- Additionally all of the objections had also suggested that if the trees are not removed, then consent should be given to have them reduced.

Relevant Planning Policies and Guidance

Adur Core Strategy (2011).

National Planning Policy Framework (NPPF).

The law on Tree Preservation Orders is contained within **Part VIII of the Town and Country Planning Act 1990** as amended and in the **Town and Country Planning (Tree Preservation) (England) Regulations 2012** which came into force on 6 April 2012. Section 192 of the Planning Act 2008 made further amendments to the 1990 Act which allowed for the transfer of provisions from within existing Tree Preservation Orders to regulations. Part 6 of the Localism Act 2011 amended s210 of the Town and Country Planning Act 1990 concerning time limits for proceedings in regard to non-compliance with Tree Preservation Order regulations.

Local Planning Authorities (“LPA’s”) may make a TPO if it appears to them to be: *'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'*. Following consultation, an LPA can confirm a TPO either without modification or with modification. An LPA may also decide not to confirm a TPO.

Tree Preservation Orders and trees in conservation areas guidance was published by the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government in March 2014 and explains the legislation governing Tree Preservation Orders and tree protection in conservation areas.

Planning Assessment

The trees are two large mature Holm Oaks growing along the southern boundaries of the property adjacent to the public footpath of Southwick Street and the rear garden of 45 Southwick Street. The trees are prominent to the area, and can be seen from many views. The trees are:

Holm Oak T1

This is the tree closest to Southwick Street, near the southeast corner of the front garden of 47 Southwick Street. The tree is single stemmed to 2 metres where it then divides into two. The east stem is upright and divides again at 4 metres, into an array of long slender stems that form the eastern side of the main crown. The stem to the

west angles outward to the southeast, and supports leaning slender stems that become more dense at the ends of the limbs. The tree has no central leader, with a broadly domed shape to the crown that intertwines with the Holm Oak tree T2.

Holm Oak T2

The Holm Oak T2 is growing in close proximity to T1 being further west along the border with 45 Southwick Street. The tree is single stemmed to 2 metres, with multiple stems from this point. The main crown has numerous upright slender stems that have foliage deep into the crown. The eastside of the tree has minimal foliage, with the Holm Oak T1 providing the leaf cover. Due to the upright habit of this tree it is considered that there is an important cohesion between the two trees that have a shared crown.

When considering whether trees should be protected by an Order, Government Guidance suggests that authorities should assess the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- *size and form;*
- *future potential as an amenity;*
- *rarity, cultural or historic value;*
- *contribution to, and relationship with, the landscape; and*
- *contribution to the character or appearance of a conservation area.*

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

In this case it is considered that the trees are worthy of protection.

The objections are noted carefully and the main points are considered as follows:

1. *The trees have grown too big for their location, and due to their size are causing the property to become damp, excessive shading and leaf fall, and obstruction to the public pavement and carriageway.*

All of these concerns can be reduced or alleviated by selective pruning, crown thinning and/or reduction. A Tree Preservation Order will not prevent works from being carried out, but instead ensure that the works are appropriate and not damaging to the trees. Consent has recently been given to reduce crown height and radial spread by up to 3 metres, two Holm Oak at 49 Southwick Street, and the felling of a third Holm Oak tree, on the Eastern boundary of number 47 was also approved.

2. *That the tree T1 has fruiting bodies within and above a cavity near the base of the tree, and is therefore dangerous.*

This was mentioned when the original application AWDM/0623/23 was made, and visual inspections did not reveal any active decay and no fruiting bodies were visible. However it is common for trees of a similar age and stature to have many cavities and areas of, usually secondary decay. This is expected in a very old or veteran tree, and does not necessarily equate to any serious danger. As with all trees their condition, and safety should be monitored, if there were a particular concern, reduction or other works to the tree would be considered, rather than felling.

Recommendation

That Adur Tree Preservation Order Number 2 of 2023 be confirmed without modification.



Holm Oak trees T1 and T2 from Southeast



Holm Oak trees T1 and T2 bases



Appeal Decisions

Hearing held on 1 & 2 November 2023

Site visits made on 24 October & 7 November 2023

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal A Ref: APP/Y3805/W/22/3312889

Land at Former 5 Brighton Road, Shoreham by Sea BN43 6RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Cayuga 011 LLP against the decision of Adur District Council.
- The application Ref AWDM/1481/21, dated 2 August 2021, was refused by notice dated 15 September 2022.
- The development proposed is a mixed-use re-development comprised of townhouses, mixed-use apartment block, riverside walk, landscaping, and parking.

Appeal B Ref: APP/Y3805/W/23/3320322

Land at former 5 Brighton Road, Shoreham by Sea BN43 6RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Cayuga 011 LLP against the decision of Adur District Council.
- The application Ref AWDM/1962/22, dated 9 December 2022, was refused by notice dated 9 March 2023.
- The development proposed is a mixed-use re-development comprised of townhouses, mixed-use apartment block, commercial development, riverside walk, landscaping, and parking.

Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is allowed and planning permission is granted for a mixed-use re-development between 3 and 8 storeys comprising of 21 townhouses, mixed-use apartment block of 24 flats, commercial unit, riverside walk, play area, landscaping, and parking (with revised design and provision of on-site affordable housing) on land at former 5 Brighton Road, Shoreham by Sea BN43 6RN, in accordance with the application Ref: AWDM/1962/22, dated 9 December 2022, subject to the conditions set out in the attached schedule.

Applications for costs

3. An application for costs in respect of Appeal B was made by Cayuga 011 LLP against Adur District Council. This application is the subject of a separate decision.

Preliminary Matters

4. The descriptions of development on the application forms for both appeals is as set out in the above header. However, the parties subsequently agreed the following amended description in respect of the Appeal B as: *Proposed mixed-use re-development between 3 and 8 storeys comprising of 21 townhouses,*

mixed-use apartment block of 24 flats, commercial unit, riverside walk, play area, landscaping, and parking (with revised design and provision of on-site affordable housing). I have determined Appeal B in accordance with this amended and more precise description.

5. During the Council's assessment of the earlier application, Appeal A, amended plans were submitted. These were accepted and subject to additional consultation. The Council determined the application on the basis of these amended plans, and I have done the same.
6. The Council's decision notices for both schemes referred to conflict with Policy 21 (Affordable Housing) of the Adur Local Plan. However, in the signed Statement of Common Ground (SoCG), it was agreed that both schemes would be policy compliant in the light of evidence presented in respect of the schemes' financial viability. The Council therefore withdrew its reference to Policy 21 within the first reason for refusal.
7. Draft planning obligations in the form of Unilateral Undertakings (UUs) for each scheme were submitted during the appeal. Executed agreements were submitted on 22 November. The Council was given an opportunity to review the obligations and sought clarification in relation to land ownership, and assurance that the legal charge to preserve the discount on the affordable housing units will be registered with HM Registry. These have been provided by the appellant and have satisfied me that the UUs will secure the provisions set out within them. I have therefore taken them into account in my decisions.

Main Issue

8. The main issue in both appeals is their effect on the setting of the Kingston Buci lighthouse, a Grade II listed building, and whether any harm identified would be outweighed by the public benefits of the proposal.

Reasons

Planning policy context

9. Policy 2 of the Adur Local Plan 2017, (ALP) sets out the spatial strategy for the district and identifies Shoreham Harbour as a focus for regeneration for mixed use development. This will be delivered through a Joint Area Action Plan (JAAP) prepared by the Council, Brighton & Hove City Council and West Sussex County Council. Policy 3 states that a significant proportion of the district's new homes, (1,100 out of 3,718) will be provided within the Shoreham Western Harbour Arm (WHA).
10. Policy 8 sets out the Council's ambitions for the WHA in more detail and refers to the JAAP which was subsequently adopted in 2019. The JAAP includes a series of area-wide policies relating to climate change, energy, Shoreham Port, employment, housing, sustainable travel, flood risk, the natural environment, recreation, place making and design. Policy CA7 of the JAAP sets out the specific requirements for development within the WHA. This area between the harbour and the A259 comprises seven distinct sites of varying depth. Criterion 7 of the Policy states that new development should achieve residential densities of at least 100 dwellings per hectare. Criterion 8 recognises that at the most easterly sites, WH1 (the appeal site) and WH2 (Kingston Wharf), the setting of the Kingston Buci lighthouse must be considered if development over three storeys is proposed.

11. Policy 15 of the ALP requires high quality design whilst Policies 16 and 17 address matters relating to the protection of heritage assets. Policies 18 and 19 set out requirements in relation to energy and water use. Policy 21 of the ALP sets out a target of 30% for the delivery of affordable housing and the exceptional circumstances, following rigorous testing with respect to viability, where a reduced provision may be acceptable.

Significance of lighthouse

12. The Kingston Buci Lighthouse, a Grade II listed building, was constructed in 1846. It is a typical Victorian structure with a tapered tower, topped by a polygonal roof surmounted by a globe and weathervane. It is set on a plinth which elevates it within the townscape. Its form reflects its primary function as a beacon to aid coastal navigation. It has architectural interest arising from its form and fabric. Its historic interest derives from its position as a land-based lighthouse erected to guide vessels into the harbour, thereby ensuring the safety of seafarers and the protection of the commercial activities of the port.
13. The lighthouse lies within Kingston Beach (area CA6 of the JAAP) where it is recognised as a distinctive local landmark. Its visual prominence is derived from its siting just a few metres from the A259 and close to the shingle beach and water's edge. It is within the only area where there are open views of the harbour entrance and its arms to the east and west which mark where the River Adur discharges into the sea. The JAAP suggests there is potential for enhancing the immediate setting of the lighthouse through improved landscaping, street furniture and signage. This would draw on its history and make its surroundings, which comprise Kingston Village Green as well as the beach, more accessible as a local amenity area. However, even though imagery of the lighthouse has been used within the front cover of the JAAP, there are no policies within Policy CA6 that specifically relate to the lighthouse or its setting.
14. As the purpose of a lighthouse is to be visible from some distance away, its setting goes well beyond its immediate surroundings. The improved navigation it brought was an important contribution to the development of the WHA, an area characterised by heavy industry in the second half of the 19th century. From the south the lighthouse would originally have been seen on the approach to the harbour against the backdrop of the coast road and a more open and rural area. Housing subsequently built on the north side of the road, and the character of the A259 which links Brighton and Worthing, has altered its setting to a more urban one. Nevertheless, the lighthouse's relationship with the coast is its key defining characteristic, marked by its proximity to the beach and the space immediately around it.
15. However, the lighthouse is not only appreciated from the harbour and the area south but is also seen and experienced from views along the busy coast road. When travelling in an easterly direction the alignment of the A259 reduces the length of road from which it can be seen. Furthermore, its prominence is diminished by the height of the tower associated with Shoreham power station further to the east. By contrast when travelling in a westerly direction from the junction with Kingston Lane towards the lighthouse, it appears as a dominant structure in terms of height. Whilst this is the most important landside view, which affirms the significance of the lighthouse as an important visual landmark it is, nevertheless, a transient view which is only experienced along a short stretch of the A259.

16. The proximity of the lighthouse to the WHA was a matter considered in some detail within the Tall Buildings Study, which formed part of the under-pinning evidence for the JAAP. This study identified that tall buildings (up to 10 storeys) would increase the height of the skyline beyond the lighthouse, becoming its backdrop and so reducing its prominence. It went on to make specific recommendations about the height of future buildings within WH1 and WH2 of the WHA to protect the skyline beyond the lighthouse. This analysis confirmed that the appeal site contributes to the significance of the lighthouse as a designated heritage asset. Consequently, proposals which are more than three storeys in height will intrude into its setting and require careful consideration to demonstrate compliance with Policy CA7.

Assessment of proposals in relation to the lighthouse

a) Factors common to both schemes

17. The appeal site is at the point of transition between Kingston Beach and the new neighbourhood being developed within the WHA. To the east of the site, there is two-storey housing on the north side of the A259, whilst to the south Kingston Village Green and the beach will remain open and undeveloped. By contrast the development within the WHA will be predominantly characterised by blocks of flats. Both proposals would provide the same mix of a block of flats within the site's western area and terraces of three-storey town houses surrounding a courtyard within its eastern part. It is common ground that this is a suitable layout to achieve an appropriate transition between the different character areas of the easterly part of the WHA and the existing urban area.
18. Both schemes include an eight-storey apartment block. This would be taller than the blocks which have been approved on site WH2, Kingston Wharf, which lies immediately to the west of the appeal site. If the recommendations of the Tall Buildings Study were strictly adhered to, all development on the appeal site would be limited to four storeys. Furthermore, those recommendations would also have precluded development of six storeys at Kingston Wharf. However, the heights at Kingston Wharf also took account of the siting of the buildings in relation to the alignment of the A259, Brighton Road and were therefore considered to be acceptable and policy compliant. Nevertheless, as the height of the blocks on Kingston Wharf reduces from the west to the east of that site, there may have been an expectation that heights on the appeal site would be lower still, particularly in view of the requirements of Policy CA7.
19. It is evident that the height of the apartment block, and its impact on the setting of the lighthouse, was debated when the originally submitted scheme associated with Appeal A was presented to the Design Review Panel. The Panel considered the land-based views of the lighthouse to be secondary to its historic significance and as such, the height of the apartment block should not constitute a reason for rejecting the proposal. However, they recommended other design changes, including improving the relationship between the apartment block and the townhouses. Many of their suggestions were incorporated into the amended plans upon which the Council made its decision.
20. When viewed from the A259 adjacent to the Kingston Wharf development, the apartment block in either of the appeal proposals would appear to be six-storeys as the upper floors are set back from the roadside elevation. The top storey has been set in from all the principal elevations and the design has been

amended to reduce its bulk and give it a lightweight and more translucent appearance. This would make it acceptable from all views other than the east.

21. The eastern boundary of the appeal site lies 75m from the lighthouse and the front elevation of the apartment block would be some 165m from it. The apartment block would become the backdrop to the lighthouse most noticeably when viewed from a short section of the A259 between Kingston Lane and the bus stop opposite No 20. These changes would primarily be experienced by drivers travelling west, and by pedestrians on the footway on the south side of the A259. The distinctive silhouette of the lighthouse against the skyline would largely be lost, although in places its top would appear above the apartments. In addition, the width of the townhouses on the eastern edge of the scheme would project beyond the lighthouse's outer flank, reducing its visual link with the harbour. This effect would be common to both schemes and the main parties agree that this would give rise to less than substantial harm to its setting.

b) Other design issues relating to Appeal A

22. At present there are two modest-sized buildings between the lighthouse and the appeal site; the rowing club and the former customs house. The proposed townhouses which would occupy the full depth of the eastern side of the appeal site would be seen beyond these existing buildings and would appear to project further towards the sea. This block's siting, between the lighthouse and the apartment block, would help reduce the overall impression of its bulk. However, its flat roof form and blocky appearance would lack interest, thereby emphasising its own depth and bulk. It would therefore do little to mitigate the harm to the silhouette of the lighthouse.

c) Other design issues relating to Appeal B

23. Following refusal of the Appeal A scheme, the roof design of the blocks of townhouses was amended and is proposed to be in the form of a series of saw teeth. This design amendment would be beneficial for two reasons. Firstly, as this shape of roof can be commonly found on commercial buildings, it would create a visual link with the industrial heritage of buildings in this part of Shoreham. Secondly, it would soften the profile of the building thereby breaking up its mass and making the additional height of the tower block beyond it less apparent. This would reduce the harmful effects of the development on the setting of the lighthouse to a modest degree.

d) Conclusions on the effects on the setting of the lighthouse

24. In so far as both schemes have considered the effect of the apartment block on the setting of the lighthouse, I am satisfied that they comply with Policy CA7 of the JAAP. However, as both schemes would result in less than substantial harm to the setting of the lighthouse there would be conflict with Policies 15 and 16 of the ALP. These policies seek to protect the district's heritage and state that development which would adversely affect the setting of a listed building, in terms of design or materials, will not be permitted.
25. However, neither of these ALP policies consistent with paragraph 202 of the National Planning Policy Framework (the Framework) which requires me to weigh this harm against the respective public benefits of each scheme.

26. Before undertaking this heritage balance, it is necessary to consider how any identified public benefits could be secured, and other concerns could be addressed, by means of planning obligations and/or through the imposition of appropriate conditions.

Planning Obligations

27. Separate UUs have been executed in respect of the two schemes, although there are many common elements. The Council provided detailed justification for each of the contributions having discussed these with the County Council and other public service providers.
28. Both UUs include several identical elements. These include financial contributions towards air quality mitigation (£8,980), health facilities (£60,271), off-site highway improvements (£145,074), open space/recreation (£130,939), public art (£5,294) and travel plan monitoring (£1,500). Both would provide a) a Car Club (with space for 2 cars, paid membership for each household for 2 years and £50 drive time per household), b) improvements to footpath FP3556 adjacent to the site's eastern boundary and uninterrupted public access to the Riverside Path for pedestrians, cyclists, and riverside maintenance.
29. Financial contributions towards secondary and sixth form education, fire and rescue and libraries are of a similar order for each scheme but reflect the different assumptions about the numbers of future residents. Appropriate schemes that are directly related to the development have been identified for each of these contributions which are fairly and reasonably related in scale and kind to the development.
30. The most significant difference between the UUs relates to the provision of affordable housing. In respect of Appeal A, the UU would secure a contribution of £181,598 which would be used to provide affordable units elsewhere in the district rather than on-site. Whilst this would be a valuable means of addressing the shortfall of rented or shared ownership properties, it would provide less certainty about when and where such units would become available.
31. With Appeal B, the UU would secure the provision of five intermediate units within the apartment block. These would be available to local people at significantly below market price and mechanisms within the UU would ensure that these units would be secured in perpetuity. By delivering affordable homes on site, these benefits would be integral to the implementation of Appeal B. In the event that there was a failure to deliver these units on-site, the UU provides an alternative by means of a financial contribution of £427,500.
32. Having considered the evidence to support these provisions, I am satisfied that all of them in both UUs meet the statutory requirements of Regulation 122 of the Community Infrastructure Levy Regulations and the policy tests set out in the paragraph 57 of the Framework.

Conditions

33. A list of conditions was prepared by the Council and included in the Statement of Common Ground (SoCG), although two of these conditions were disputed by the appellant. This list also recognised that there would be some conditions that would be common to both schemes, and others (such as the plans list)

- which would only be relevant to one or other proposal. All these conditions were discussed at the Hearing, starting those which were in dispute.
34. The Council initially sought to restrict the use of the commercial space to Class E(a) and (b) of the Use Classes Order to protect the living conditions of future and adjoining occupiers who could be adversely affected by noise and odours. However, it was apparent that these concerns could be addressed in a less restrictive manner. Consequently, an alternative condition was agreed by the parties which would provide opportunities for more flexible use of the commercial space, supported by conditions relating to provision of appropriate noise insulation and noise and odour controls.
 35. The second of the suggested conditions in dispute related to a request from Brighton City Airport to secure agreement to a Bird Hazard Management Plan. However, there was no evidence from the airport to support this request and no similar plans have been required by other developments in the WHA. It was therefore concluded at the Hearing that this condition was unnecessary.
 36. Following the discussion at the Hearing a full list of revised conditions was prepared for Appeal A, which included all those which would be common for Appeal B. A second list set out substitute conditions for Appeal B to reflect the differences between the two schemes. I have considered the need for all these conditions having regard to paragraph 56 of the Framework. Pre-commencement conditions can only be imposed where there is a clear justification and with wording agreed by the appellant. Minor changes to the detailed wording of other conditions would be necessary to ensure that they are precise and enforceable.
 37. In addition to the standard time limit, conditions specifying the plans and confirming the site levels would be required in the interests of certainty. A Construction Management Plan must be agreed before any work begins on site to protect the surrounding environment. As this is a brownfield site within a densely developed urban area, before works can begin a phasing programme for implementing the development, including identifying enabling works would be required to secure orderly and co-ordinated development of the site. In addition, a remediation strategy would be needed to deal with risks associated with contamination to protect the public health, safeguard ground water and the River Adur.
 38. Conditions would be needed to agree further details of the enabling works, improvements to the river wall, foul and surface water drainage, maintenance and management of drainage, piling methods, access and parking arrangements, together with works necessary to provide noise insulation for the commercial space and air quality mitigation measures. All these details would need to be agreed in a timely manner to ensure the works were delivered to appropriate standards and would not cause unacceptable risks to the local environment and population.
 39. Before work above ground level begins it would be necessary to agree details of materials to be used, provision of road noise mitigation and ventilation, landscaping, play and biodiversity, means of enclosure, gates and barriers. These would be required in the interests of the appearance of the development and the living conditions of future occupants. It would be essential to undertake the development in accordance with the recommendations of the Floor Risk Assessment (FRA) to reduce flood risk and address climate change.

The incorporation of measures to manage heat and use energy and water sustainably would be required to reduce emissions and provide adaptations to address climate change. A condition to deal with unexpected contamination would be needed to protect the environment and human health. The siting of any car park barrier needs to be agreed in the interest of highway safety.

40. Prior to occupation a series of conditions would be required to ensure the satisfactory operation of the development and the protection of its residents. These conditions would secure as-built drawings of the approved drainage schemes, the provision of vehicular and pedestrian accesses, surfacing of the public right of way, vehicle parking electric vehicle charging facilities, secure cycle parking, a travel plan, and recycling and refuse storage facilities. Conditions would also be justified to verify the provision of road noise mitigation and ventilation, flood risk management plans, verification of contamination remediation, obscure glazing, and any need for temporary flood risk management.
41. Conditions restricting the use of the commercial space and requirements for noise and odour control once the development is operating would be justified to protect the living conditions of neighbouring occupiers. Restricting external lighting would be necessary to ensure safe navigation within the harbour. The removal of permitted development rights with respect to windows and openings would be justified to safeguard the appearance of the development and the living conditions of other occupants.

Other Matters

42. In addition to matters relating to the main issues, local people were concerned about air quality, green space and the traffic implications of the development. In particular, overspill parking onto the surrounding streets which have little spare capacity could be problematic.
43. West Sussex County Council's adopted parking standards indicate that the scheme requires 81-85 parking spaces. Only 44 are proposed. However, census data from the local area suggests that 50% of occupiers of apartments and 20% of occupiers of houses have no car. Based on this the 18 spaces serving the apartment would be adequate, but only 70% of the houses would have sufficient parking, particularly if they owned more than one vehicle.
44. However, the UUs would secure provision and membership of a Car Club for future occupants, and a Travel Plan could be secured by means of a condition. The Travel Plan would be prepared in accordance with County Council guidance with clear targets to a) promote walking, cycling, public transport use and car sharing and b) prevent overspill parking on the public highway. The site would be served by improved routes for pedestrians and cyclists and there are bus routes serving the A259. Collectively, these measures would reduce future occupants' reliance on the private car and the demand for on-site parking. The UUs also secure monitoring for the Travel Plan which should ensure that its objectives and targets are met in the future.
45. As well as reducing the risk of nuisance from overspill parking, any reduction in parking demand would enable more space to be retained as open space and landscaping. This would also be beneficial for air quality. I am therefore satisfied that an effective Travel Plan would address the concerns raised by local people.

Heritage Balance

a) Public benefits common to both schemes

46. Both schemes would provide a total of 45 new homes. This would contribute to the district's housing land supply and would be a significant public benefit which would generate social benefits in both the short and long terms.
47. Economic benefits would arise from the use of a vacant brownfield site to deliver homes and a small commercial unit. Both proposals would provide significant levels of investment and employment during construction. Once occupied, expenditure by local residents would contribute to the local economy.
48. Both schemes would incorporate a new riverside walk and improvements to a public footpath alongside the eastern boundary of the site. Together these would provide important connections for pedestrians between the WHA and Kingston Beach and contribute to the enhancement of the England Coast Path. The A259 would be widened enabling construction of a segregated cycleway and footway. This would improve safety for all road users and encourage greater use of sustainable modes of transport. A new river wall would provide improved flood defences and incorporate enhanced resilience to climate change. Through appropriate landscaping and planting, biodiversity of an ecologically sterile site would be enhanced.
49. The incorporation of these improvements to infrastructure are consistent with the aspirations for the development of the WHA set out in the JAAP. Whilst they are necessary to ensure compliance with Policy CA7, they would also provide significant public benefits. Either scheme would enhance the quality of the built environment within the WHA and increase the area's capacity to address risks associated with flooding, energy use and climate change.
50. Added to the above benefits the UUs have secured contributions towards secondary and sixth form education, improvements to health facilities, off-site highway works, interventions to encourage sustainable transport choices, and enhancements to the provision of public open space. These contributions are primarily required to ensure compliance with the development plan and to mitigate the effects of the development with minor differences between the two schemes. Nevertheless, it is acknowledged that there will be an element of public benefit from each of them to take into account in the balance. Finally, there would be local finance benefits of approximately £100k arising from annual public sector receipts from Council Tax and Business Rates.

b) Public benefits of affordable housing

51. It is common ground that neither of the proposals could deliver the target of 30% affordable housing set out in Policy 21. Both schemes have been the subject of rigorous testing through a viability assessment.
52. In respect of Appeal A, the UU would secure a contribution of £181,598. However, as it would provide less certainty about when and where such units would become available, I consider that the public benefits of this contribution carry only moderate weight in the balance.
53. With Appeal B, the UU would secure either the provision of five intermediate units within the apartment block or a financial contribution of £427,500. By delivering affordable homes on site, Appeal B would provide greater certainty.

Furthermore, if there was a failure to deliver these units on-site, the UU provides for larger financial contribution as an alternative. This considerably increases the public benefits of this element of the proposal by providing an incentive to the delivery of the units on site, and a penalty for choosing the alternative of a larger financial contribution. I therefore consider that the public benefits associated with the provision of affordable housing within Appeal B carries significant weight in the balance.

c) Appeal A – heritage balance

54. It is common ground that Appeal A would give rise to less than substantial harm to the setting of the lighthouse, albeit at the lower end of the spectrum. Nevertheless, as this harm would be permanent, this would amount to a significant planning objection, and one to which I am required to give considerable importance and weight.
55. On the other hand, the scheme would provide a range of public benefits as set out above, thereby making a significant positive contribution to the delivery of housing and the achievement of the regeneration of the WHA.
56. In addition to the aforementioned public benefits, Appeal A would provide a modest contribution of £181,598 to affordable housing. However, this would be provided off-site, which is not the preferred means of securing affordable homes in either national or local planning policy and therefore carries only moderate weight in the balance.
57. Taking all the above factors into account, I conclude that the totality of public benefits associated with Appeal A would not outweigh the permanent harm to the setting of the lighthouse.

d) Appeal B – heritage balance

58. It is common ground that Appeal B would give rise to less than substantial harm to the setting of the lighthouse, again at the lower end of the spectrum. However, although this harm would be permanent, the improvements to the design of the block of town houses on the eastern side of the site would reduce the harm to a notable degree. I therefore consider it would amount to a moderate planning objection, albeit one which carries considerable importance and weight.
59. In common with Appeal A, the scheme would provide a range of public benefits which would make a significant, positive contribution to the delivery of housing and the achievement of the regeneration of the WHA.
60. In addition, Appeal B would provide five intermediate homes on site and any failure to do so would ensure that the alternative of a financial contribution, £427,500 would be provided towards affordable housing. I consider these provisions to be public benefits which carry significant weight in the balance.
61. This leads me to conclude that the totality of public benefits which would be delivered by Appeal B would outweigh the less than substantial, albeit permanent harm, to the setting of the lighthouse.

Planning Balance and Conclusions

62. The Council is unable to demonstrate a five-year supply of deliverable housing sites (5YHLS). For the purposes of these appeals the extent of the shortfall has

been agreed as 3.45 years, although this assumes that 45 dwellings will be delivered on the appeal site. Consequently, paragraph 11 d) of the Framework is engaged.

Appeal A

63. In Appeal A I found there would be permanent harm to the setting of the Kingston Buci Lighthouse which would not be outweighed by the public benefits of that scheme. Having regard to footnote 7 of paragraph 11 d) i) there is therefore a clear reason for refusing the development due to its failure to protect a designated heritage asset. The presumption in favour of sustainable development therefore does not apply to Appeal A.
64. Appeal A conflicts with the development plan. There are no other considerations, including the provisions of the Framework that indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that Appeal A should be dismissed.

Appeal B

65. In Appeal B, although I found conflict with the development plan in regard to its adverse effects on a designated heritage asset, this was outweighed by the totality of public benefits associated with the scheme.
66. I therefore conclude that there are material considerations in this case which indicate that a decision should be taken other than in accordance with the development plan. Consequently, Appeal B should be allowed, subject to the conditions set out in the attached schedule.

Sheila Holden

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Harriet Townsend	Counsel
Joseph Pearson MRTPI	Associate Lewis and Co Planning
Luke Carter MRTPI	Director Lewis and Co Planning
Ed Deedman	Cayuga 011 LLP
Jordan Moyle	Cayuga 011 LLP

FOR THE LOCAL PLANNING AUTHORITY

Neil Holdsworth	Consultant Planning Officer
James Appleton	Head of Planning

INTERESTED PERSONS

Andrew Harvey	Local resident: spokesperson for Adur Communities Together
Barb O’Kelly	Chair: Adur Residents’ Environmental Action
Avril Knight	Local resident
Jude Harvey	Local resident
Gavin Chatfield	Local resident

DOCUMENTS SUBMITTED AT AND AFTER THE HEARING

1. A3 bound copy of plans for Appeal A
2. A3 bound copy of plans for Appeal B
3. Final and signed Statement of Common Ground (SoCG)
4. Hard copy of costs application by appellant
5. Draft of Unilateral Undertaking for Appeal A – as of 2 November
6. Drafts of Unilateral Undertaking for Appeal B – as of 1 November (copy with track changes and clean copy)
7. Executed Unilateral Undertakings for both appeals (received 22 November)
8. E-mails dated 6 December providing clarification of land ownerships and confirmation of legal charge in relation to the preservation of discount on affordable housing units.

Appeal B: Schedule of Conditions

1. **Time limit:** The development hereby permitted shall begin not later than three years from the date of this decision.
2. **Approved plans:** The development hereby permitted shall be carried out only in accordance with the following approved plans:
 - 2088-PA-009 – Proposed Location Plan and Site Plan
 - 2088-PA-010 – Basement and Part Ground Floor Plan
 - 2088-PA-011 – Ground Floor Plan
 - 2088-PA-012 – First Floor Plan
 - 2088-PA-013 – Second Floor Plan
 - 2088-PA-014 – Third Floor Plan
 - 2088-PA-015 – Fourth Floor Plan
 - 2088-PA-016 – Fifth Floor Plan
 - 2088-PA-017 – Sixth Floor Plan
 - 2088-PA-018 – Seventh Floor Plan
 - 2088-PA-019 – Roof Plan
 - 2088-PA-020 – South Elevation Riverside & Section A-A
 - 2088-PA-021 – North Elevation Roadside & Sections B-B & F-F
 - 2088-PA-022 – East & West Elevation to East Terrace, East Elevations to North & South Terraces & Section E-E
 - 2088-PA-023 – West Elevation to Flats & Sections C-C, D-D & G-G
 - 2088-PA-024 – Typical Bay Brickwork Details
 - 2088-PA-040 – Flood Defence Wall Alignment and Access
 - 2088-PA-041 – Ground Floor Plan with Flood Gate Positions, River Walk Width & Section Lines for Perimeter Sections
 - 2088-PA-042 – Perimeter Sections & River Levels Information
 - 2088-PA-043 – Indicative Flood Wall Details
 - 2088-PA-044 – Strategic Landscape Plan
 - 2088-PA-046 – Parking and Keep Clear Plan
 - DR-C-0500 (Rev P8) – Drainage Layout
 - DR-C-0520 (Rev P1) – Drainage Details 1 of 2
 - DR-C-0521 (Rev P2) – Drainage Details 2 of 2
3. **Levels:** The development hereby approved shall be carried out in accordance with the proposed site levels shown in drawing number 2088-PA-011 (Ground Floor Plan). No other raising of levels shall be carried out without the prior written approval of the Local Planning Authority.
4. **Construction Environment Management Plan and Hours of Work:** 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 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 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.

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.

5. **Phasing (and Enabling Works):** 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. For the purposes of the conditions of this planning permission, 'Enabling Works' shall comprise the following:

- a) Demolition of any structures above ground level;
- b) Removal of building foundations & slab and associated above ground cables, pipes or ducts;
- c) Breaking-up and crushing of existing hard-standings;
- d) Removal of below ground cables, pipes or ducts;
- e) Re-routing of existing sewer main;
- f) River-wall survey works, including excavation to assess existing condition;

- g) Site survey works (other than river-wall survey) to inform the design of remediation works;
- h) Creation of a piling mat using clean rubble or similar clean material.

6. **Remediation and Groundwater:** No development hereby permitted shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- a) 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;
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
- c) The results of the site investigation and the detailed risk assessment referred to in (b) 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;
- d) 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 (c) 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.

7. **River Wall Works:** Prior to commencement of works to replace or improve 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:

- a) riverside retaining walls and associated cappings and railings, engineering details and cross-sections and details of external appearance and finishes;
- b) the inter-relationship between the riverside retaining wall, new riverside path and site drainage, and
- c) 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.

8. **Enabling Works:** The following Enabling Works at condition 5 shall only be undertaken after the following details have been submitted to and approved in writing by the Local Planning Authority: (c) Breaking-up and crushing of existing hard-standings. Details of measures to manage and minimise noise, vibration and dust. (d) Removal of below ground cables, pipes or ducts (e)

Re-routing of existing sewer main (f) 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.

9. **Drainage – Details of Foul and Surface Drainage:** With the exception of any Enabling Works, development shall not commence until details of the proposed means of foul and surface water sewerage disposal including a timetable for its provision 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. The development will then be carried out to comply with the agreed details and timetable.
10. **Drainage – Maintenance and Management:** With the exception of any 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 has been submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon 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.
11. **Piling Works and Contamination:** With the exception of any Enabling Works, development shall not commence 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.
12. **Air Quality Mitigation:** With the exception of any 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 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.
13. **Access and Frontage Specifications:** With the exception of any Enabling Works, development shall not commence 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 and kerb alignments 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.

14. Sustainable Surface Water Drainage: With the exception of any Enabling Works and site survey and investigation, no development shall commence 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. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. Details shall include measures to manage 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.

15. Materials and Details: 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 (including samples, where requested by the local planning authority) of the materials to be used on all external faces of the building(s) and ground surfaces, 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 any external lighting, including measures to minimise light pollution and impact on river navigation, and arrangements for verification of these measures, 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 documentation submitted with the appeal.

16. Road Noise Mitigation and Ventilation – Provision: Prior to the commencement of development above ground level, details of road noise and vibration mitigation, including acoustic glazing and mechanical

ventilation and heat recovery systems, shall be submitted to and approved in writing by the Local Planning Authority. Mitigation measures should reflect the recommendations of the submitted Acoustic Report by 7th Wave Acoustics (Reference 1149.001R.1.0.RF).

17. Commercial space – Noise insulation: 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 space 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.

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.

18. Landscaping, Play and Biodiversity: Hard and soft landscaping ('soft landscaping' means new planting, associated ground preparation and biodiversity enhancement measures) for each phase of development shall be completed in accordance with the phasing plan under approved condition 5 of this permission, with all planting to be completed no later than the first planting season following the occupation of each phase.

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:

- a) Details of hard landscaping materials and surfacing;
- b) Details of provisions for informal play & recreation;
- c) Any external seating;
- d) Planters and tree pits including irrigation and drainage;
- e) Ground preparation to create a planting medium;
- f) Biodiversity enhancement measures;
- g) Details where appropriate, of any temporary landscaping at the public footpath along the Brighton Road frontage;
- h) A maintenance plan to ensure full establishment of new planting.

Development shall thereafter be carried out in accordance with the approved hard and soft landscaping plans, phasing plan and the details at (h) 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.

19. Means of Enclosure, Gates and Barriers: Before the commencement of development above ground level (other than Enabling Works), details of all means of enclosure, gates or barriers for that 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.

Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order, no additional or other means of enclosure, or increase in height of any means of enclosure, balcony or terrace shall be carried out.

20. Flood Risk and Riverside Management: The development shall be carried out in accordance with the submitted Flood Risk Assessment ("FRA") (dated December 2022, produced by HOP Consulting Ltd, Ref: 16050/03/HOP/RPT/01) and the additional information provided by HOP Consulting Ltd in their letter and associated documents to the Environment Agency dated 10 February 2022 ("the Letter") (ref: TJB/SMW/16050-4), and in particular the following mitigation measures detailed therein:

- a) Finished floor levels of habitable rooms shall be set no lower than 6.14 metres above Ordnance Datum (AOD) as stated in section 3.4 of the FRA;
- b) Finished floor levels for the commercial space shall be set no lower than 4.95 metres above Ordnance Datum (AOD) as stated in section 3.4 of the FRA;
- c) Finished floor levels of the courtyard shall be set no lower than 5.40 metres above Ordnance Datum (AOD) in accordance with drawing no: 2088-PA-040 ('Flood Defence Proposals Ground Floor/ Site Plan');
- d) Provision of vertical rising flood control barriers up to 5.47m AOD as indicated in drawing number 2088-PA-040 ('Flood Defence Proposals Ground Floor/ Site Plan'), with details of a maintenance plan and operation of the barriers to be submitted to the Local Planning Authority prior to installation of the barriers.
- e) Provision of a waterfront access route of no less than 4 metres, which shall be permanently maintained in accordance with drawing number 2088-PA-040 ('Flood Defence Wall Alignment, Access To Wall & Navigation Light Position')
- f) The existing river wall defences shall be improved as outlined in 'the Letter' referred to above comprising a new vertically Steel Sheet Piled (SSP) river wall structure set back slightly from the existing alignment and set to 4.4m AOD and a set-back reinforced concrete flood wall with structural connection to the river wall set to 5.47m AOD as shown in the following submitted drawings:

2088-PA-040 – Flood Defence Wall Alignment, Access to Wall and Navigation Light Position

2088-PA-041 – Ground Floor Plan with Flood Gate Positions, River Walk Width & Section Lines for Perimeter Sections

2088-PA-042 – Perimeter Sections & River Levels Information

2088-PA-043 – Indicative Flood Wall Details

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

21. Sustainability and Energy: The development hereby approved shall incorporate the following sustainable energy and heat management measures:

- a) Energy efficient building fabric,
- b) LED internal & external lighting,
- c) Provision of Solar panels and Air Source Heat Pumps (ASHP),
- d) Mechanical Ventilation with Heat Recovery System (MVHR), with summer bypass
- e) Building Energy Management Systems,
- f) Efficient water goods and fixtures to achieve <110L/Person/day

The development shall be implemented and retained in accordance with the details thereby approved.

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, 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.

22. Previously Unidentified Contamination: 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.

23. Car Park Barrier: 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.

24. Drainage – As-built Record: Following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the Local Planning Authority shall be provided 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 as approved.

25. Highways and Access: 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 accordance with the details shown on the drawing titled Ground Floor Plan 2088-PA-11.

26. **Vehicle Parking:** No part of the development shall be first 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.
27. **Electric Vehicle Charing:** 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 retained thereafter.
28. **Recycling and Refuse Stores:** No part of the development shall be first 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.
29. **Surfacing of the Public Right of Way (PROW):** No part of the development shall be first occupied until such time as surfacing works and signage for Right of Way no. FP3556 have been implemented in accordance with plans, details and construction specifications that have previously been submitted to and approved in writing by the Local Planning Authority.
30. **Road Noise Mitigation and Ventilation – Verification:** No part of the development shall be first occupied until all approved road noise mitigation and ventilation measures have been completed and details of the post implementation independent verification to demonstrate that the road mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise and vibration have been submitted to and approved in writing by the Local Planning Authority.
31. **Flood Risk and Safe Access:** Prior to first occupation of any phase or part of the development, a Flood Risk Management Plan for each phase or part 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 and permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.
32. **Remediation Verification:** Prior to first occupation of any part of the development, 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.

- 33. Secure Cycle Parking:** 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. The covered and secure cycle parking shall be retained thereafter for its designated purpose.
- 34. Travel Plan:** No dwelling 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 as approved including any monitoring, reporting and subsequent updating measures in accordance with any subsequent Travel Plan thereby approved.
- 35. Obscure Glazing:** The development hereby approved shall not be occupied until details showing the opacity of the glazing at ground floor level adjacent to the riverside path have been submitted to, and approved in writing, by the local planning authority. The development shall be implemented and retained thereafter in accordance with the approved details.
- 36. Temporary Flood Risk Management:** If 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.
- 37. Commercial Space – Use and Hours:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that order with or without modification), the ground floor commercial space and associated external terrace shall be used only for purposes within Use Class E(a),(b),(c),(d),(e) and (f), and shall not be used for any purpose falling within Use Class E(g) as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

The commercial space and associated external terrace shall only be used and open to customers and visiting members of the public between the following hours:

Monday – Saturday 07:30 – 21:00
Sunday & Bank/Public Holidays: 08:30 – 20:00

No use of the commercial terrace shall be permitted before 08:30 on any day.

- 38. Commercial Space – Odour, Air Moving Equipment and Amplified Sounds:**
- a) If required, no kitchen for the preparation of hot food shall be installed in the 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.
 - b) If required, no external fixed plant serving the commercial 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.

- c) No amplified sound equipment in the commercial space or associated terrace shall be used unless 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 space shall only take place in full on-going conformity with the approved details.

39. Lighting Limitations and Navigation: With the exception of any external lighting approved under condition 15 (e) above, no external lighting or externally illuminated signage shall be installed on the site until details, including any measures necessary to avoid any negative impact on river & harbour navigation (in consultation with Shoreham Port Authority in cases where lighting may be seen from the river and harbour), have been submitted to and approved in writing by the Local Planning Authority. The additional lighting shall be implemented in accordance with the approved details and retained as such thereafter.

40. Permitted Development Limitation: Windows and Openings: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015, or any order revoking or re-enacting that Order, no additional windows or other openings, shall be formed in any part of the development hereby approved, facing towards or visible from the river or harbour.

41. Aerials/Antennae: No Aerial/Antennae/Satellite Dish or Microwave Antenna shall be installed on the exterior of the apartment block hereby approved without the prior written approval of the Local Planning Authority. Any such dish or antenna must be sited in accordance with the approved details.

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Appeal Decision

Site visit made on 14 November 2023

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2023

Appeal Ref: APP/Y3805/W/23/3327190

Former Albion Street Lorry Park, Albion Street, Shoreham Port, Brighton BN42 4EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Philip Offer, Safestore Properties Ltd, against the decision of Adur District Council.
 - The application Ref AWDM/1856/21, dated 1 October 2021, was refused by notice dated 7 February 2023.
 - The development proposed is Erection of self-storage warehouse (Use Class B8) with associated parking, circulation and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for Erection of self-storage warehouse (Use Class B8) with associated parking, circulation and landscaping at Former Albion Street Lorry Park, Albion Street, Shoreham Port, Brighton BN42 4EN in accordance with the terms of the application, Ref AWDM/1856/21, dated 1 October 2021, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. During the appeal, the appellant submitted a legal agreement made as a Deed pursuant to section 106 of the 1990 Act and imposing obligations on the site (s106 agreement). I have had regard to it in reaching my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed use of the site would be acceptable with regards to development plan policies.

Reasons

Character and appearance

4. Formerly used as a lorry park, the appeal site forms a reasonably large, unused expanse of hardstanding surrounded by a metal crash barrier. It is located within a relatively built-up area which, although including some residential accommodation, is dominated by numerous commercial/industrial buildings, features and uses, and these form the site's setting. With built form in this area including various functional-looking buildings and port infrastructure, the

appearance of the surrounding area is commensurate with its commercial/industrial character. Although the scale of built form does vary, many buildings in the locality are also of a relatively substantial size, including several large industrial sheds and the tall blocks of flats to the east and west of the site. Fronting Albion Street (the A259) and adjacent to the narrow Victoria Road, the site is prominently positioned and visible in various public views. However, despite being set within an industrial area, its appearance and vacant nature detracts from the surrounding area.

5. Despite the proximity, the residential area to the north is physically and visually separated from the site by the railway line embankment, which provides a clear divide between the different areas' characters, scales and appearance. However, views of the built environment to the south of the railway line are available through the railway bridge. Some tall industrial-type features, the upper sections of the new block of flats and, what appeared on my site visit to be the top parts of the generator equipment adjacent to the embankment are, for example, also visible above the railway line from Victoria Road. The industrial character and greater scale of development to the south of the embankment is therefore discernible from the other side of the railway line, including from the residential area along Victoria Road.
6. The proposed development would introduce a large, functional-looking building with a greater height than much surrounding built form, including existing buildings to the east and on the opposite side of Albion Street. However, given its setting and the appearance and relatively large size of much surrounding built form, its design (including external facing materials), scale (including footprint and height) and overall bulk would suitably relate to its surroundings. Its set back from the site's boundaries and its façade treatment, including architectural detailing and articulation, help to break up its mass and mean that the building would not read as an unacceptably dominating or plain, box-like feature in the locality. Its height would also not be unacceptable in relation to building heights along Albion Street and the building would form part of the transition along it. In coming to this view, I have taken into account that the new residential block to the west has greater articulation, variation and visual interest than the proposed building.
7. In addition, the proposed development would introduce soft landscaping and reduce the area of hardstanding on the site, remove the crash barrier and extend the low flint wall along the western side of the building. It would also screen the somewhat unsightly generator equipment to the rear of the site. Despite the proposed fencing, the appeal proposal would therefore positively contribute to the street scene.
8. As per the submitted evidence, including the verified views, and as I observed on my site visit, the building would be visible from numerous points. This includes clear, unimpeded public views from the section of Victoria Road bounding the site, for some distance in both directions along the Shoreham-Brighton coast road, and from the railway line. Views of the building between existing built form and above the railway line would also be possible in the surrounding area. This includes from points on (and near to) Victoria Road to the north, particularly in the area closest to the railway bridge, and from some nearby properties. Although longer distance glimpses may also be possible, such as from/around Southwick Green and further along Albion Street, the increasing degree of separation and presence of intervening features means

that any such views would be, at most, very limited. However, given the site's context, the visibility of various industrial features in the wider area and my above findings, the proposed building would read in all such views (including from the residential area to the north) as a congruous feature with an acceptable appearance and scale that would suitably relate to its surroundings. Irrespective of how visible it would be from them, the appeal proposal would therefore also not harm the setting of the nearby Kingston Buci Conservation Area or the further away Southwick Conservation Area. In coming to this view, I have taken into account that the industrial area is not a purpose-built commercial zone, that the trees along the railway line are not in leaf all year and their size/number may continue to be reduced in future.

9. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with Policy 15 of the Adur Local Plan 2017 (ALP) and Policy SH9 of the Shoreham Harbour Joint Area Action Plan (JAAP). Amongst other aspects, these expect development to be of a high architectural quality, demonstrate a high standard of design that enhances the visual quality of the environment, and to respect and enhance the character of the site and surrounding area. The proposal would also be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed places.

Use of site

10. With the site being located in the Shoreham Harbour Regeneration Area (SHRA), several development plan policies are relevant to the acceptability of the proposed use. Amongst various other aspects, ALP Policies 4 and 8 and JAAP Policy SH3 seek to deliver a minimum of 16,000m² of employment generating uses in this area. The site is also identified in the JAAP and included as a priority for the Harbour Mouth area, with Policy CA6 identifying that options for alternative uses of the site will be explored and the supporting text setting out that this includes relocation of existing SHRA businesses.
11. Given its former use as a lorry park, the site did not previously provide an employment use and the development proposed, whilst not creating a significant employment generating use, would provide employment equivalent to approximately three full time employees. The appeal proposal does therefore constitute an employment generating use. In any event, the appeal proposal would provide an alternative use of the site and, as acknowledged by the Council, policy neither requires an employment use on the site nor sets out a specific level of employment to be provided.
12. It has been put to me that redevelopment of the area is leading to former industrial uses being relocated and that the site would be suitable for existing businesses to move to, with one business being interested in such a move. Although the proposed development would not relocate a business from elsewhere in the SHRA, there is no policy requirement or expectation for this, and the supporting text does not refer to the relocation of such businesses as the only alternative use for the site.
13. Accordingly, irrespective of whether the proposed development would make best use of the site, the proposed use would be acceptable and accord with the above development plan policies relating to uses of the site and employment generating uses in the SHRA. The presence of other existing and recently

approved storage facilities in the locality, the previous uses of the site and surrounding area, and the need for more homes and space for other employment (including start-up business) and training opportunities do not lead me to a different view. With the available evidence indicating that much of the storage provided would likely be used by businesses, the appeal proposal would also support existing local businesses and in-direct employment.

Other matters

14. The s106 agreement submitted with the appeal includes, amongst other aspects, an obligation covering a financial contribution towards transport projects in the locality. The available evidence indicates that this accords with the development plan and that the obligations within the s106 agreement are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to it. Accordingly, I find that the obligations in the Deed meet the relevant tests in the Framework and the requirements of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Collectively, they therefore constitute a reason for granting planning permission in accordance with Regulation 122 of the CIL Regulations.
15. A number of other matters have been raised by interested parties and I have taken them all into account. This includes: the building's overall floor space and the potential future introduction of mezzanine floor space; inaccuracies in the plans and other documents, including regarding floor levels and the building's height, the actual number and size of trees in the locality, and existing properties not being shown; land contamination; lack of consultation with residents; harm to the living conditions and mental health of existing residents, including with respect to privacy, air and light pollution, noise disturbance, personal safety and security, and loss of daylight, sunlight and outlook; the Daylight and Sunlight report not including an accurate assessment of the size of existing properties; the proposed building appearing as an imposing feature on Victoria Road and exacerbating fly-tipping and vandalism; the need for more landscaping; existing trees along the embankment having been reduced in the past and could be removed at any time; highway safety, including regarding access, traffic generation and parking demand (especially if the floor space is increased) and visibility in relation to fencing and the building's size and position; the effect on wildlife and the environment; overdevelopment; lack of compliance with other local and national policies and various Council initiatives, objectives and documents relating to the area's regeneration; drainage; the need for other uses, such as a lorry park or much-needed affordable housing, rather than for a storage building which would not provide a lively addition to the locality; and loss of the site for use by local children and the film industry.
16. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. Some of the issues raised, such as regarding landscaping, lighting and drainage, can also be covered by planning conditions.

Conditions

17. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the Planning

Practice Guidance. I have made such amendments as necessary to comply with those documents, for clarity and consistency, and to ensure that details are submitted for the Council's approval where relevant.

18. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. Given the site's position and the extent of development, a pre-commencement condition securing a construction management plan is necessary and reasonable in the interests of the safe and efficient operation of the highway and the living conditions of existing residents. A pre-commencement condition covering the protection of public sewers and the proposed means of foul sewerage and surface water disposal from the development is necessary to ensure essential infrastructure is maintained and to prevent flood risk and water pollution. For the sake of brevity, I have however combined the suggested conditions covering these matters. Based on the findings and recommendations in the Preliminary Risk Assessment & Geo-Environmental Assessment, a pre-commencement condition covering contamination is necessary in the interests of environmental protection and public health and safety. A further condition covering previously unidentified contamination is necessary for the same reasons.
19. I have imposed a condition relating to ground and floor levels in the interests of clarity, the character and appearance of the surrounding area and the living conditions of existing occupiers. However, with little substantive evidence that such details are needed prior to all works commencing on site, I have amended the condition accordingly. Conditions securing details of external materials and hard and soft landscaping are necessary in the interests of the character and appearance of the surrounding area. A condition covering construction working hours is necessary to safeguard the living conditions of existing occupiers.
20. I have imposed a condition covering parking and turning space in the interests of highway safety. Conditions covering a travel plan and cycle parking are necessary to encourage and promote sustainable transport. A condition covering renewable energy and efficiency measures is necessary to ensure an efficient use of energy. A condition requiring compliance with the identified mitigation measures identified in the flood risk and drainage assessment is necessary to ensure the safety of the development and its users. I have imposed conditions relating to external lighting and the use of the building in order to protect the living conditions of existing occupiers, and also for clarity with respect to the latter condition.
21. Although not suggested in the Council's appeal statement, a condition covering public art is referenced in the Council's Officer Report and included in the draft Decision Notice. On the basis that the appellant has proposed public art and the site plan references artistic fencing but limited details have been provided regarding what it would involve, such a condition is necessary in the interests of the character and appearance of the locality. However, I have not imposed the other additional condition referenced in those documents which seeks to restrict extensions/amendments to the building because I have little substantive evidence that such a condition is necessary to make the development acceptable. Any such extensions/amendments to the building via permitted development rights would in any event not be particularly significant, and the suggested condition would not control the provision of additional floor space through the introduction of a mezzanine.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan as a whole. The appeal is therefore allowed.

T Gethin BA (Hons), MSc, MRTPI

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing site plan (Drawing No 4687-SK01); Site location plan (Drawing No 4687-SK02(PL)); Topographical land survey (Drawing No SDS 207638.01); Proposed site plan undercroft option (Drawing No 4687-SK03(PL), Rev M); Proposed floor plans (Drawing No 4687-SK04(PL), Rev F); Proposed elevations (Drawing No 4687-SK06(PL), Rev H); Proposed street sections (Drawing No 4687-SK12, Rev D); Proposed sections (Drawing No 4687/SK13(PL), Rev D); Proposed site plan materials (Drawing No 4687-SK15(PL), Rev E); Gate and fence details (Drawing No 4687-SK16(PL)); and Landscaping plan (Drawing No 1293, Rev D).
- 3) Prior to the commencement of the development hereby permitted (including demolition), a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters: the method of access by construction vehicles during construction; the parking of vehicles by site operatives and visitors; the loading and unloading of plant, materials and waste; the recycling, removal and disposal of waste materials including an agreed traffic route for the waste vehicles; the storage of plant and materials used in construction of the development; the erection and maintenance of security hoarding; the erection of site offices and ancillary buildings; the provision of wheel washing facilities; the measures to control the emission of dust and dirt during demolition and construction; and lighting for construction and security. The approved Plan shall be implemented and adhered to throughout the entire construction period.
- 4) Prior to the commencement of the development hereby permitted (including demolition), details of the measures agreed with Southern Water to protect public sewers and the proposed means of foul sewerage and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 5) Prior to the commencement of the development hereby permitted (including demolition), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority: a remediation strategy

giving full details of the remediation measures required and how they are to be undertaken; and 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 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved and, prior to commencement of construction work, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

- 6) 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 be implemented as approved.
- 7) With the exception of site clearance and demolition, and notwithstanding the details shown on the approved plans, prior to the commencement of development, details of the finished floor level of the proposed building and any alterations to the ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 8) Prior to the commencement of above ground works, a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 9) Prior to the commencement of above ground works, full details of all hard and soft landscaping works, to include additional tree planting to the south and west of the building hereby permitted and the proposed times of planting, shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be provided prior to the first occupation of the development and maintained thereafter. The soft landscaping shall be provided in accordance with the approved details. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) Prior to the commencement of above ground works, details of the proposed public art feature shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the development and thereafter maintained.

- 11) Demolition and construction works shall take place only between 0800-1800 hours Monday to Friday and 0830-1330 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 12) Prior to the occupation of the development hereby permitted, the vehicle parking and turning spaces shall be constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.
- 13) Prior to the occupation of the development hereby permitted, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement 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.
- 14) The development hereby permitted shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 15) The renewable energy and efficiency measures set out in the Energy Efficiency & Sustainable Development Report (by Synergy building services, dated 1 September 2021) shall be installed prior to the occupation of the development hereby permitted and thereafter retained and maintained as necessary.
- 16) The development hereby permitted shall be carried out in accordance with the submitted Flood Risk and SuDS Assessment (FRA, ref: 21058-FRA-TN-01 Rev C06, dated 02/12/2022), with the following mitigation measures, as detailed within section 4.6 of the report, fully implemented prior to occupation and thereafter retained and maintained: the finished floor level of the development must be set no lower than 4.5m AOD; flood-resilient construction methods should be used up to a level of 5.6m AOD, with corresponding structural design to ensure that it is able to resist hydrostatic forces; cladding should be comprised of waterproof material for anything lower than 5.6m AOD; demountable flood boards or flood-proof doors should be used on all entrances; water-proof ducting for services, or service ducts should be taken up the outside of the reinforced concrete wall (inside the cladding) and enter the building above flood defence height; and non-return valves should be installed on foul and stormwater drainage systems to prevent internal flooding via backflow through toilets and sinks.
- 17) Prior to the installation of any external lighting, details of the proposed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.
- 18) The premises shall be used only as a self-storage warehouse and for no other purpose.

END OF SCHEDULE