



ADUR DISTRICT COUNCIL

13 October 2023

Adur Planning Committee	
Date:	23 October 2023
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

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 20 October 2023**.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

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

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

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

3. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by **midday** on **Wednesday 18 October 2023**.

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

Questions should be submitted to Democratic Services – democratic.services@adur-worthing.gov.uk

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

4. Members Questions

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

Questions should be submitted by **midday** on **Wednesday 18 October 2023**. to Democratic Services, democratic.services@adur-worthing.gov.uk

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

5. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on **2 October 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 - 32)

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

Part B - Not for publication - Exempt Information Reports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	Caroline Perry Senior Lawyer & Deputy Monitoring Officer 01903 221081 Caroline.perry@adur-worthing.gov.uk

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

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ADUR DISTRICT
COUNCIL

Planning Committee
23 October 2023

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Place

Planning Applications

1

Application Number: **AWDM/1024/23** Recommendation – **APPROVE**

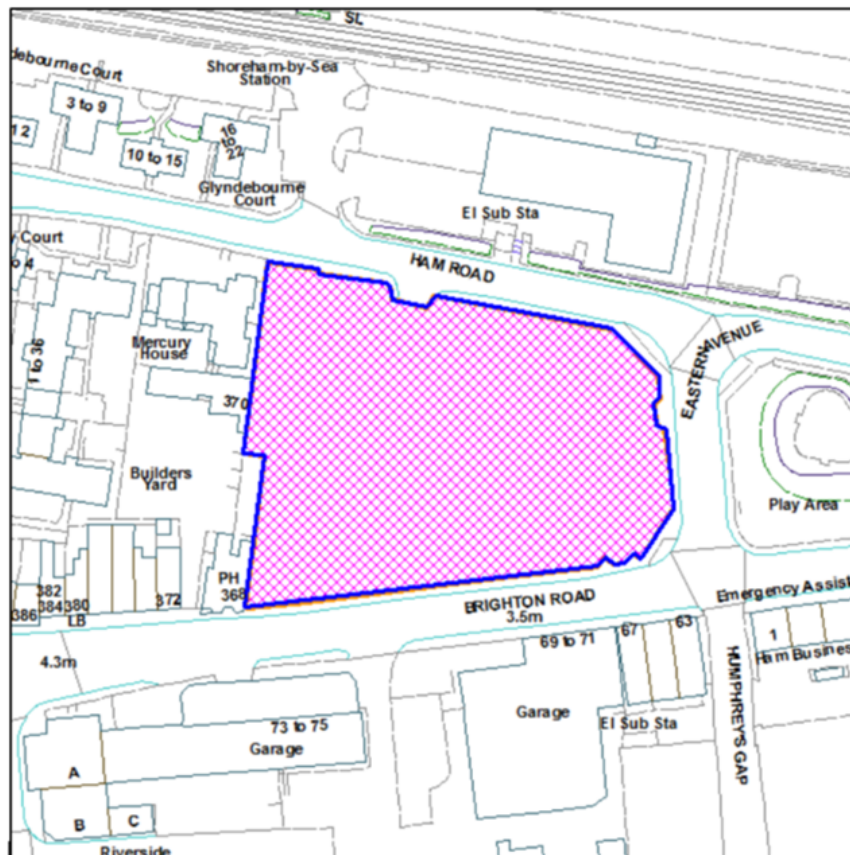
Site: Land East Of 1 To 11 Mercury House, Ham Road Shoreham-by-Sea, West Sussex

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

Application to Vary Conditions 1 of previously approved AWDM/1450/21 (approved drawings).

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Application Number:	AWDM/1024/23	Recommendation - APPROVE
Site:	Land East Of 1 To 11 Mercury House, Ham Road Shoreham-by-Sea, West Sussex	
Proposal:	Erection of two blocks of development ranging in height between 3 - 9 storeys comprising 159 residential units comprising a mix of 1-bed, 2- bed and 3-bed units (including a minimum of 30% of affordable housing), commercial (Class E) floorspace at ground floor, and associated parking and landscaping. Application to Vary Conditions 1 of previously approved AWDM/1450/21 (approved drawings).	
Applicant:	The Hyde Group	Ward: St. Mary's
Agent:	ECE Planning	
Case Officer:	Stephen Cantwell	



Not to Scale

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Site, Surroundings and Background

The application site is vacant ground formerly occupied by the demolished Adur Civic Centre, at the prominent road junction of Brighton Road, Ham Road and Eastern Avenue with a frontage onto each street. Its western boundary is with The Duke Of Wellington Public House, a small commercial/ builder's yard and the residential block, Mercury House which fronts onto Ham Road. A large poplar tree stands at the Brighton Road frontage at the south west corner of the site.

Planning permission AWDM/1450/21 was granted in April 2024 for the construction of 159 apartments and ground floor commercial space. The current application seeks to amend this scheme by re-planning of the south-west corner of the development to retain the poplar tree. The displaced flats are relocated onto the Ham Road side of the proposed development.

The key changes are set out below:

- Retention of the poplar tree located next to The Duke of Wellington Pub.
- Block A - Reduction of built form in the south west corner of the site. Resulting in the loss of 8 units.
- Block A - Additional 1 unit to the north west core on the fourth floor within Block A.
- Block B - Additional floor to the north east core facing onto Ham Road. Resulting in 7 additional units and a 2.5m increase in height in this area.
- The changes in accommodation over the two blocks result in a loss of 7 social rent units and an increase of 7 shared ownership units.
- Reduction in overall commercial area from 841.5 sqm to 755.2 sqm.
- Commercial units split into smaller stores of less than 100 sqm to support fire strategy
- Mix changes - Reduction in 3no. 1 bedroom. Increase of 1no. 2 bedroom and 2no. 3 bedroom apartments. Improving family homes
- Reduction in the height of the ground floor from 4m to 3m and standardisation of floor to floor heights at 3m to enable efficient construction.
- Reduction of Block A height from maximum 22.40m to 21.71m (measured to ridge)
- Reduction of Block B height from maximum 31.70m to 30.85m (measured to ridge)
- Removal of pergolas's above car spaces and amended configuration of bays to suit structural design
- Entrance and exit locations of staircores revised to suit fire strategy and internal access removed for plant and ancillary accommodation

The key design changes are assessed in the Planning Assessment.

The site is approximately 0.62ha, and has been used for temporary car parking following site clearance. More recently in May 2023, works to break up surface concrete have been undertaken as a part of detailed ground conditions' investigation.

Opposite the site is the small, triangular Ham recreation ground and skate park. To

the west Mercury House in Ham Road has several side-facing windows to flats, around 2-3m from the site boundary. At the Duke of Wellington in Brighton Road, a long narrow beer garden with tables runs immediately alongside part of the western boundary of the site with a builder's yard behind it.

The site lies inside the eastern edge of the town centre, as defined in the Local Plan. It adjoins the edge of the Shoreham Harbour Joint Area Action Plan (JAAP), where developments have been approved for 176 apartments and commercial space at the Frosts site on the south side of Brighton Road, opposite the site. At Free Wharf, diagonally to the south west the first roadside phase of 137 no. apartments is nearing completion, with two further approved riverside phases yet to be built, giving a total of 587no. also with commercial space.

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

Relevant Planning History

AWDM/1450/21: Erection of two blocks of development ranging in height between 3 - 9 storeys comprising 159 residential units comprising a mix of 1-bed, 2- bed and 3-bed units (including a minimum of 30% of affordable housing), commercial (Class E) floor-space at ground floor, and associated parking and landscaping.

Approved 24th April 2023 following the signing of a planning obligation (s.106 Agreement).

A subsequent 'pre-action' Judicial review letter was submitted to the Council on behalf of the owners of the Duke Wellington. The letter alleged that the signed s106 agreement was not in accordance with the Committee resolution in that it would not bind future owners of the proposed flats and prevent them from objecting to live music events at the public house carried out in compliance with the entertainment licence. Following negotiations between the parties a Settlement Agreement was entered into and a Supplemental Agreement signed amending the original s106 agreement. The amended s106 agreement now requires a Deed of Easement to be agreed between the applicant and the owners of the public house prior to the commencement of development on the site or if not agreed for a unilateral agreement to be put in place.

AWDM/1282/17. [Focus House] Erection of four storey office development (Use Class B1) with associated car parking and landscaping (former car park to Civic Centre). **Approved 20th Nov 2017.**

Consultations

West Sussex County Council Fire and Rescue comment that,

"Having viewed the plans and fire safety strategy for planning application no. AWDM/1024/23 for the erection of two blocks of development ranging in height between 3 - 9 storeys comprising 159 residential units comprising a mix of 1-bed, 2-bed and 3-bed units (including a minimum of 30% of affordable housing), commercial (Class E) floorspace at ground floor, and associated parking and landscaping.

Application to Vary Conditions 1 of previously approved AWDM/1450/21 (approved drawings); I am satisfied the B5 requirements for this site have been met.”

West Sussex County Council Local Lead Flood Authority comment that,

“This is a variation of condition application for previously approved AWDM/1450/21 for the erection of two blocks of development comprising 159 residential units and commercial floorspace at ground floor level, with associated landscaping and parking.

Due to the type of application, we have no comments to make. We will complete a detailed review of surface water drainage documents when discharge of condition applications for conditions 16, 17, 18, 23 & 24 are submitted and we are consulted.”

West Sussex County Council Highways Authority comment that,

“The application is to vary condition 1 of application ref AWDM/1450/21. The application main changes are a change in the built form to the southwest corner.

Vehicle Tracking

Clarification should be provided for the white blocks shown in the landscape plans and their ability to be removed.



It is noted that the bollards are removable (and would be required to be removed to allow a refuse or fire tender to turn within the site)

Cycle Parking

Minor changes have been made to the provision of the commercial cycle parking with an increase of external provision. Given cycle parking should be covered and secure for staff of the commercial unit then should demand require it it is recommended the sharing of residential and commercial staff cycle parking be explored.

Vehicular parking

The number of vehicle parking spaces is to remain the same, with the reduction in units this would increase the ratio of spaces per unit from 0.35 to 0.38 Clarification should be provided on the width of spaces and ability to enter the parking spaces for 46 and 47 noting the new wall and closer proximity of the adjacent bays.

Conclusion

Further information is requested upon:

Vehicle tracking/Landscaping

Ability for commercial unit staff to access residential cycle stores.

Car parking size and tracking.”

Agents response to Highways comments:

“I refer to the attached Highways Response received 21 August 2023 from WSCC.

We have reviewed the response and would like to clarify that the white blocks (seating) would be fixed to the ground, however the bollards as noted in the West Sussex Response can be removed to allow a fire tracking or refuse lorry to access the site. When designing the landscaping plans, the area was tracked and confirmed both refuse lorries and fire vehicles could sufficiently access and manoeuvre the site. However, we are anticipating a condition on detailed landscaping plans, and should there be residual concerns, we are happy to deal with this via condition.



With regards to your comments on cycle parking, we are proposing the same number of cycle spaces as per the previously approved scheme and therefore this number is considered acceptable. Further to this, there has been a reduction in the commercial space (from what was previously approved) and therefore we are actually oversupplying in the amount of cycle spaces. For avoidance of doubt, we are providing 10 no. Sheffield Stands which would be covered and secure.

In addition, the comments on vehicle parking have been reviewed and we would like to clarify that the number of units remain the same and therefore the ratio of spaces per unit would be 0.35. We would also like to confirm that the width of the parking spaces is 2.5m x 5m (as shown in the attached drawing) and therefore complies with the guidance set by West Sussex County Council.

Lastly, we have spoken to our Transport Consultant on your comments on parking spaces for 46 and 47 and have subsequently asked for that area to be tracked with regard to the adjacent parking spaces. I attach the tracking drawings which clearly show that a private car is able to exit and enter the spaces following the guidance of a 5.4m width between adjacent spaces.”

West Sussex County Council Highways Authority further response:

“Vehicle Tracking

Tracking has been provided with the landscaping plan overlaid and shows with the removable bollards a refuse vehicle can enter and exit in a forward gear.

Cycle Parking

It is confirmed that the cycle provision proposed would still exceed the WSCC requirements.

Vehicular Parking

It has been confirmed the unit parking ratio remains the same at 0.35. The spaces are to measure 2.5m x 5m and are acceptable. Tracking has been provided for the spaces highlighted, whilst they would be tight they do appear to work.

Conclusion

No objection is raised to the variation of condition”

Adur & Worthing Councils:

Environmental Health comment that,

“There are no adverse EH comments for this application. I note they have used a higher specification glazing for those properties facing the beer garden and there is an easement to be agreed as part of the mitigation for entertainment noise.”

The Private Sector Housing team has no comment on the revised application.

Southern Water Services comments that,

“Southern Water would have the following comments to make for variation of condition 01:

The proposed ground floor plan (Drawing No PL 10 Rev- P6) indicating easement to public apparatus (Surface water sewer) would be satisfactory to Southern Water.

No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within the foul

network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements.

The comments in our response dated 20/09/2021 remain unchanged and valid for the amended details.”

Southern Water Services further response

“Southern Water has no objections to the above variation of condition 01.

The proposed ground floor plan (Drawing No PL 10 Rev- P6) indicating easement to public apparatus (Surface water sewer) would be satisfactory to Southern Water.

Southern Water has recently undertaken more detailed network modelling as part of a network growth review. The result of this assessment indicates that the additional foul flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul disposal to service the proposed development.

All other comments in our response dated 20/09/2021 remain unchanged and valid.”

National Highways comment that,

“We are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111). As such, National Highways would recommend:

No objections (no conditions).”

South Downs National park Authority comment that,

“Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination. The statutory purposes and duty of the National Park are:

- **Purpose 1:** *To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.*
- **Purpose 2:** *To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.*
- **Duty:** *To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.*

The National Park raises no comment on the amended scheme.

Network Rail comment that,

“Network Rail has no objections to the proposal.”

Representations

During the course of the application, the Local Planning Authority received **18 objections** as a result of the public consultation.

The comments have been summarised below and have been broken down into key themes raised by the public.

Design

- Design of large blocks of flats have a negative on the landscape of the town
- Overdevelopment and height of the buildings are inappropriate for the low lying nature of the town
- Urbanised appearance

Impact on Neighbours

- Overlooking from the proposed development
- Block A would affect the use of the gardens at Mercury House
- Loss of light to neighbouring dwellings
- Additional height of Block B would be a dominating feature on the townscape

Highways

- Concerns with highways safety and traffic generation
- Concerns with proposed levels of parking
- Limited information on the number of parking spaces available in ratio of residents or commercial use. It assumes the overflow of both will park on the surrounding road network
- Neighbouring residents object to potential car parking permit schemes charging existing residents
- Not enough car parking for residents for the new flats

Other Issues

- Insufficient infrastructure within the town to support influx of new residents
- Increasing demands on local public services
- Environmental issues during the construction of the development including a reduction in air quality
- Concerns that the application does not allow for preservation and future planting of trees and landscaping. These are not demonstrated on Hydes drawings

- Unaffordable development. No Social Housing and only 30% 'affordable' dwellings.
- Concerns are raised with regards to the Noise Report. Concerns stating it does not adequately quantify or assess entertainment noise from the pub building and garden area. Concerns are raised that only a desk top study was conducted and that the report is outdated making reference to studies not being able to be conducted due to COVID 19 restrictions. Overall concerns raised with the noise reporting supporting this application.
- Concerns with drainage issues. Issues of flooding on Gordon Road with damaged pipes which is due to buses and increased traffic. Additional residents in the area will further result in more damage.
- The site should be used as a car park rather than an unattractive block of flats.
- Comments were made with regards to the number of construction workers and where are construction workers parking
- Poor consultation during demolition phases to neighbouring properties
- Increase in noise and dust pollution during the construction and demolition phases at the Mannings and the levelling of the Civic Centre Site

Relevant Planning Policies and Guidance

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

National Planning Policy Framework - NPPF (July 2021)

Sustainable Energy SPD (August 2019)

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

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

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

Planning Contributions for Infrastructure Provision (ADC 2013)

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

Technical Housing Standards – Nationally Described Space Standards (DCLG 2015)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended), which provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and,

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) states: indicates In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

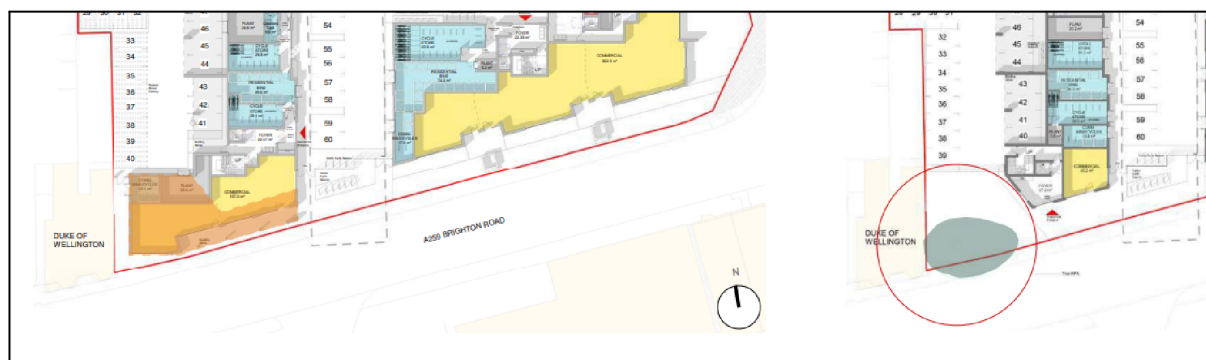
Planning Assessment

Members will recall that there was considerable local opposition to the loss of the poplar tree in the south west corner of the site in dealing with the original application. The decision not to try and retain the tree originally came from the Regional Design Review panel on the basis that they felt that there was greater long term benefit to set back the development along the Brighton Road and incorporate new tree planting. Nevertheless the Council, as landowner, was concerned about the loss of the tree and agreed with the applicants to pursue an amendment to the application to retain the tree.

Whilst there are a number of amendments to the scheme, these all relate to the implications of retaining the tree without altering the number of affordable homes to be delivered on the site. The main consideration with this application are the layout and design changes resulting from the retention of this prominent poplar tree.

Layout

The amended scheme seeks to avoid any part of the root protection area (RPA) being affected by the development (shown in a red circle on the extract of the layout plan below). This is important as the tree's root system is already constrained by the proximity of the adjoining public house to the east. An arboricultural impact assessment and method statement and tree retention/protection plan has been submitted with the application setting out detailed measures for the protection of the tree during construction work. The Council is also preparing a Tree Preservation Order to provide further protection for the tree.

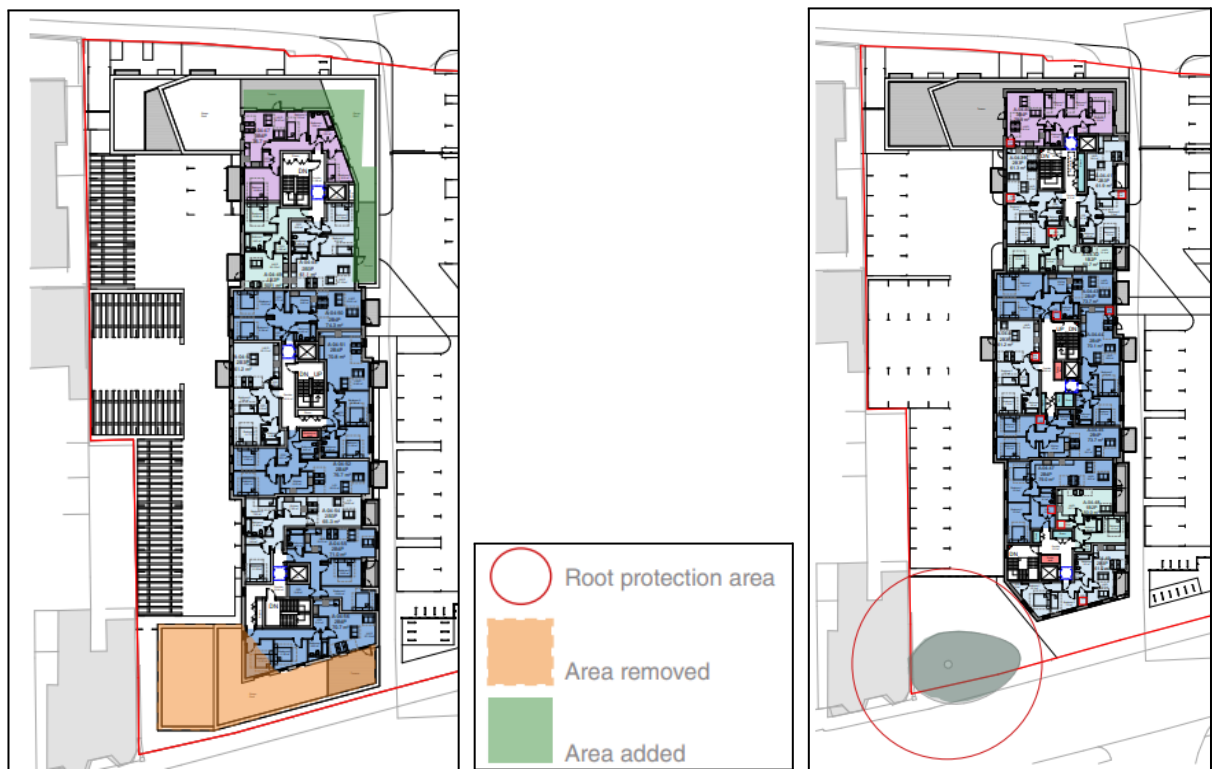


The amendments to block A to retain the tree result in a reduction of commercial space from 157 sqm to 40.2 and the relocation of 8 flats. The brown shaded area

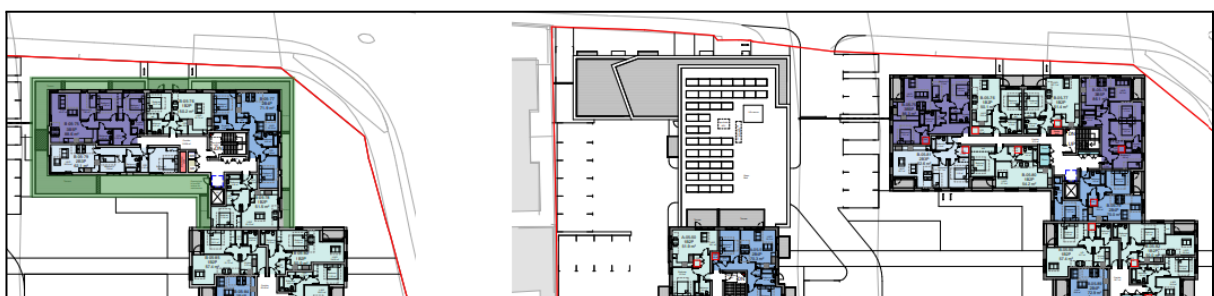
indicates the floorspace lost to retain the tree in the SW corner. In addition there are changes to the locations for plant, bins, bikes and other storage facilities as well as an amended stair core and lift location. The reduction in commercial floorspace is not an issue for the scheme and indeed Members had some reservations about the amount of commercial floorspace given the length of time that other new floorspace at Mariners Point has been vacant.

There have also been some minor changes to Block B relating to plant, bike and other storage facilities and there has been a slight increase in commercial floorspace from 648.5 to 715 sqm. These are relatively minor changes and do not affect the quality of space provided to serve each apartment block.

To compensate for the loss of flats in this corner of the site, these flats have been relocated to the Ham Road frontage with greater bulk to Block A (shown in green) and an additional floor added to Block B.



Block B is also increased in footprint to accommodate an additional flat and this is shown on the extract below (again the green denotes the additional floorspace being added). The additional floor to this Block creates space for a further 5 flats to be added.

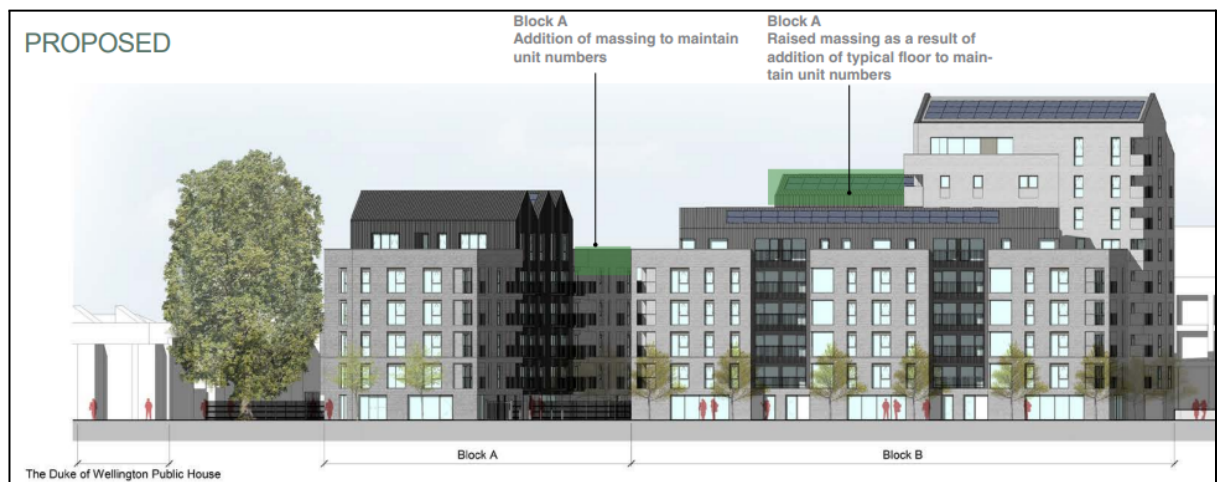


Design / Elevational Changes

The applicant has also provided a number of comparison elevational drawings to assist in assessing the changes to the design brought about with the retention of the tree. In terms of the Brighton Road frontage the changes are very significant and help to soften the impact of the development on the existing street scene. Your Officers had some concern about the heaviness of the west elevation with the more limited fenestration and stepped approach to the blocks adjacent to the Duke of Wellington. The computer generated image showing the retention of the tree is a significant improvement. The retention of the tree also increases the retention of biodiversity and this can be further enhanced with the additional planting proposed.

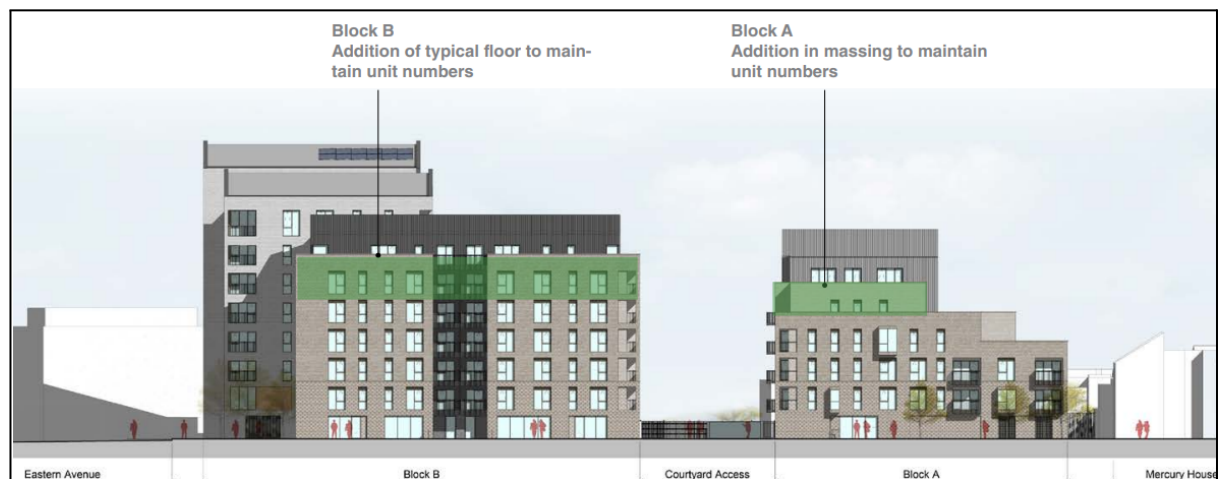


The greater mass of the Ham Road frontage is glimpsed but is less obvious from Brighton Road in view of the significant setback.



The additional mass to compensate for the relocation of flats would be more

apparent when viewed from Ham Road. In dealing with the original application there was a desire to gradually increase the height of development from Ham Road towards the centre of the site and down again towards Brighton Road. The taller elements of the scheme had the 'benefit' of a wider open aspect with the Ham Village Green being immediately to the east of the site. However, the additional floor on block B and increased massing on Block A do not materially alter the overall scale of the development and would still relate sympathetically to the street scene. The elevation below shows the increase in height/massing. The amendment to Block A is still located some distance away from Mercury House and would be seen set back slightly from the 4 storey frontage.



The additional floor on Block B would result in a 6 storey building close to the edge of Ham Road and there might be some merit in creating a change in brick detailing at fifth floor level to articulate the greater mass of this elevation compared to the original approval. However this is a minor point and could be addressed at the condition discharge stage. Overall the amendments are considered acceptable and in particular the retention of the poplar tree would enhance the appearance of the development and help integrate the development within the streetscene.

Housing Mix

The proposed development would increase the size of flats and reduce the number of one bed flats. This would increase the number of flats for families and is supported. Although the amendments would reduce the number of affordable rented flats and a corresponding increase in shared ownership, there is no change to the level of affordable housing secured through the planning process. In this respect the scheme still provides 30% affordable housing in line with the Council's adopted Local Plan with an emphasis on the provision of rented accommodation.

Members will recall that the applicant has committed to deliver a 100% affordable housing scheme, post planning, utilising Homes England funding and there is no change to this delivery strategy.

Other Matters

All other matters remain the same as before. The applicant has resolved concerns

raised by the highway authority and has confirmed that the parking ratio remains as before. Residents have raised concerns about the impact of construction but these would be covered by a construction management plan. Nevertheless there are concerns about the cumulative impact of a number of developments happening at the same time in the area and your Officers are arranging a Developers Forum to discuss how there can be better coordination between developers and public utilities and more cooperation between developers to address dust and noise issues generated during the constructions phases of the various developments.

Deed of Easement

As set out in the history section of the report a subsequent Supplemental Agreement (pursuant to s111) was entered requiring the parties to enter into a s106 which would require a Deed of Easement prior to the commencement of development. If no agreement could be reached the Agreement requires the applicants to enter into a unilateral Deed of Easement which would set maximum levels of noise to be emitted by the operation of the Duke of Wellington (DoW) to pass over the site in accordance with an Independent Assessment.

The current position is that WSP were jointly appointed by Hyde and the DoW to review the noise levels proposed by Hyde to underpin a Deed of Easement and provide a view on their suitability to provide adequate protection to both existing residents and to allow the DoW to continue to operate as a live music venue in the same manner it has previously. In the event that WSP did not agree with those terms, they were asked to suggest alternative terms. WSP were unable to form a view on the suitability of the terms or recommend alternative terms based on the information available and recommended undertaking noise testing at a suitable live music event. The noise testing event took place with a band in the beer garden area during the daytime and a band inside the pub during the evening. The draft report has been issued and the parties have jointly met and discussed their respective queries with the Acoustician. The final report is expected shortly and it is hoped that agreement can be reached by both parties.

Recommendation

Approve

Subject to conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.
2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
3. Prior to commencement of any works above slab level details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours, and finishes, shall be submitted

to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.

4. Prior to commencement of any works above slab level detailed, large-scale drawings (typically at 1:20 scale and with cross sections) of the following external details shall be submitted to and approved in writing by the Local Planning Authority:
 - i. Windows, doors, and frames,
 - ii. Roof intersections, eaves, soffits, and parapets,
 - iii. Rainwater goods,
 - iv. Balconies, rails, balustrades, and any screens
 - v. Grilles, including ventilation grilles
 - vi. Typical intersection between brickwork and other materials
 - vii Walls, ceilings, and other external surfaces of the undercroft pedestrian path at Block B

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

5. Prior to commencement of any works above slab level a detailed code for the detailed design of commercial frontages and entrances, including materials, signage, fascias and advertisements, shall be submitted to and approved in writing by the Local Planning Authority. All commercial frontages, including any future changes, shall be in accordance with the approved design code unless the Local Planning Authority gives prior written approval for any variation.
6. No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving it, (including visibility splays of 2.4 x 43m at the vehicular access), has been completed in accordance with the details shown on the Site Access drawing numbered 10292_200, at Appendix B of the Transport Assessment by GTA Civils, March 2021. The visibility splays shall be kept permanently free of obstructions to visibility above 0.6m height.
7. With the exception of any site clearance works, initial ground drainage and piling construction, no development shall take place until construction details of the vehicular access and manoeuvring, parking areas and footpaths within the site and their surface water drainage, including engineering cross-sections and specifications, and details of the design and surfacing of the public footpath, vehicular crossovers and kerb alignments at the site frontages, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details thereby approved and permanently maintained and retained.
8. Any gate or barrier to the car parking area on the site shall be sited at least 6m back from the edge of the public highway. Details of any gate and of any entry

control system (if used), shall first be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order.

9. No part of the development shall be first occupied until the car parking and associated turning space serving it has been provided in accordance with the approved plans, including identified spaces for wheelchair users, car club vehicles, which shall be marked out and identified on site in accordance with details of marking out which shall be first submitted to and approved by the Local Planning Authority. The approved spaces shall thereafter be permanently retained for their identified purposes.
10. No part of the development shall be first occupied until live Electric Vehicle Charging spaces have been provided in accordance with plans and details, including number, location, power rating and charge rate, which shall first be submitted to and approved in writing by the Local Planning Authority.
11. No part of the development shall be first occupied until covered and secure cycle parking stores and cycle stands have been provided in accordance with details, including which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter these cycle stores and stands shall be retained at all times for their designated purpose.
12. Accesses to common external areas shall allow for access by wheelchair users, unless any variation to allow for any alternative is first approved in writing by the Local Planning Authority.
13. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.
14. No commercial unit shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Servicing Management Plan.
15. No part of the development shall be first occupied until secure bin stores have been provided in accordance with the approved plans. The bin stores shall thereafter be provided in accordance with the details thereby approved and retained at all times for their designated purpose.
16. Development shall not commence, other than works of site survey and investigation and installation of initial drainage infrastructure connections (excluding foundation works), until full details of the proposed surface water

drainage scheme and measures to include the control of pollution (such as use of trapped gullies and/or oil interceptors) have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage.

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

17. No development above slab level shall commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
18. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an appropriately qualified engineer that confirms that the scheme was built in accordance with the approved drawings and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.
19. With the exception of site clearance works and installation of initial infrastructure connections (excluding foundation works), no development shall take place until details of the foul drainage have been submitted to and approved in writing by the Local Planning Authority in liaison with Southern Water. Details shall include timing of first occupation of the development which shall align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. No part of the development shall be occupied until the drainage works have been carried out in accordance with the approved details.
20. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
 - (i) The development shall only take place in accordance with the

remediation method statement reference A12064/1.0 dated 27 April 2023 unless otherwise approved in writing by the Local Planning Authority.

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

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

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.

21. If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development associated with the area of contaminated land shall be carried out until it has been investigated by the developer (unless otherwise agreed in writing with the Local Planning Authority). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.
22. Piling or deep foundation using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
23. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: 'Flood Risk Assessment Former Adur Civic Centre, Ham Road, Shoreham By Sea', prepared by GTA Civils, dated: October 2020) and the following mitigation measures it details: i. Finished floor levels of the Residential Flats shall be set no lower than 6.50m above Ordnance Datum (AOD)

(section 3.7 of the FRA), and ii. Finished floor levels for the commercial spaces are set no lower than 3.85m above Ordnance Datum (AOD) at Block A and 3.70m above Ordnance Datum (AOD) at Block B This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

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

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

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

that timetable.

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

- i) of noise mitigation, including specifications of acoustic insulation and glazing,
- ii) to reduce and minimise risk of overheating of the building (including the air-change rates and acoustic performance specification of any mechanical ventilation system)
- iii) and arrangements for the on-going maintenance of noise mitigation and overheating reduction measures have been submitted to and approved in writing by the Local Planning Authority.

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

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

27. With the exception of any site clearance works or works up to slab level, no development shall take place until a detailed timetabled scheme of hard and soft landscaping in accordance with the submitted Illustrative Landscape Masterplan 2890-LA-01 P5 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

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

- vi) a maintenance plan to ensure establishment and ongoing management of this detailed scheme of landscaping and biodiversity enhancement measures.

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

- 28. No development shall be occupied until all boundaries, external enclosures and gates have been completed in full accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Details of gates shall include provision of access for people with disabilities and details of the southern boundary shall include provisions to manage surface water flow.
- 29. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order. No additional means of enclosure shall be erected forward of any part of any façade of the buildings hereby approved facing a public highway, other than those which are shown on the plans hereby approved.
- 30. A detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, including measures to:
 - i) avoid any negative impact on railway safety (in consultation with Network Rail), in cases where lighting may be seen from seen from operational railway land, and
 - ii) to provide for the safe use of communal areas within the development, and
 - iii) to minimise light pollution in all cases

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

- 31. No development above slab level shall take place until details of secure entrances to buildings, lighting within the site and security for cycle and bin stores have first been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented and fully adhered to.
- 32. With the exception of any site clearance works development shall not commence until a survey and plan of existing and proposed site and slab levels,

including provision of access for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

33. Prior to the occupation of each individual building, details of any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas which are visible from outside the site, unless details have first been submitted to and approved by the Local Planning Authority.
34. No external fixed plant, or mechanical vent or duct shall be installed until a scheme has first been submitted to and approved in writing by the Local Planning Authority. All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.
35. In the event that the need for additional fire hydrants or other water supply are required as part of the Building Regulations Approval process, the following details shall be submitted:
 1. No works above slab level shall proceed until details showing the proposed location and timetable for installation of fire hydrants or other water supply and their connections to a water feed supply (which is appropriate in terms of both pressure and volume for the purposes of firefighting), shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.
 2. No part of the development shall be first occupied until the fire hydrants / water storage and supply approved under a) above in the approved location (s) to BS 750 standards.
36. The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the mitigation shall be at least equal to a value of £23,060 as identified in the addendum of January 2022 to the emissions mitigation assessment contained within Section 7 of the Air Quality Impact Assessment produced by Phlorum dated March 2021.
37. Prior to any development above slab level,(or at such other time as shall be first agreed in writing by the Local Planning Authority, details of a scheme for public art shall be submitted to and approved in writing by the Local Planning Authority. This shall include a description of the type and location of art and arrangements for its procurement and implementation, including timing of this. The approved details shall thereafter be adhered to in the development hereby approved.
38. Development shall only take place in accordance with the Construction

Management Plan ADUR Civic Centre Shoreham – Reversion 2 dated 26 May 2023 (Pgs. 1-14) which was received by the Local Planning Authority on the 31 May 2023 unless the Local Planning Authority gives prior written approval for any variation.

39. No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 07:30 and 18.00 on Mondays to Friday and between the hours of 08:00 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.
40. All tree protection works shall be fully implemented in accordance with the Tree Retention and Protection Plan dated 9 June 2023 and Arboricultural Impact Assessment and Method Statement dated 19 July 2023 produced by Lizard Landscape Design and Ecology. Protection and retention of trees shall only be undertaken in accordance with Section 3.0 of the Report, unless otherwise approved in writing by the Local Planning Authority.

23 October 2023

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Stephen Cantwell
Principal Planning Officer (Major Applications)
Town Hall
01903 221274
stephen.cantwell@adur-worthing.gov.uk

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Schedule of other matters

1.0 Council Priority

1.1 As referred to in individual application reports, the priorities being:-

- to protect front line services
- to promote a clean, green and sustainable environment
- to support and improve the local economy
- to work in partnerships to promote health and wellbeing in our communities
- to ensure value for money and low Council Tax

2.0 Specific Action Plans

2.1 As referred to in individual application reports.

3.0 Sustainability Issues

3.1 As referred to in individual application reports.

4.0 Equality Issues

4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

5.1 As referred to in individual application reports.

6.0 Human Rights Issues

6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.