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## Appeal Decision

Hearing held on 23 May 2023

Site visit made on 23 May 2023

**by Andrew Smith BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 June 2023**

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**Appeal Ref: APP/Y3805/W/23/3315854**

**Land East of 3 Salt Marsh Road, Shoreham-by-Sea, West Sussex BN43 5QJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Cross Stone (Shoreham) against Adur District Council.
  - The application Ref AWDM/1314/22, is dated 26 July 2022.
  - The development proposed is erection of a mixed use building comprised of ground floor commercial space (Use Class E) and 34 new apartments.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a mixed use building comprised of ground floor commercial space (Use Class E) and 34 apartments at Land East of 3 Salt Marsh Road, Shoreham-by-Sea, West Sussex BN43 5QL in accordance with the terms of the application, Ref AWDM/1314/22, dated 26 July 2022, subject to the conditions listed at the end of this decision.

### Preliminary Matters

2. A planning obligation pursuant to Section 106 of the Act (the legal agreement) is before me. This is dated 18 May 2023 and is signed by the appellant as relevant landowner, the Council and the County Council. The legal agreement secures various contributions related to open space, education, transport, libraries, and fire and rescue. I shall return to the legal agreement later.
3. The Council's Appeal Statement indicates that it would have refused planning permission based on various grounds had it been in a position to do so. Its putative refusal reasons relate to: alleged detriment to the character and visual amenities of the locality and to the amenities of neighbouring residents, by virtue of the overall density, height, scale, bulk and massing of the proposal; the effect of servicing the proposed commercial unit upon highway safety; and the effect of an under-provision of parking upon the amenities of existing and future residents.
4. Discussions that have taken place between the parties since the submission of the appeal, including with respect to the finalisation of the legal agreement, has allowed the Council to withdraw other putative grounds for objection related to the site's drainage and a failure to secure necessary infrastructure contributions.

5. I note that the Council, at the Hearing, clarified that its amenity concerns (due to the overall density, height, scale, bulk and massing of the proposal) are focused upon alleged overbearing effects upon townhouse occupiers situated close by to the west. I shall formulate the Main Issues accordingly.

### **Main Issues**

6. The main issues are:

- The effect upon the character and appearance of the area;
- The effect upon the living conditions of adjoining residential occupiers, having particular regard to outlook;
- The effect upon highway safety, having particular regard to the intended servicing arrangements for the commercial space; and
- The effect upon the amenities of existing and future residential occupiers, having particular regard to the intended parking arrangements for the commercial space.

### **Background**

7. The proposal that is before me follows a 2013 outline planning permission for mixed-use development across a wider estate situated, for the most part, to the western side of Old Shoreham Road (the estate). Reserved matters approval for Phase 1 of the estate was subsequently granted in 2017. The appeal proposal relates to land originally intended to comprise part of Phase 2. The indicative masterplan considered at outline stage illustrates potential commercial uses, including a hotel, at the broad location of the appeal site. Even so, the proposal that is before me takes the form of a separate full application and must be considered accordingly.

### **Reasons**

#### *Character and appearance*

8. The site is presently comprised of an open area of gravelled land that sits adjacent to Salt Marsh Road's junction with Old Shoreham Road. Owing to its precise positioning, the site, which is adjoined along its western and northern boundaries by Phase 1, is read and experienced as an integral part of the estate. This is notwithstanding the current absence of built form upon it, or the presence of an ongoing car sales use to the immediate south.
9. Salt Marsh Road is addressed by various rows of townhouses and adjoining apartment blocks that, at least in some instances, offer commercial floorspace at ground level. Accordingly, the height, scale and physical form of buildings across the estate varies. For example, the row of consistently designed three-storey townhouses that abuts the appeal site (the adjoining row) is terminated at its western end by an apartment block of depth and considerable stepped height. Further, to the opposite northern side of Salt Marsh Road, a four-storey apartment block neighboured by other townhouses is in situ.
10. The proposed building would cover a sizeable proportion of the appeal site and rise to a full height of five storeys. Indeed, development of considerable bulk and massing is proposed in a conspicuous location at the entry to the estate. Moreover, the building's height and proportions would exceed those of the

adjoining row and an increase in scale when compared to the four-storey block situated opposite would also be readily identifiable.

11. Nevertheless, to my mind, the site's positioning at the entrance to the estate lends itself to the introduction of a prominent building of status and its detailed design would suitably align with the character and materiality of other blocks within the estate. It is also relevant that the proposed fifth floor would be setback from the building's outer limits. This would have the influence of moderating the proposed building's scale and bulk so as not to unacceptably over dominate its immediate surroundings. This stepping back would be most pronounced to the western side, where, in height differential terms, a satisfactory visual relationship with the adjoining row would ensue.
12. The main parties have differences of opinion as regards whether or not the appeal proposal closely aligns with the scale and footprint of what was indicatively envisaged at either outline or reserved matters stage. Notwithstanding previously indicated stepping back from the adjoining row, there is evidence to suggest that development of considerable scale and footprint was speculated for this gateway/entrance site. Thus, the proposed building, in terms of its size and form, is, to my mind, suitably respectful of previous concepts for this particular part of the estate.
13. I acknowledge the past inclusion of land to the south, which does not now comprise a part of the appeal site. Thus, the footprint of built development that is proposed would cover a high proportion of the site and a scheme of high density is before me. Nevertheless, in the context of other apartment blocks of scale at the estate, their relationships with neighbouring built form, and the continuous frontages that are typically observable, the proposed building would not appear as unduly cramped and would complement its surrounding context. Further, the retention of a car sales use upon the narrow strip of land to the south would not unacceptably detract from the design achievements of either the specific proposal that is before me or the wider estate taken as a whole.
14. I also note here that some elements of new planting would be introduced to the Old Shoreham Road frontage of the site, that the intended set down area for bins would be located away from this frontage, and that intended cycle parking would be anticipated to have a limited visual impact.
15. For the above reasons, the proposal would not cause harm to the character and appearance of the area. In the context of this main issue of the appeal, the scheme satisfactorily accords with Policy 15 of the Adur Local Plan 2017 (December 2017) (the LP) in so far as it requires that development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping.

*Living conditions of adjoining occupiers - outlook*

16. The townhouses that comprise the adjoining row are similarly laid out in the sense that each is served by a ground floor private garden and a first floor terrace to the rear. These external areas are directly addressed by rear-facing openings, including glazed doors, that serve habitable rooms.

17. The proposed building would sit alongside No 3 Salt Marsh Road (No 3) and would undoubtedly restrict some available outlook from the rear garden, terrace, and, to some limited degree, internal areas of this adjoining property. Similarly, some material level of available outlook would be lost by the occupiers of other townhouses located towards the eastern end of the adjoining row.
18. However, as was apparent upon my inspection, which included a visit to No 3, a predominantly open outlook would continue to avail to the rear (on an approximate southern axis). This is particularly so from first floor terrace areas, where occupiers would be realistically anticipated to spend not insignificant proportions of their time. It is also important to recognise that the proposed building has been designed with the inclusion of a two-storey reduction to its southwestern corner. This significant step down in height, albeit targeted in terms of its area coverage, would assist in guarding against any unacceptable overbearing relationship for nearby occupiers to the potential detriment of their living conditions.
19. I also see some merit in the argument made that the site forms part of an established urban estate where close or immediate relationships between buildings are not uncommon, and where the introduction of a building of scale would not be entirely unexpected. Moreover, whilst it is my responsibility to consider the proposal that is before me upon its own individual merits, the particular site in question has, for some time, been earmarked for development of not insignificant scale or height.
20. For the above reasons, having particular regard to outlook, the proposal would not cause material harm to the living conditions of adjoining residential occupiers. In the context of this main issue of the appeal, the scheme satisfactorily accords with Policy 15 of the LP in so far as it requires development not to have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of outlook.

#### *Servicing arrangements*

21. It is intended that the proposed commercial space would not be served by its own dedicated access/waiting point for the purposes of deliveries, which differs to the concept originally envisaged for a hotel in this area of the estate. Instead, delivery/servicing vehicles would, realistically, be required to park kerbside on either Old Shoreham Road or Salt Marsh Road. As clarified at the Hearing, Old Shoreham Road, although a busy public highway and subject to no waiting restrictions, could theoretically be used for the purposes of loading or unloading. Salt Marsh Road, meanwhile, transitions into a private road adjacent to the site and is comprised of a shared surface accessible to all highway users.
22. It is relevant that a commercial unit of relatively modest size is under consideration, meaning its capacity to generate delivery/servicing movements would, in all likelihood, be modest. In the interests of offering further assurances in this regard, the appellant has agreed to a potential planning condition being imposed should the appeal be successful to limit the range of possible Class E commercial uses capable of occupying the unit to those with seemingly low propensity to generate a high frequency of delivery/servicing movements. For example, grocery retailing, or a use centred upon industrial processes, would be prohibited.

23. In addition, should the appeal be successful, a further planning condition could be imposed to secure a Service Management Plan. Such a Plan would be based around the specific requirements of the end-occupier (once known) and would be anticipated to secure tracking plans and confirmation of the type, timing, number, and expected precise locations of deliveries. Given that both Salt Marsh Road and Old Shoreham Road offer some potential for unloading activities to occur in positions set away from the bell mouth junction of the two routes, I am satisfied that a Service Management Plan for the commercial space could be drawn up and implemented successfully at this site.
24. I accept that Salt Marsh Road serves as the sole point of vehicular access to Phase 1 of the estate, and that there is realistic potential for this route to accommodate traffic flows of meaningful volume. This would be especially so once the currently vacant commercial unit to the opposite northern side of Salt Marsh Road is occupied.
25. Nevertheless, owing to the not insignificant width of Salt Marsh Road and the restrictions and controls that could be secured via condition (including with respect to the specific type of commercial use and servicing provisions based on the individual requirements of the end-occupier), I am satisfied that the potential for traffic congestion to occur would not be materially exacerbated by delivery/servicing activities, and that the safety of all highway users would not be prejudiced. This is even whilst acknowledging the potential for refuse collection vehicles to access Salt Marsh Road, the precise position of a dropped kerb and tactile paving to the edge of the bell mouth junction, and the intention to install projecting front-facing balcony features.
26. For the above reasons, the proposal, having particular regard to the intended servicing arrangements for the commercial space, would have an acceptable effect upon highway safety. The scheme satisfactorily accords with the National Planning Policy Framework (July 2021) (the Framework) in so far as it indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

#### *Parking arrangements*

27. It is proposed that 19 additional parking spaces be provided on-site. Indeed, a car park would make up most of the ground floor level of the building. These new spaces are intended to be sold on a private basis to future residential occupiers of the planned 34 apartments. A further eight unallocated spaces are shown within the appeal site, lined along its northern edge. However, these represent a re-provision of existing spaces provided as part of Phase 1 of the estate.
28. It is my understanding that County Council parking guidelines indicate that circa 39 parking spaces should be provided to serve the residential element of the scheme. However, notwithstanding the sparse availability of publicly accessible on-street spaces nearby, there are various factors relevant to the proposal that point towards a lower level of provision being supportable. For example, data relating to local car ownership rates has been interrogated as part of the appellant's Transport Statement. Furthermore, the site occupies an inherently sustainable inner-urban location from where a wide range of facilities and services capable of serving the full day-to-day needs of future occupiers would be conveniently accessible without use of a private car.

29. It is also relevant that the appellant has sounded a commitment to providing membership of local car club facilities for new residential occupiers. Moreover, a Parking Management Strategy would be securable via condition in the event the appeal be successful. This would not least be in the interests of raising awareness of the parking limitations that apply locally and of identifying any opportunities that would avail for new occupiers, including car club membership.
30. However, whilst I am suitably assured that the residential element of the scheme would be appropriately catered for in terms of parking opportunities, I have some concerns regarding the intentions for the commercial space. This would be brought forward without any dedicated parking for its future staff or patrons. Moreover, no firm assurances could be given at the Hearing that any unallocated or visitor parking spaces already in place at the estate (or to be re-provided as part of the appeal proposal) would be accessible to future employees or customers of the new commercial unit. In any event, such spaces, when first provided, were intended to serve development comprising Phase 1 of the estate.
31. As such, in the context of limited on-street capacity locally and notwithstanding the potential for parts of the aforementioned Parking Management Plan to apply to the commercial element of the scheme also, the proposed commercial unit's lack of dedicated parking provision would hold some potential to promote parking supply limitations or inconsiderate parking at the estate to the possible detriment of the amenities of existing and future residential occupiers.
32. Nevertheless, it is fair to take into account the proposed unit's somewhat modest size and sustainable central location within comfortable walking distance of a high number of existing residences as well as close by bus stops. Indeed, especially when accounting for ample cycle parking/storage opportunities to be provided (the full details of which could be secured via condition), there is a strong chance that a high proportion of future patrons and staff of the commercial space would choose to utilise sustainable travel modes as an alternative to private car travel. It is also relevant that some pay-and-display parking spaces are located near to the site. Moreover, notwithstanding reference made to existing instances of parking infringements at the estate, there is no clear evidence to suggest that the proposed parking arrangements would be likely to lead to significant disruption or anti-social altercations in the locality.
33. To my mind, as accepted by the Council and the Highway Authority, the level of parking provision that is intended for the proposed development taken as a whole, even though noticeably beneath County Council guidelines, does not raise material highway safety concerns. Even so, despite various mitigating factors as set out above, the proposal would be likely to cause some inconveniences and thus limited harm to the amenities of existing and future residential occupiers as a consequence of the intended parking arrangements for the commercial space. The scheme conflicts with Policies 15 and 28 of the LP in so far as these policies indicate that new development should have an acceptable impact on adjacent properties and should incorporate appropriate levels of car parking having regard to the West Sussex County Council guidance, taking into consideration the impact of development upon on-street parking.



## Other Matters

34. I have noted concerns raised by interested parties with respect to potential loss of privacy. However, whilst various rear-projecting balconies and a roof terrace are proposed, each balcony would be set away from the western boundary of the appeal site and well beyond the rear building line of the adjoining row. It is also the case that a privacy screen would be installed at second floor level. The roof terrace, meanwhile, owing to its height and the delineation of its boundaries, would not be anticipated to offer sensitive views at proximity. Thus, any possible overlooking opportunities to be created to the rear of the building (including of property situated to the opposite side of the nearby railway line) would be of a restricted nature and prevail in a close-knit urban location where a degree of mutual overlooking is already commonplace between neighbouring occupiers. As such no undue loss of privacy would be caused. For the avoidance of doubt, this includes to the front/north of the proposed building.
35. I also acknowledge objections raised as regards possible loss of light. With respect to occupiers of the adjoining row, given the orientation of the site, the proposal would only hold the potential to block direct sunlight during morning hours. Especially when factoring in the intention to drop the height of the building by two storeys to the southwestern corner of the site, I am satisfied that no undue loss of sunlight or daylight would occur for townhouse occupiers. Similarly, owing to the separation distance that is proposed and the not excessive five-storey height of the intended building, I cannot find that any unacceptable loss of sunlight or daylight would prevail for any other nearby resident. This includes occupiers of the four-storey apartment block situated to the north beyond Salt Marsh Road.
36. A residential bin store is proposed to the southwestern corner of the building. As this is a feature to be accessed internally, there is no clear reason to consider that such a store would result in noticeable odours to the detriment of neighbouring amenities or attract vermin to the locality. I am also satisfied that the proposal would not give rise to unacceptable noise or air pollution. Indeed, the proposal is residential-led and incorporates merely a single commercial unit of modest size. Furthermore, the Council's Environmental Health Officer has sounded contentment with the submitted acoustic assessment and the specification of intended glazing.
37. Suggestions have been made that the commercial space could stand empty for an extended period of time. Whilst there is no guarantee of immediate or early occupancy, the Class E use that is proposed is flexible and could cater for a range of potential end occupiers. It is also relevant that a mixed use of the building is consistent with the detailed requirements of Policy 11 of the LP, which supports mixed use development to include housing and employment at the edge-of-centre site/estate in question.
38. It is apparent that no affordable housing units make up part of the proposal. This is on the basis that financial viability evidence has been submitted to demonstrate that the scheme is unable to sustain a contribution in this sense. The Council has confirmed that, in light of other financial contributions to be secured, there is no surplus available for an affordable housing contribution to be made. Having considered the contents of the appellant's Financial Viability Assessment (July 2022) and the subsequent independent appraisal of this

carried out in March 2023, I have no reason to disagree with the agreement reached between the main parties in this respect.

39. It has been suggested that local doctors' surgeries cannot suitably handle influxes of people to the area, and that local dentists are overloaded. However, with specific respect to the proposal before me, it has not been clearly demonstrated that any effects upon local health services would be so significant to generate a requirement for mitigation by way of planning obligation. Moreover, I have seen no request for (a) contribution(s) from the relevant local health authority or similar.

### **The Legal Agreement**

40. The legal agreement contains various provisions and secures a range of financial contributions. An open space contribution towards the provision or enhancement of public open space in Shoreham is secured. This has been calculated in accordance with an adopted Open Space Cost Calculator designed to assist in calculating the extent of a required off-site contribution where it is not possible to provide open space as part of a development. Policy 32 of the LP endorses such an approach in these circumstances. The Council, in correspondence received following the close of the Hearing, has confirmed its intentions to divert the contribution to planned improvements at The Meads Recreation Ground which shares a close physical relationship to the site. To my mind, suitable justification for the open space contribution as calculated has been provided.
41. In accordance with Policy 29 of the LP, education contributions are secured towards primary education, secondary education, and sixth form education. Each of these is intended to go towards additional facilities at educational establishments serving the development and has been calculated in accordance with standard formulae to ensure proportionate contributions in line with adopted guidance.
42. Similarly in accordance with Policy 29, a transport contribution towards cycle and public transport improvements on the A259 linking Shoreham to Southwick and Hove, a libraries contribution towards additional facilities at Shoreham Library, and a fire and rescue contribution towards the supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons locally are secured. Each of these has been calculated in accordance with a methodology set out in guidance adopted by the County Council.
43. I am satisfied that the various contributions and provisions secured through the legal 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. I am satisfied too that the monitoring fees secured are proportionate and reflect the actual costs of monitoring. I am also content that, from the evidence before me, the legal agreement is fit for purpose.

### **Planning Balance**

44. As indicated at paragraph 11 to the Framework, the presumption in favour of sustainable development is engaged in circumstances that encompass where the policies most important for determining a scheme are out-of-date. This



- includes, with respect to proposals for housing, where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
45. The Council has accepted that it cannot currently demonstrate a five-year supply of deliverable sites. Indeed, the most recent published housing land supply position shows a 4.8-year supply of housing land when assessed against the housing target endorsed by the LP. Nevertheless, as more than five years have now passed since the LP's adoption, the Framework indicates that housing supply should be assessed against local housing need calculated in accordance with the standard method that is set out in national planning guidance. On this basis, when also taking into account a 20% buffer to be applied to the housing requirement due to recent significant under-delivery in the District, the main parties are in agreement that something in the region of a 3.45-year supply of deliverable housing sites is currently demonstrable. This represents a significant shortfall.
46. As such, the presumption in favour of sustainable development is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
47. I have identified conflict with Policies 15 and 28 of the LP, which are, in broad terms, consistent with the Framework in so far as it requires that planning decisions should aim to achieve high quality, healthy and inclusive places. For reasons I have already set out, the proposal would be likely to cause some inconveniences and thus harm to the amenities of existing and future residential occupiers as a consequence of the intended parking arrangements for the commercial space.
48. However, the scheme would provide a range of benefits. These include the provision of a considerable number of additional market dwellings in a District where there is a significant housing land supply deficit. As set out in the Framework, it is a Government objective to significantly boost the supply of homes. The benefit of new housing in the well-connected urban location in question attracts significant weight. Other benefits include the utilisation of previously developed land, the provision of additional commercial floor space and associated employment opportunities, and the encouragement of investment in the local economy at both construction and occupation stage.
49. Having considered the benefits and adverse impacts of the scheme before me, I conclude that the limited harm and associated policy conflict that I have identified (relating purely to amenity concerns associated to the intended parking arrangements for the commercial space) would not significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. As such, the presumption in favour of sustainable development, as set out in the Framework applies.
50. Thus, notwithstanding the identified conflict with development plan policies, there are material considerations, including the Framework, that indicate that the proposal should be determined otherwise than in accordance with the development plan in this case. As such, the appeal should be allowed.

## Conditions

51. As part of a Statement of Common Ground signed by the main parties to this appeal and submitted in advance of the Hearing, a list of agreed conditions has been provided. Following further discussion at the Hearing, I have considered the conditions against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments to some of them for consistency and clarity purposes and have added further conditions related to parking management, cycle parking/storage, the ventilation system to be installed, and sustainable construction measures. Pre-commencement conditions have only been applied where agreed to by the appellant and where necessary to guide initial works on site. In the interests of certainty, a condition specifying the approved plans is required.
52. To ensure that flood risk is suitably guarded against, a condition requiring full compliance with specified mitigation measures is reasonable and necessary to impose. Further, in the interests of ensuring the surface water drainage system to be installed is properly managed and maintained for the lifetime of the development, a condition requiring the submission of a maintenance manual is reasonable and necessary.
53. In the interests of ensuring existing public sewerage infrastructure is not compromised by the development, a condition requiring confirmation of the details of any diversion measures potentially necessitated is reasonable and necessary to impose. For the avoidance of doubt, having considered comments received from the relevant statutory undertaker, there is no reason for me to consider that the sewerage system has insufficient capacity to accommodate the development.
54. In the interests of protecting the character and appearance of the area, a condition requiring full details, including samples, of intended external facing materials to be submitted for approval is reasonable to impose. The submission of full details of the materials of the privacy screen to be installed would additionally be in the interests of protecting neighbouring living conditions.
55. In the interests of highway safety and protecting the living conditions of local occupiers, a Construction Management Plan is reasonable to secure via condition. A further condition setting out acceptable working hours is also reasonable and necessary in the interests of protecting the living conditions of local residents.
56. In the interests of highway safety, conditions are required that secure, prior to first occupation, the laying out of parking spaces as depicted upon the approved ground floor plan, the submission of a Service Management Plan for the commercial space, and the submission of a Parking Management Plan for the development as a whole. The Parking Management Plan, to include a car club membership scheme for future residential occupiers, would also be in the interests of reducing the prospect of inconsiderate or excessive parking to the detriment of residential amenity in the locality.
57. A condition limiting the manner in which the commercial space is able to be used through reference to relevant parts of the Class E Use Class is reasonable and necessary to impose in the interests of highway safety, consistent with reasoning set out earlier in this decision.

58. In the interests of protecting the living conditions of future residential occupiers, a condition requiring full details of the ventilation system to be installed is reasonable and necessary to impose in accordance with the submissions of the Council's Environmental Health Officer. In the interests of promoting sustainable development in accordance with the principles laid out at Policy 18 of the LP, a condition requiring full details of the various sustainable construction measures to be utilised, as already set out in preliminary form, is also reasonable and necessary.

### **Conclusion**

59. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

*Andrew Smith*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out only in accordance with the following approved plans: 20.012.001 A; 20.012.002 A; 20.012.100 B; 20.012.101 A; 20.012.102 A; 20.012.103 A; 20.012.104 A; 20.012.105 A; 20.012.110 A; 20.012.111 A; 20.012.112 A; 20.012.113 A; 20.012.114 A; 20.012.116 A.
- 3) Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate of, but be not necessarily restricted to, the following matters:
  - The anticipated number, frequency and types of vehicles used during construction.
  - The method of access and routing vehicles during construction; HGV construction traffic routings shall be designed to minimise journey distances through Air Quality Management Areas.
  - The parking of vehicles by site operatives and visitors.
  - The loading and unloading of plant, materials and waste.
  - The storage of plant and materials used in the construction of the development.
  - The erection and maintenance of security hoarding.
  - A commitment to no burning on site.

- The provision of wheel washing facilities and any other measures required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
  - Details of public engagement both prior to and during construction works.
  - Methods to control dust from the site.
- 4) Prior to the commencement of development, confirmation of any measures to be undertaken to divert public sewers shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be implemented in full accordance with the approved details.
  - 5) Prior to the commencement of development, full details of the maintenance and management arrangements for the surface water drainage system to be installed shall be set out in a site-specific maintenance manual and submitted to and approved in writing by the Local Planning Authority. The maintenance manual shall 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 responsible management company shall strictly adhere to and implement the recommendations contained within the maintenance manual for the lifetime of the development.
  - 6) No construction works shall progress beyond slab/foundation stage until details and samples of facing materials and finishes to be used in the construction of the external walls, roofs, windows, doors, balconies, privacy screens, footpaths and ground floor surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.
  - 7) Prior to the first occupation of any part of the development hereby permitted, a Parking Management Plan, to include a scheme for the provision of memberships of a car club for residential occupiers of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and retained in full accordance with the approved Parking Management Plan.
  - 8) Prior to the first occupation of any part of the development hereby permitted, full details of the various cycle parking/storage facilities to be provided as depicted upon approved plan Ref 20.012.100 B shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and retained in full accordance with the approved details.
  - 9) Prior to the first occupation of the commercial space hereby permitted, a Service Management Plan to demonstrate loading/unloading and servicing arrangements for the commercial space shall be submitted to and approved in writing by the Local Planning Authority. Servicing of the commercial space shall thereafter be carried out in full accordance with the approved Plan.

- 10) The development shall be implemented in full accordance with the submitted Acoustic Report (October 2021). Prior to the first occupation of any residential apartment hereby permitted, full details of the ventilation system to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained in full accordance with the approved details.
- 11) Prior to the first occupation of any residential apartment hereby permitted, an Energy Report based upon the preliminary analysis contained within the submitted Shoreham Waterfront Energy Strategy Report (November 2021) and setting out a schedule of the installed sustainable construction measures, including water efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained in full accordance with the approved details.
- 12) The development hereby permitted shall be carried out only in accordance with the approved Flood Risk Assessment and Surface Water Drainage Strategy (Rev P1, dated November 2022) and the following mitigation measures detailed within:
  - Finished floor levels shall be set no lower than 6.3m above Ordnance Datum (AOD) (paragraphs 8.1.4, 14.2, 15.12 and 15.14).
  - No sleeping accommodation shall be placed on the ground floor (section 15 and Appendix 1).

These mitigation measures shall be fully implemented prior to the first occupation of the development and thereafter retained and maintained throughout the lifetime of the development.

- 13) No part of the development hereby permitted shall be first occupied until all vehicle parking spaces have been constructed in full accordance with the approved ground floor plan Ref 20.012.100 B.
- 14) Works of construction, including the use of plant or machinery, necessary for the implementation of this consent shall be limited to the following times:
  - Monday to Friday: 0800-1800 Hours
  - Saturday: 0900-1300 Hours
  - Sundays and Bank Holidays: No work permitted.
- 15) The ground floor commercial space hereby permitted shall be used only for the purposes of:
  - Class E(a) – for the display or retail sale of goods principally to visiting members of the public, but excluding a grocery retail use;
  - Class E(b) – for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises;
  - Class E(c) - for the provision of the following kinds of services principally to visiting members of the public:
    - (i) – financial services,
    - (ii) – professional services,

(iii) - any other services which it is appropriate to provide in a commercial, business or service locality;

- Class E(d) – for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally for visiting members of the public;
- Class E(e) – for the provision of medical or health services, principally to visiting members of the public; or
- Class E(g) – for an office to carry out any operational or administrative functions.

The ground floor commercial space shall not be used for any other purpose whatsoever, including for any other purpose falling within Classes E or C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

## **APPEARANCES**

### **FOR THE APPELLANT**

Harriet Townsend	Counsel for the Appellant
Joseph Pearson	Associate, Lewis and Co Planning
Luke Carter	Director, Lewis and Co Planning
Steve Reeves	Director, Reeves Transport Planning
Chris Oakley	Executive Chairman, Oakley Property
Robert Reilly	Director, Cross Stone

### **FOR THE COUNCIL**

Gary Peck	Planning Services Manager, Adur and Worthing Councils
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### **INTERESTED PARTIES**

Richard Allan	Waterfront Residents and Tenants Association
Gillian Fountain	Local resident

## **DOCUMENTS SUBMITTED AFTER THE HEARING**

Written justification from the Council for requested open space contribution, including copies of Policy 32 of the LP and an April 2021 Committee Report, received via email dated 26 May 2023

Written response from the appellant, received via email dated 30 May 2023