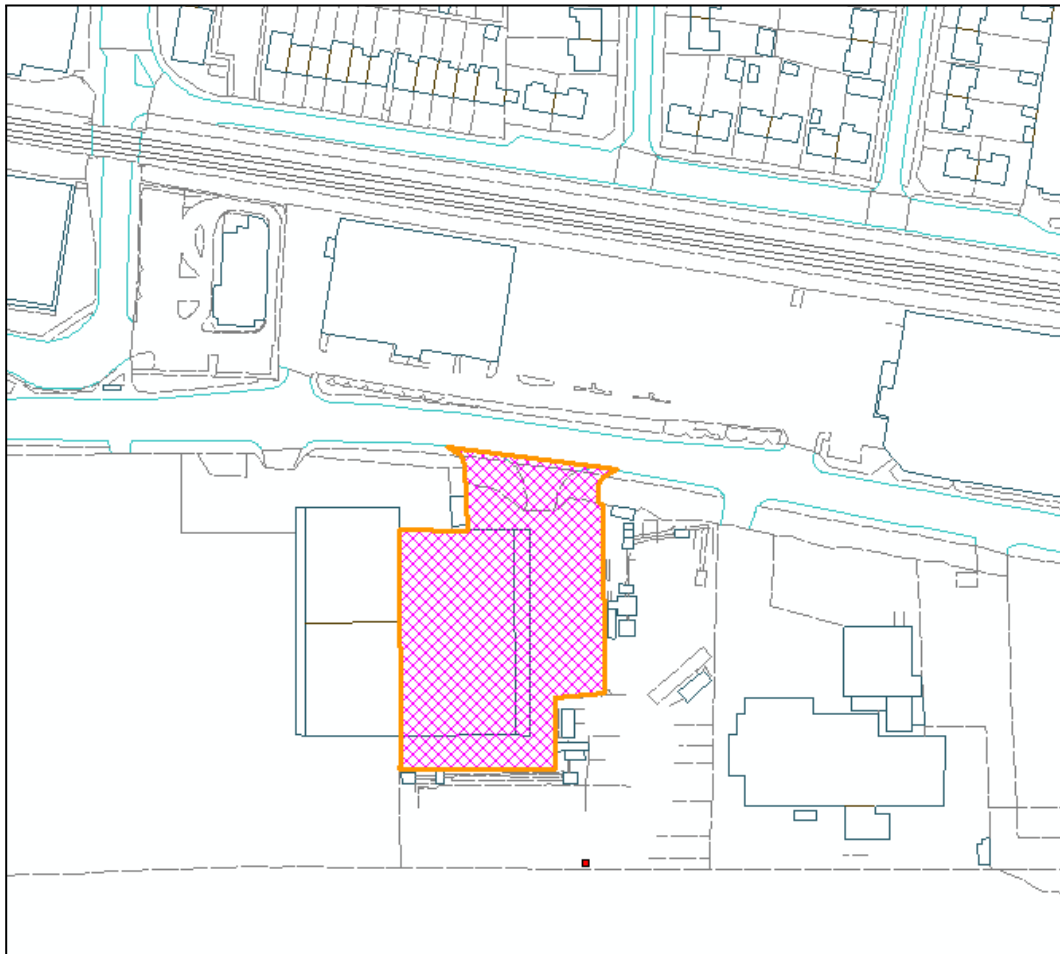


Application Number:	AWDM/0886/23	Recommendation - APPROVE subject to a planning Agreement and the receipt of remaining comments from Consultees
Site:	New Wharf, Brighton Road, Shoreham	
Proposal:	Demolition of existing warehouse and erection of an 8 storey building and basement, comprising 62 residential units (Class C3) and commercial floor space (Class E), with associated basement parking, access, and landscaping.	
Applicant:	Metrocity Consulting Ltd	Ward: St Mary's
Agent:	ECE Planning Limited	
Case Officer:	Stephen Cantwell	



Not to Scale

Site and Surroundings

The application site comprises an irregularly-shaped parcel of 0.365 ha, located on the southern side of the A259 Brighton Road within St Mary's ward and approximately 350 metres to the east of the town centre. It contains a large warehouse and associated parking, with vehicular access to the road.

The site is within the Western Harbour Arm (WHA) within the Shoreham Harbour Regeneration Area as defined by the adopted Joint Area of Opportunity Area Action Plan, 2019 (JAAP). It has a frontage of approximately 55m, although this is largely set behind a grass verge in Brighton Road, and a nib of frontage parking land comprising part of the neighbouring Free Wharf redevelopment site to the west. At Free Wharf the first phase of development is nearing completion, providing 137 apartments and commercial space; the remainder of the total 587 Free Wharf apartments is due to commence soon along the river-front.

The current application does not have river frontage, but is separated from it by a distance of approximately 26m. The intervening space comprises part of the neighbouring site Lennards Wharf/Fisherman's Wharf, which is still in commercial fishing-wharf use. Planning permission for continuation of a concrete batching plant, involving unloading and storage of mineral aggregates on part of this neighbouring site, expired in August 2023.

Opposite the site in Brighton Road is the large Halfords store, which is one of the north large scale commercial road-side units. Beyond this and the railway line are residential streets and the Dolphin Road industrial area.

Proposal

Full planning permission is sought for demolition of the existing warehouse and the erection of an 8 storey apartment building. This would comprise commercial uses at ground floor and 62 residential dwellings (1-3 bedrooms) on part of the ground floor and the upper floors. A basement car park for 74 vehicles would be accessed via a new vehicle access-ramp from the Brighton Road frontage.

Ground level would be elevated for the purposes of flood defence using a podium, which would be on average 1.1m above existing ground level. Pedestrian access would be via a two-tier ramp and steps to Brighton Road and in two places along the western boundary, which is with the Free Wharf service road, leading to the riverside walk in the coming phase at Free Wharf.

The proposed building would have a contemporary form, with penthouse apartments at the top (Figures 1 & 2). The building would measure 18m in height and would be predominantly finished in a mixture of light coloured brick and areas of contrasting cladding.

Figures 3 & 10 are the proposed site layout, with landscaped areas shown to the north and south of the building, along with a play area to the east and space for bin store collection at the front.



Figure 1 - Image of the development looking west along Brighton Road.



Figure 2 - Image of the development from riverside and Free Wharf to the west



Figure 3 - Proposed Layout (larger image at Figure 10)

Relevant Planning History

The application site has extensive planning history relating to its previous commercial/light industrial uses. There is no planning history pertaining to future residential and commercial development uses.

However, the adjoining Free Wharf site to the west has planning permission dating from 2018 (AWDM/1497/17) and most recently updated by Committee resolution in January 2023 (AWDM/1315/22) for 587 new dwellings with 2,163 SQM of commercial space inclusive of use classes E a, b, c and g. and 381 residential parking and 24 commercial parking spaces. This most recent permission is due to be issued upon completion of a deed of variation to the 2018 s.106 legal agreement.

The land to the south and east of the site did have a temporary planning permission until the 31st August for the unloading, preparation and storage of mineral aggregate with a concrete batching plant (AWDM/1454/22 and WSCC/029/22).

Consultations

West Sussex County Council - Highway Authority: No objection

Amended and additional information has satisfied earlier concerns i.e.

- A Road Safety Audit (RSA) has been undertaken on the revised access proposals, which have satisfactorily deleted a previous in-out service road across the site frontage.
- Bin collection: the applicant has confirmed that '*residential and commercial euro bins would be moved by the bin store concierge service from the new buildings internal bin stores at ground floor level to the front of the site, via the ramp to the north of the site. This would be on the day of collection, therefore refuse vehicles would not need to enter the site*'.

Financial contributions totalling £208,102 would be required as follows:

- £196,602, comprising £48,364 towards Adur Local Plan measures and £148,238 towards Area Action Plan measures
- £10,000 towards upgrades to the frontage to facilitate a segregated cycle path
- £1,500 towards Travel Plan statement auditing

Planning conditions should include restrictions on use of commercial space for Class E(f) creche/nursery. Access, parking & cycle parking should be provided in accordance with plans; a car parking management plan is recommended and electric vehicle (EV) charging and a construction management plan (CEMP).

West Sussex County Council - Lead local Flood Authority: No objection

A planning condition is recommended to safeguard the plant and lift housed in the proposed basement against flood damage and loss of power.

West Sussex County Council Planning (Section 106): No objection

subject to the following financial contributions:

S106 Type	Requirement
Education - Primary	£54,420
Education - Secondary	£58,569
Education - 6th Form	£13,720
Libraries	£22,255
Waste	<i>No contribution required</i>
Fire & Rescue	£1,899
No. of Fire Hydrants	<i>To be secured under Condition</i>
TOTAL Contributions	£150,863

Environmental Health - Private Sector Housing Housing: No objection

Environmental Health - Public Health: No objection

The acoustic report and contamination report are acceptable and conditions are recommended. The air quality report is also accepted.

A planning condition is also needed to require sound insulation between the ground floor commercial property and the first floor residential, their management and hours, also control of external plant and requirement for a Construction Management Plan.

Drainage Consultant: Comment Awaited

Tree Officer: Comment Awaited

Waste Services: Comment

Bin storage is adequate for 62 apartments, it is vital that site management moves bins to the roadside collection area in advance of bin-day collections.

Commercial bin stores are likely to be adequate for many uses, such as offices but higher waste and recycling generators, such as food and drink premises may require additional space, especially as recycling arrangements for commercial food waste will be mandatory after 2026.

Environment Agency: No objection

subject to conditions relating to site remediation methods, control of surface water infiltration and piling works to minimise risks of pollution to the water environment and no residential accommodation below the upper ground floor

Advice: We also note the applicant's commitment of funds to contribute to upgrading

the flood defence wall and would recommend this is secured by the Local Planning Authority in such a way as it sees fit.

Southern Water: No objection

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development, subject to separate application for connection.

Southern Water has re-delineated our groundwater catchments. The proposed development is within the hydro-geologically sensitive Shoreham Total Capture Zone, where shortened groundwater flow travel times are anticipated. Therefore, water quality protection measures are required to ensure no adverse impacts are received by our groundwater source. The following conditions are recommended

- A Foundation Risk Assessment to include consideration of turbidity and contamination impacts risks associated with the development and basement excavation and any proposed mitigation plan.
- A Construction Management Plan (CEMP), including best practice for contamination prevention.

These will also need to be reviewed and approved by Southern Water.

The Council's technical staff and land drainage authority should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Provisions should be made for the management and a maintenance plan for sustainable [surface water] drainage the lifetime of the development. It is critical that the effectiveness of these systems is maintained in perpetuity. Under certain circumstances SuDS will be adopted by Southern Water.

The design of the proposed basements and on site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding.

NHS Clinical Commissioning Group

To address demand arising from development mitigation is either a location (premises fully ready gift) or financial contribution.

Health & Safety Executive (HSE) - Fire Safety: No Objection

Following consideration of an amended Fire Statement and floor plans which amend the proposed floor plans including basement and roof, the HSE is content with the fire safety design, to the extent that it affects land use planning.

The building is served up to sixth floor level by two stair cores available from ground to sixth floors. Due to a floor plate reduction at seventh floor level, this becomes a single stair building, the single stair serving the seventh floor.

Existing Fire Hydrants must be checked and new hydrants provided if required. It

should be considered that should additional hydrant installations be required this may affect land use planning considerations such as the landscaping around the development.

West Sussex Fire & Rescue Service - Comments Awaited

Representations

Five objections, a summary is given below:

Urban Design

- Over development - Proposed development is prejudicing the character of the town of Shoreham

Impact on the Local Highways Network

- Impacts on parking
- Traffic reports understate the level of congestion. Currently, the 700 route is subject to cancellations and alterations because of traffic congestion.
- No secure parking at the station

Other Matters

- Overdevelopment
- Properties are being marketed/targeted as second homes rather than affordable homes for locals
- Development failing to account for the pressures the proposed development would have on local infrastructure and services
- Noise and dust concerns during the construction
- Impacts the development would have on prevailing wind patterns and the impacts it may have on sailing along the river
- No affordable housing despite a 17.5% developer profit
- Shoreham Harbour Joint Area Action Plan has demonstrated that housing targets have been met. Why is there a need for more housing development
- Currently Shoreham experiences sewage problems, the proposed development would intensify sewage problems

Relevant Planning Policies and Guidance

Adur Local Plan - 2017

- Policy 1 - Sustainable Development
- Policy 2 - Spatial Strategy
- Policy 3 - Housing Provision
- Policy 8 - Shoreham Harbour Regeneration Area
- Policy 15 - Quality of the Built Environment and Public Realm
- Policy 18 - Sustainable Residential Development
- Policy 19 - Decentralised Energy and Standalone Energy Schemes
- Policy 20 - Housing Mix and Quality

- Policy 21 - Affordable Housing
- Policy 22 - Density
- Policy 28 - Transport and Connectivity
- Policy 30 - Green Infrastructure
- Policy 21 - Biodiversity
- Policy 32 - Open Space, Recreation and Leisure
- Policy 34 - Pollution and Contamination
- Policy 35 - Water Quality and Protection
- Policy 36 - Flood Risk and Sustainable Drainage

Shoreham Harbour Joint Area Action Plan - 2019 (JAAP)

- Policy SH1 - Climate change, energy and sustainable building
- Policy SH3 - Economy and Employment
- Policy SH4 - Housing and Community
- Policy SH5 - Sustainable Travel
- Policy SH6 - Flood Risk and Sustainable Drainage
- Policy SH7 - Natural Environment, Biodiversity and Green Infrastructure
- Policy SH8 - Recreation and Leisure
- Policy SH9 - Place Making and Design Quality
- Policy CA7 - Western Harbour Arm

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

Planning Contributions for Infrastructure Provision (ADC 2013)

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

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

Technical Housing Standards – nationally described space standard (DCLG 2015)

National Planning Policy Framework - September 2023 (NPPF)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended), which provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to

the desirability of preserving or enhancing the appearance of the Conservation Area.

Planning Assessment

Principles - Amount & Density

Policy 20 of the 2017 Adur Local Plan and CA7 of the Joint Area Action Plan (JAAP) require developments to provide a mix of dwellings for town centre and regeneration sites including some family sized dwellings which include two and three bedroom dwellings to help enhance the housing offer and support regeneration. The JAPP also envisages mixes which include commercial development.

Table 1 - Mix of Dwelling Sizes

Unit Type	Number of Dwellings	Percentage Mix
1 bedroom / 1 person Studio	1	2%
1 bedroom /2 person	22	35%
2 bedroom /4 person	36	58%
3 bedroom /5 person	3	5%
Total	62	100%

As shown in Table 1, the proposal includes 36no. two bedroom apartments which are four person units and the proposal includes 3no. three bedroom dwellings serving five persons. This would represent 63% of the overall unit mix providing family sized dwellings in this development, which would be in general conformity with policies.

JAAP policy CA7 also requires new residential developments to achieve minimum densities of 100 dwellings per hectare (d/ha) comprising predominantly flatted development. The guidance outlined in the 2023 National Planning Policy Framework (NPPF, 2023) also seeks efficient use of land and higher densities in central and accessible locations.

The proposal is for a density of 170 d/ha dwellings and approximately 150 sqm commercial (Class E) space. This is achieved by a site coverage of approximately fifty percent with the remainder for amenity space, access, serving (including a separate plant room building), and the equipped play area. The basement location for all parking allows for a greatly enhanced landscaped and public realm.

The proposed density meets the policy requirement, exceeding 100 d/ha and compares well, albeit lower than those shown in Table 2, including the neighbouring Free Wharf at 199 d/ha within the Harbour Regeneration Area and the nearby Mannings in Surry Street at 264 d/ha and former Civic Centre 259 d/ha at the edge of the nearby town centre.

Table 2 - Density Comparisons

Site	Number of Dwellings	Density
Free Wharf	587	199 d/ha
Former Civic Centre	159	256 d/ha
Kingston Wharf	150	250 d/ha
Mariners Point	132	189 d/ha
The Mannings	74	264d/ha

Summary - Density & Amount

It is therefore concluded that the proposed development provides a suitable mix of dwelling types in accordance with the local plan and the proposal achieves appropriate high density levels within the Shoreham Harbour regeneration area and as such, the proposal is in accordance with the NPPF and Local Plan Policies 20 and 22 of the Shoreham Local Plan 2017 and with Policies CA7 of the Shoreham Harbour JAAP 2019.

Principle

Sustainable Development

Policy 1 of the Adur Local Plan requires the Authority to take a positive approach to the presumption in favor of sustainable development, as contained within the NPPF. The location is considered to be accessible, within a short distance of town centre services, the railway station and bus services along the A259 and in nearby Ham Road. The principle of high density housing is acceptable here, subject to detailed considerations, including other sustainability considerations, as considered in the remainder of this report.

Energy

Policy SH1 of the JAAP and policy 18 of the Local Plan combine to require resource efficient buildings with good thermal performance and air tightness to prevent heat loss. At least 10 percent of energy must be provided by renewable sources, the Council's Energy SPD supports even greater low and zero carbon energy development. Commercial spaces should be constructed to the BREEAM 'Very Good' standard according to the Local Plan and 'Excellent' in the JAAP. Designs for water usage should be based on a rate of up to 110 litres/person/day.

In the current application the first energy-efficient design stage is in the building fabric, to attain higher thermal insulation and lower air permeability values in walls, floors, roofs and glazing, typically 25-30% above current Building Regulations.

For new apartments, space and water heating is proposed by a communal air source heat pump (ASHP), housed in the free-standing plant building to the east of the

proposed block. This would link to a heat loop, sending heated water around the development. Within each apartment an individual air pump would boost heat when needed or discharge surplus heat to the system when not required, for instance in hot weather, when, in addition, a mechanical ventilation system would also collect surplus heat. Low-energy LED lighting with daylight dimmers is also proposed.

This approach to energy generation, temperature control and ventilation is predicted to achieve well in excess of the 10% on-site renewable component required under policies and most notably a substantial annual CO₂ reduction of almost 72% above current Building Regulations and a similar proportion of reduced energy demand. This fully accords with policies and the SPD guidance and is likely to produce considerable cost savings to future occupiers.

It is noted that these predictions for the commercial space are BREEAM 'Very Good', including energy usage assumptions for the shell of these spaces, rather than the fully fitted spaces, which will arise when occupiers are found and bring their specific energy needs. However, whilst this may or may not meet the BREEAM 'Excellent' standard sought by the JAAP, this accounts for only a small area of floorspace 171 sqm, by comparison with the much larger residential space of approx. 4,480; it appears unlikely that the predicted CO₂/Energy efficiency savings would be significantly affected by the final commercial fit-out and use.

It is recommended that post-completion verification assessments would be required by planning condition for both the residential and commercial parts of the development. Details of ongoing management of the communal system would also be required as part of the wider site management.

The application observes that the proposed communal system, with central plant room and heating loop, would be connection-ready in the event of a future district heating system. Although this situation is sought by JAAP and Local Plan policies, some other harbourside developments have recently departed from this approach. These departures have been due to the great uncertainty regarding delivery of a viable district heating network, also in light of the significant energy and CO₂ efficiencies predicted using other technologies, such as in the current application. As such it is not considered necessary to require connection in the event of planning approval here. The Council is preparing a revision to its Supplementary Planning Document on Sustainable Energy to reflect the revised approach taken regarding the JAAP requirement for future connection to a District Heat Network.

Other Sustainability Measures

Water: Confirmation has been requested that the development would adhere to the policy target for water usage of up to 110 litres/person/day. This has been achieved in other recent harbourside developments, largely by the use of efficient water fittings and appliances. It seems entirely reasonable that this could be followed here. An update will be given.

Sustainable Drainage: The drainage strategy achieves two main objectives. It separates foul and surface water drainage, which assists with the capacity of the public foul system. It also disposes of surface water drainage to the river via a pipe with a suitable valve to lock against incoming river water. In addition a green roof

also provides a small area of additional surface water storage. Although pumping is needed to remove rainwater from the basement, this is otherwise a low-energy solution.

Biodiversity - The hard-surfaced and previously developed site has little negligible ecological value. The proposals include localised landscaped areas, the planting of which will provide biodiversity net gain well in excess of the 10-20% sought in the Environment Act 2023. Ongoing management can also be secured as part of the terms of a planning permission.

Sustainable transport: Whilst the development proposes a car parking ratio of 1.1 space per dwelling, its location offers other public transport options, which are to be encouraged through a travel plan, which is considered in the Access and Traffic section of this report.

Framework Travel Plan - sets out the details of what would be included within a full Travel Plan which can be condition of any planning permission and assesses the scheme with regards to car parking provision and traffic impacts.

In summary, the development by reason of its accessible location, energy strategy and its approach to drainage and landscaping, is considered to meet important requirements of sustainable development, in accordance with policies, guidance and the NPPF.

Housing

Need

A minimum target of 1,100 new homes in the redevelopment of the Western Harbour Arm (WHA) is stated within the Area Action Plan (JAAP) Policy CA7. This contributes to the wider housing target of 3718 homes for Adur District up to 2032 under Local Plan policies 3 & 8.

Against this minimum target a total of 1032 new dwellings have already received permission in the WHA at four sites (Free Wharf* = 587no, Kingston Wharf = 255no. Frosts = 176no. and 67 Brighton Road =14no.), these development works are each underway, or completed in the case of 67 Brighton Road. The proposal would raise the total to 1094, which represents 99 percent of the minimum target.

*(At Free Wharf the 587no comprises 540 already approved and an additional 47 which were resolved for approval in January 2023 pending a s.106 Deed of Variation)

Well before adoption of the JAPP, 132 homes were approved and constructed at Mariners Point, which, if included, would bring the total including the proposal to 1,226. At the Howard Kent site (at the eastern end of the Western Harbour area) the outcome of a recent planning appeal for the development of 45 homes is also awaited, if allowed the total then becomes 1271.

With proposals for three or four further sites in the regeneration area yet to come forward, it is clear that the number of new homes will significantly surpass the 1,100

minimum. However this is not contrary to JAAP policy, which allows for more than this number. Nevertheless wider concerns in connection with the lack of supporting infrastructure and open space has, as Members are aware, prompted a review of the remaining Western Harbour Arm sites.

Housing Supply

The latest figures for the Adur Five Year Land Supply were published last year for 2021/2022, based on data from 1st April 2022. This indicates that at that point there was a 4.8 year land supply below the required five year supply target.

However, it is significant that since this time the Local Plan of 2017 has now become over five years old. The consequence of this is that in housing delivery terms future measurement of the supply of approved housing developments must now have regard not only to the amount planned for (3,718) in the Local Plan, but also to the amount of objectively assessed housing need which is significantly greater than this. Therefore, it is highly likely that future reviews will show a significantly greater shortfall in housing supply than the 4.8 year figure of 2022.

A further consideration is the Housing Delivery Test. The NPPF requires that 85 percent of the annual amount of housing required to meet the total Local Plan target, should be completed. In Adur this equates to 457 completed homes per year. However, for the three year period 2018/19-2020/21, the number of annual housing completions has been 353, which equates to 77 percent.

The consequence of this is that the Council is required to add a 20% buffer to the Five year Land Supply Test (and an Action Plan produced). However the 77% of completions is marginally above another target set by NPPF; in which completions below 75% would trigger an added presumption for granting planning permission. This presumption (sometimes referred to as the '*tilted balance*'), is qualified by a balance which must also be considered of any adverse impacts, these should not: '*significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.*' (NPPF, para 11d).

Whilst this presumption / tilted balance is not triggered by the 2022 Housing Delivery Test outcome, it is anticipated that the 2022/23 figures will be below the 75% annual rate and that this presumption will apply as well as the need to allow for a 20% buffer of housing supply.

The weight afforded to housing need in this situation forms part of the Conclusions and Planning Balance section at the end of this report. The weight given to housing need is an important consideration particularly where the development is within a sustainable location and would assist the overall ambition to regenerate this part of Shoreham.

Housing Mix

As already mentioned the proposal provides a mixture of 1-3 bedroom apartments. These equate to 23no. / 37%. one bedroom or studios; 36no. / 58% two bedroom

and 3no. / 5% three bedroom. Table 3 shows that by comparison with the sizes of homes needed across the District, the proportion of one bedroom homes is exactly within the range sought (35% - 40%) but the proportion of two beds is well above and three beds well below.

Table 3 Proposed Flat Sizes and Need

Size	Proposed	District Need
1-bed	23 (37%)	35-40%
2-bed	36 (58%)	30-35%
3-bed	3 (5%)	20-25%

This is very similar to other high density developments in WHA and the nearby Civic Centre redevelopment, where opportunities for larger family-sized dwellings, such as three bedroom homes, which require more internal and outdoor space, is limited.

However, it is also relevant that all of the two bedroom apartments are large enough for four-person households, which together with the 3no. three bedroom apartments, provides space for family living.

Affordable Housing & Viability

Under Local Plan Policy 21, provision should be made for affordable housing at a rate of 30%, provided on-site. The policy also provides for instances where developers are unable to meet this requirement that they may submit financial viability evidence, which will be independently assessed and must be robust. In exceptional circumstances only, a financial contribution may be accepted to enable provision of affordable homes elsewhere in the District. The applicant has sought this option in view of the doubtful viability of the project.

The applicant's viability assessment points to predicted scenarios in which the total costs of development against the £1.2M value of the site, leads to a deficit ('residual value') of between - £2.05M (based on 17.5% profit) to - £2.77M (20% profit). Improvements of around 5% in sales values, combined with approximately 10% saving in build cost would be needed in order to allow for a viable development which could provide some amount of on site affordable housing.

The Council's independent assessors find that the site value and sales values of the proposed apartments and commercial space are reasonable. Build costs are considered upper quartile but this is due to the building specification which is necessary to produce the predicted sales values.

The assessment concludes: *'Therefore taking an overall view of the scheme in our opinion whilst the scheme is shown to be deliverable with the stated S106 contributions [£433M] and based on 100% market sale the development will not support a contribution to affordable housing'*.

Of interest, among their conclusions the assessors observe: *'One factor contributing to the viability deficit is the inclusion of underground parking, which is expensive to*

provide and adds over £3 million to the build costs (however also helps to support the assumed higher values). In addition the site has a high value in its existing use, equating to £3.68 million per hectare'. This suggests that car parking provision is a factor which affects overall viability.

It is also noted that both the applicant's and Council's assessment take into account an *infrastructure sum* of **£433,000** allocated by the applicant for provisions including highways and education. It also considers a *riverside sum* of **£500,000**, which would be assigned to future riverside works on the river-front parcel of land outside and to the south of the site. The applicant considers that this is a contribution towards these costs and equates to a 43 percent of the overall costs of a new harbour wall and public realm (cyclepath) which is a requirement of the JAPP.

The applicant confirms that despite the negative viability assessment the *total* **£933,000** would be provided via a s.106 Agreement.

Following requests from the County Council the £433,000 infrastructure sum would be divided into £208,102 for highway works and £150,863 for education, libraries and fire and rescue. This leaves a balance of £74,035. However, it is possible that £54,420 of the infrastructure sum, which is suggested for primary education, could be redeployed and added to the balance, giving an affordable housing figure of £128,455.

The applicant states that the total financial contribution can be apportioned as the Planning Authority considers appropriate. Accordingly the £128,455 could be used for off-site affordable housing, in accordance with Policy 21. The full summary of a potential s.106 Agreement is set out in Table 4 towards the end of this report with further Officer commentary. It is for the Committee to decide whether to agree with the breakdown to the total available funds.

Commercial Use

Policy CA7 of the JAAP supports mixed use development in WHA. The proposal includes for a ground floor commercial space of 171sqm in the lower part of the ground floor, facing the shared space to the south of the proposed building. Whilst this has no direct frontage onto the river, it offers an opportunity for added animation of this area, through which the public can move and linger.

The commercial space is shown as two units with large glazing, which also has potential to amalgamate into a single unit. The proposed use is Class E, which includes shops, offices, food and drink, light industry, health services, indoor sport & fitness and creches.

Whilst the principle of a commercial use is welcomed and Class E provides for a wide range of commercial ventures which will assist in attracting tenants, some qualifications are considered necessary. The first of these is the removal of the subclass E(f) creches, day nursery and day centres, which the applicant's Transport Assessment recognises could generate greater traffic volumes and should therefore require separate planning permission.

Secondly in Class E(d) some uses for indoor sport and recreation may also involve risk of noise and disturbance, notwithstanding the noise insulation also requested by the Environmental Health officer. As such it is recommended that these should only take place if an individual management plan has first been submitted and approved by the Authority, to describe the use and measures to minimise its impact on neighbouring residents, including those within the new building, and to seek to minimise traffic / parking impacts in the case of high intensity use in this sub-class.

Management of hours is also recommended by the Environmental Health officer. In which case it is recommended that 07.30hrs - 23.00hrs for weekdays would provide a reasonable balance between commercial and residential interests.

Lastly, a condition is also recommended to require approval of any plant, vents or air moving equipment, in order to reduce risks of associated noise and odour, for instance those arising from food and drink uses, such as cafes and restaurants.

Subject to these qualifications, the commercial use is supported in accordance with policies.

Design and Visual Impact

Policy Context:

Policy 15 of the Adur Local Plan requires developments to be of a high architectural quality. It should 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 and materials in addition to detailed design features and good quality landscaping. Amongst other things, proposals should make a positive contribution to the sense of place, character and distinctiveness of an area.

Policy SH9 of the JAPP - 'Place Making and Design Quality', also requires a high standard of design which enhances the visual quality of the environment, and reflects the marine environment, with sensitivity to views of the landscape and historic features. Policy CA7 'Western Harbour Arm' should include active uses along the water-front, for instance open spaces and uses with active frontages.

More recently Paragraph 126 of the NPPF 2023 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places in which to live and work and help make development acceptable to communities. Paragraph 130 of the NPPF resonates with local policy, requiring that amongst other things developments should:

- Function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development.
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- Sympathetic to the local character and history including the surrounding built

environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities).

- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- Optimise the potential of the site to accommodate and sustain an appropriate mix of development to include green and other public spaces: and
- Create places that are safe, inclusive and accessible.

Urban Design and site Layout

The proposed scheme is for an eight storey building, similar in mass, shape and scale to the approved developments for the neighbouring and nearby sites at Free Wharf (up to nine storeys) and Frosts (up to eight storeys). Akin to those the proposed contemporary architectural design is staged and multi-faceted, with angled facades which produces a staged and sloping profile, similar to those approved development which are beginning to characterise the emerging new mixed use regeneration area as seen in the river front image of Free Wharf below:



Figure 4. Approved scheme at adjacent site at Free Wharf

Further below, Figure 4 below is a contextual illustration which shows the in relation to Free Wharf. Note that the overall contemporary architectural design and light coloured materials echo the adjacent site. These include off-white coloured brick with areas of light gold coloured cladding.

A detailed material condition would be included in any planning approval so that precise material would be submitted for approval, together with large scale details of architectural elements.



Figure 5. the proposal from the river side with Free Wharf to the West.

As mentioned, the proposed building has been designed with angled side profiles, to reflect the design characteristic employed at neighbouring/ nearby sites. This adds sculptural and visual interest and a more coherent form of development, helping to reinforce a new local character for the Shoreham Harbour regeneration area.

The building is considered to be well proportioned with regard to its arrangements of columns of fenestration and projected columns of balconies. These are considered to be particularly successful in creating distinctive flank elevations as well as natural surveillance of the apron of public land around the building..

The (southern) elevation in Figure 6, facing riverward across the intervening riverside land parcel creates a highly active frontage, particularly the large, glazed main entrances for the ground floor commercial units. The convex alignment of the long balconies carries the angled theme of the vertical columns of side balconies around the building but in a horizontal arrangement. This distinguishes the south elevation from the flanks, it also affords good outward views for occupiers which is appropriate to the marine environment.



Figure 6. Riverward (south) Elevation Fronting The Riverside.

At ground level, the extensive hard-landscaping and planting of the building apron allows residents and the public to pass through the area or linger. It makes use of the

slightly elevated podium, creating a focal point and draws further visual interest to the building.

The proposed roadside (north) elevation in Figure 7 is simpler with regards to its architectural design. The proposed front elevation creates an active frontage with its full width half glazed balconies. It is observably less varied than the other elevations, without either the angled balconies of the flanks or the convex alignment of the rear balconies, which does produce a less dynamic facade and greater emphasis to the series of horizontal lines, However there are notes of interest in the vertical struts between the balconies and the slatted brise-soleil at the roof level.



Figure 7. Front (north) Elevation Facing Brighton Road.

The applicant has offered that further verticality could be created in this prominent elevation by the addition of a fairly narrow central column of metal cladding, matching that used on other elevations. This could help to counterbalance the horizontal appearance of the series of front balconies. This could be requested as a minor elevational change, albeit a slightly greater degree of change might also be beneficial in bringing a slight flavour of the angled profiles used on other elevations, to the front.

The main residential entrances are on the eastern and western flank elevations where the western access is shown in Figure 8 as a large glazed area at ground floor, which would be opposite the junction of the Free Wharf service road to the west.



Figure 8. West Elevation.

A slightly smaller glazed entrance on the east elevation (Figure 9) creates something of an axis through the site which continues the alignment of the Free Wharf road.



Figure 9. East Elevation.

Overall, it is considered that the proposed architectural and urban design of the proposal is of a high and distinctive quality, subject to careful choice and execution of materials and detailing. It helps to reinforce a contemporary urban design for the harbourside regeneration area. Although the front elevation is less dynamic and distinctive, the proposal is considered to accord with design policies of the Local Plan and recent National Planning Policy Framework.

Layout and Landscaping

The site layout is shown at Figure 10 below. By comparison with the two rows of buildings, which form the approved developments at Free Wharf and the Frosts site, (one roadside row and one riverside row), the proposal creates a single tier of development between the river and roadside. The future of the separate parcel of land between the site and the river (which is in separate land ownership) is yet to be identified (apart from the need to include the riverside path)

Whilst higher densities and taller buildings have been considered informally in the past, including a public exhibition and Design Review Panel, the current single building proposal centrally located on the site represents a comparatively lower density and somewhat less densely built-up form of development than its approved neighbours. The opportunity for the accessible landscaped apron of the public realm

around it, including the planted space and the visually interesting loggia structure around the building, along with play space and the spacious frontage to Brighton Road in particular, is in contrast to the built up road frontage of the Free Wharf phase development, which is nearing completion to the west.



Figure 10. Proposed Layout

Officers have encouraged discussion between the applicant and the neighbouring Free Wharf owner, Southern Housing, to consider relocating the car park spaces to allow for additional open space at its road frontage. If achieved by a separate planning approval in the future, this could increase the spacious and landscape road frontage here, and possibly a relocated bin collection area. This would be consistent with the intention of JAAP policies to create high quality soft landscaping as a green

frontage along the harbourside regeneration area.

The Agent has agreed that negotiations should continue post planning and is happy to agree to a reasonable endeavours clause in the s106 agreement to ensure a more attractive road frontage can be secured.

Underground basement parking has been provided to the development to screen and hide vehicles away from the wider site which is considered acceptable from a site layout and urban design perspective. Vehicular traffic into the parking area is to the east of the site with a ramp that goes underneath the building. The ramp is enclosed with green walls which further helps to reduce an over engineered appearance of the site.

As such, it is considered the site layout and landscaping are acceptable in this context, it helps to reduce the density of the development and helps to contribute to the wider Shoreham Harbor regeneration area. As such, from a layout and landscaping perspective, the proposed complies with the National and Local Planning design policies.

Heritage and Townscape

The edge of the Shoreham Conservation Area is located approximately 700m from the site. This encompasses much of the town centre and the Grade 1 listed St Mary De Haura Church. The submitted Townscape and Visual Impact Appraisal concludes that the proposed development is located a significant distance away from the historic core of Shoreham by Sea, both physically and visually with no impact on views of this heritage asset.

Mindful of the importance of heritage considerations under policies and Planning legislation, this conclusion appears reasonable. In views of the Conservation Area and Church, such as from the Adur footbridge and riverside vantages, the proposal would be set among and behind the approved developments at Free Wharf and the former Frosts site and as such, there is unlikely to be any visual impact or harm upon these heritage assets.

Accessibility and Parking

Access and Traffic

Vehicular access would be located 11m to the east of the existing site access in Brighton Road. Adequate visibility is provided by the roadside verge. The submitted Transport Assessment has investigated road safety records, which indicate a low safety risk here. Comparisons of existing and predicted traffic indicate a net increase of 83 two-way vehicle trips per weekday (0700-1900). This includes .7no. two-way trips in the morning peak (0800-0900) and 9no. in the evening peak (1700-1800).

The Highway Authority is satisfied with this impact, subject to the provision of financial contributions totalling £206.5k for local highway improvements, including funds towards the future segregated roadside cycle route in Brighton Road.

The proposed access would serve a two-way access ramp to a proposed basement car park with 74 parking spaces, with two lifts and stairs to the interior of the proposed block, at each end. The basement has 2.6m headroom and has been tested for accessibility by shopping delivery vehicles.

Pedestrian access would be via a two-tier ramp and steps to Brighton Road. It is also shown in two places along the western boundary and across the proposed landscaped apron of shared space around the building.

These western access points would be level with or have shallow-ramps connecting to the approved Free Wharf service road. This road is due to be completed as part of Phase 2, work on which it is currently understood is due to start in 2024. This service road will provide access to the western segment of the riverside path for pedestrians and cyclists. (importance of timing and connection).

These arrangements are acceptable to the Highway Authority, and would give good pedestrian permeability. It is noted that the western access has also been indicated in the Fire Statement, as points of access for fire tenders which has been accepted by the Health and Safety Executive.

Clarification has been sought as to whether these are the only points of suitable access, mindful of distances needed for hose-runs and manoeuvring; also whether these are intended for large servicing vehicles (such as furniture vans). Arrangements for rights of access from the west and the timing of its delivery as part of the Free Wharf development are also of importance, and the question of whether this would need to be reflected in the terms of a planning approval. An update will be given.

Access for recycling and refuse vehicles would be from Brighton Road, using the proposed frontage bin store area. Management arrangements would remove and return bins to internal bin stores in the ground floor of the proposed building on collection days.

Whilst the site does not have riverside frontage, the additional development of 62 apartments will add to the need for the riverside path as a continuous shared route for pedestrians and cyclists, from the edge of the town centre, to Kingston Beach. Accordingly, as set out in the Housing and Viability section of this report, a financial contribution has been offered towards the cost of providing the segment of this path at the river-edge of the land parcel immediately south of, outside of the site. This can be secured by legal agreement for use as part of that future work.

One further point of importance is the securing of provisions, including suitable engineering details to allow for extension of the basement car park to include future development to the south and west. This would minimise the number of access points along Brighton Road, and their impact on the continuity and safety of future roadside cycle path.

Provision is indicated by annotation on the basement layout plan (Figure 11). Details of the construction to of the basement and ramp would be required by condition, in addition to assurance that access would be reasonably made available

Parking and Other Modes

A total of 74 parking spaces would be located in the basement, accessed via the two way ramp (Figure 11). Of these 69 would be residents and 5 for visitors. Two spaces are for wheelchair users (presumed to be occupiers) and four spaces for motorbikes. In accordance with County parking guidance 45% (34no.) of car parking spaces would have active electric (EV) charging points with cabling to the remainder for future connection.



Figure 11. Proposed Basement Car park

The proposed provision of 74 spaces compares with 101 which are recommended by County Parking Guidance applicable to this area, which falls within Parking Behavior Zone PBZ 3. This comparison equates to a proposed rate of approximately 1.1 spaces proposed per/dwelling by comparison with an average 1.6 in the guidance, a shortfall of roughly 0.5 per dwelling.

In support of the proposed rate the applicant cites existing car ownership rates of

1.04 - 1.15 per/dwelling in the St Mary's and Southwick Wards and in the Middle Road environs north of the railway, according to 2011 Census data.

In consideration of this, it is also noted that the site is reasonably accessible, with bus services immediately outside in Brighton Road. Whilst it is some 650m from the railway station and approximately 600 - 850m from main town centre shops and services, it is almost opposite a major discount retail store. JAAP policies support lower parking provisions in the Western Harbour Area subject to other counter-balancing measures, such as Travel Plans, to encourage other modes of transport and less car dependency; also the provision of car clubs.

Travel Plan: A submitted travel plan strategy describes the provision of secure storage for 74 cycles serving residents and outdoor spaces for 28 more serving visitors and commercial occupiers, in all a total of 102. Measures would be included to encourage future residents to use walking routes, cycles and public transport, including a paid voucher scheme of at least £150 per household for public transport journeys or cycle purchase; information regarding routes and timetables and awareness of railway travelcard schemes.

A detailed Travel Plan could be sought by a planning condition for approval in liaison with the County Highway Authority. Its ongoing administration would form part of future management of development under requirements of the s.106, including payment of the County liaison fee.

Car Club: In response to a request of the Highway Authority the applicant has confirmed that a 12 month period of paid membership per household can be provided. This refers to the existing car club scheme in Pond Road some 600m to the west and possible access to other scheme which are included in larger new developments along Brighton Road. Although not mentioned specifically, these are to be provided at the first phase of 137 apartments the neighbouring Free Wharf development, which is due for occupation early in 2024 and at Kingston Wharf, approximately 680m to the east, around later 2024-2025.

This is considered a reasonable approach in this particular instance, since the development itself is by comparison for a much lesser number of new homes than its neighbour and is in any event it is fairly close to central services and other future car clubs planned at The Mannings and Frosts developments.

However, some assurance is required that the applicant will actively pursue access to these car clubs. Furthermore, the current offer is slightly weaker than those of other recent developments, which provide 2 year membership and a £50 drive-time incentive. According to one supplier quote provided by the applicant, this would increase the 12 month-only offer from £3,100 to £9,300, which may decrease funds available for affordable housing by £6,200 unless the applicant is agreeable to fund this in addition to the identified total sum (£433k) for contributions. An update will be given.

In summary, these measures are considered a proportionate counter-balance in this location to the proposed rate of parking, and would accord with policies which promote lower dependency on private cars.

Future management of car parking is an important consideration, to prevent unauthorised use. For this reason, the applicant has agreed with the Highway Authority request for a Car Parking Management Plan. This can also be used to ensure that spaces are not under-used if there is demand; the use of this lower ratio implies that some degree of unallocate parking might apply, the applicant;s view has been sought on this point.

The Management Plan may need to also cover servicing of the site, to provide accessibility for servicing if occasional larger deliveries are needed. This should be balanced with the management of conflicts between these vehicles and pedestrians and users of the shared space around the building. The Parking and Servicing Management Plan can be required under planning condition, with ongoing responsibility for implementation as part of site management under the s.106.

Residential amenity - for proposed dwellings

Policy 20 of the Adur Local Plan 2017 requires all new dwellings to meet nationally described space standards. Policies also expect that all new build dwellings should meet the optional higher Building Regulation Standard M4(2) for accessible and adaptable dwellings.

Size and Space

The proposed development comprises of the following units:

- 1 x 1 bedroom/1 person studio
- 22 x 1 bedroom 2 person units
- 36 x 2 bedroom 4 person units
- 3 x 3 bedroom 5 person units

The Nationally Described Space Standard 2015 sets out the internal space within new dwellings in gross internal floor areas at a defined level of occupancy. It requires that a studio apartment should measure at least 39 SQM. A 1 bedroom 2 person flat should measure 50 SQM. A 2 bedroom 4 person flat should measure 70 SQM and a 3 bedroom 5 person flat should measure 74 SQM. A review of the submitted floor plans indicate that each apartment would either meet or exceed these.

With regard to private outdoor amenity provision, each apartment includes a reasonable degree of private outdoor amenity provision with adequately sized balconies which can accommodate outdoor furniture practical usage.

In terms of outlook, 32no. of the proposed dwellings would have single east or west facing aspects. The remainder are dual aspect with either north and east/west facing outlook or south east/west facing outlooks.

Light, Outlook and Privacy

Whilst a dual aspect is preferable the single aspect apartments tend to have

relatively shallow-depth floor plans which would allow for sufficient natural light penetration. This is supported by a daylight and sunlight report prepared in accordance with National guidelines (Building Research Establishment - BRE). This examined habitable rooms at ground floor, first floor and second floor, which are most susceptible to natural light limitations. The report concludes that 100 percent of these would receive target light values with access to natural daylight to at least 50% of the internal room area.

A sunlight exposure test was carried out assessing the levels of sunlight penetration to southern and east-west windows (i.e directions which 'see' the sun). The largest values of the test were predominantly south facing windows. It was concluded that all of the units would receive levels of sunlight in accordance with the BRE guidelines, with values increasing ascending the building. Sunlight would reach in at least 80% of internal room areas and ten 10 windows would exceed guidelines .

NPPF allows for some discretion in the case of these standards for high density development, where target values for either daylight or for direct sunlight may not be met in all cases. The general orientation of development, which avoids north-only aspect apartments (the least desirable), is helpful in this overall assessment.

Furthermore, although the positioning of the building is a little closer to the Free Wharf buildings than desirable (distances of 22m - 23m are below the target 28m south in the Council's guidance), the use of multi-faceted side elevations, angled windows and its off-set location (with some outlooks into the public realm and street between Free Wharf buildings), also provides distances of approximately 30m, which is greater than guidance. On balance, it is considered that the proposal offers reasonable outlooks and standards of light.

One point of reservation is the outlook towards commercial land to the east, which offers a poor setting while it remains in existing commercial use. However, the position of most of the building relative to the eastern boundary retains a distance of 16m+. If this separation is replicated in a future redevelopment of the neighbouring land, this would be likely to satisfy the Council's guidance.

These relationships are also considered to provide a reasonable degree of privacy, dwellings on flank elevations. To the north and south of the building there are significant separation distances which ensure that these units are not overlooked. The 9m distance of the proposed building from the southern boundary if mirrored on the land parcel to the south (an 18m separation) would suggest that any future building here would need to be of a much lesser height to the proposal, mindful that residential developments of two storeys are commonly around 21m apart. However, any future application on this land would provide opportunity for a more precise judgement.

It is noted that at ground floor on the eastern side of the building there is a single west-facing studio apartment with a slightly raised terrace abutting the shared public space providing a slight buffer between the two. Whilst this is less than ideal in terms of individual privacy and amenity, the proposed ground floor studio provides the benefit of natural surveillance to the public area. In the context of a high density proposed development where levels of privacy and outdoor amenity is generally

acceptable, this is considered a relatively small shortcoming.

Open Space

According to the Council's Guidance for Open Spaces and Recreation, development should provide elements of open space for a range of recreation and amenity purposes or make contributions for off-site provision. In the current application the approach taken is to provide the extensive apron of open space around the building as publicly accessible space, including an area for play and seating.

Whether some further contribution could be made towards other off-site provision is subject to the viability considerations described in the Housing & Viability section of this report and indicates that any such provision would reduce the amount available for other matters, such as affordable housing. As such, mindful of the extent of accessible public space and recreation facility included on-site, it is considered that the proposal achieves a reasonable outcome.

Art

It is recommended that the integration of an element of art within this space, could also address the Council's aim for art within new major developments. This might take a range of forms, for instance intrinsic within the built fabric or free standing; details can be required under a planning condition.

Noise and Ventilation

In common with other recent roadside developments and those near other commercial uses, an acoustic assessment has found that the noise climate for the majority of the site is such that with open windows, internal values for both daytime and night time periods would be exceeded.

The Environmental Health officer agrees with two proposed measures which would address this. The first is the use of enhanced acoustic glazing, specifications for which are set out in the report. In addition, mechanical ventilation with heat recovery (MVHR) is proposed for all apartments. The combined outcome would provide both a satisfactory noise climate according to relevant standards and the requisite rate of air changing, with heat energy recovered in accordance with the Energy/CO2 predictions for the development.

These measures can be secured by planning conditions. It is noted that windows would be openable, providing scope for purge ventilation (for instance to deal with cooking or decorating odours) for short periods at the occupier's discretion.

Impact on Neighbouring Amenity

Policy 15 of the Adur Local Plan requires that development should not have an unacceptable impact on neighbouring residential dwellings including loss of privacy, including light or outlook

The proposed development would be over 180m to the north of dwellings on

Shoreham Beach to the south of the River. It is also 100m to the south of Dolphin Road residential areas beyond the railway line. Accordingly, it is unlikely to harm the amenities of these neighbours including their outlook, privacy and light. A construction management plan (CEMP), would be required to minimise risks of unreasonable nuisance during redevelopment works (see the 'Air' section of this report).

To the east of the site, the existing commercial site is also within the regeneration area where it is anticipated that development proposals will come forward. The proposed layout of the application site is considered to provide sufficient space to provide for a reasonable relationship with a development to the east, although it will only be possible to judge this fully as such time as proposals are made. In the meantime, the use of enhanced acoustic glazing and mechanical ventilation to all apartments would minimise risk of nuisance to proposed residents.

To the west of the site, the relationship with the proposed Free Wharf development is considered to have an acceptable impact on neighbouring residential amenity. This is due to the aforementioned use of multi-faceted side elevations and angled windows in both developments and the off-set location of the proposed building with those of Free Wharf, with some outlooks into the public realm and street between Free Wharf buildings

The submitted daylight and sunlight assessment concludes that all of the windows on the eastern elevations on blocks F and G at Free Wharf development would achieve 100% of their target Average Daylight Factor. Each room would retain 0.5 of its former value and see no noticeable change in natural light. As such, the proposed development would not be harmful to daylight and sunlight at Free Wharf blocks F and G.

Flood Risk & Drainage

The site lies in an area of high risk of tidal flooding to an average depth of approximately 1.1m on an estimated 200 year frequency, allowing for climate change. At the east of the site is also a small area of low surface water flood risk to a depth of 0.3m but with a much lesser frequency.

In terms of relevant planning tests for flood defence, ('sequential and exceptions tests'), the site designation for development including new homes, remains a necessary part of the adopted Local Plan and Area Action Plan strategy to address housing needs. In order to provide flood protection, development must be elevated above the predicted floodwater risk and provide arrangements for safe escape in a flood event.

Accordingly, the site would be constructed on a low-rise podium, with the basement car park excavated beneath it. In this way the lowest part of the split-level ground floor of the proposed building would be just over 1.2m above existing ground level. The visible edge of the podium would be approximately 1 m height at the rear of the site, as shown by the red arrows in Figure 12 below.

This edge would continue along the eastern boundary but on the western edge it

would merge into the raised levels of the approved Free Wharf development.



Figure 12. Cross Section north-south (Free Wharf visible in background)

Although the floor of the basement car park would be some 3m below existing ground level, it would be flood-protected by the ramp that rises up to the podium surface, clear of predicted floodwater height. It is stated that there would be no other ducts or other conduits for flood water to enter, although Southern Water and the County Lead Flood Authority have recommended measures such as pumping and protection of plant to manage the high rainfall risk of overflows from public sewers; a planning condition can be required to ensure that this is in place.

Surface water drainage from the site is southwards to the river via a pipe through the river wall, including a one-way valve to prevent river water ingress into the site drainage system. Accordingly it seems that there is no need for surface water storage structures, such as underground tanks, which have been needed in other harbourside developments where some drainage has been northwards to the road and public sewer. Foul drainage would be into the public sewer, which is acceptable to Southern Water.

The applicant proposes that the detailed drainage design, including detailed levels of the landscaped public realm around the building (to prevent ponding), will be prepared at a later stage. The Council's drainage consultant's response is awaited, and if agreed, planning conditions could be applied, also including ongoing management of drainage, pumping and flood defences.

The Environment Agency is satisfied with the proposals, subject to conditions to require that no residential accommodation is below the upper part of the split-ground floor level, with less vulnerable uses (commercial spaces and ancillary spaces such as bin stores) only in the lower part.

A remaining requirement of the exceptions test procedure is that a flood emergency and evacuation plan must also be required by condition. In consultation with the Council's Emergency Planning Officer, this would require that arrangements are in place and are regularly updated and disseminated among occupiers, to ensure that flood alerts and evacuation arrangements are in place.

Land Remediation

In light of the existing commercial and previous uses of the site and its neighbours, a site investigation for contamination (Desk Study) report has been submitted and agreed by the Environmental Health officer.

The report concludes that whilst significant remediation and risk mitigation measures will be required site investigations will need to be carried out in order to produce an appropriate remediation strategy. Submission and approval of this can be required by a standard set of planning conditions for site remediation.

In parallel conditions for the control of foundation and piling methods are also recommended by the Environmental Agency and Southern Water and would be applied.

Biodiversity

The NPPF places a requirement on Local Planning Authorities to aim to conserve, enhance biodiversity and sets out how biodiversity issues should be addressed when determining planning applications. Local Plan Policy 31 also states that all development should ensure the protection, conservation and where possible enhancement of biodiversity. In addition, the Environment Act 2021 requires new all major developments to achieve a net gain of at least 10% with a target of 20% on Brownfield sites.

A submitted Biodiversity Net Gain Assessment (BNG) identifies that the current Biodiversity baseline figure on the site has a value of 0.02 units. The following low value habitats would be lost: the existing buildings, existing hard standing and a small area of amenity grassland. Whilst the proposal contains no proposed aquatic or linear habitats, which offer relatively high biodiversity value, it includes the formation of new habitats including 0.025 ha of green roof; Unvegetated gardens but with 0.0853 ha of planted areas and wall climbers.

The report identifies that the proposed habitats give a biodiversity value of 0.36 units representing a +0.34 net gain. This well exceeds the minimum 10% and advisory 20% net gain which would exceed the requirements outlined in policies and in the Environment Act.

Given that biodiversity gain is targeted at using available opportunities in new developments, officers recommend that further enhancements could be found in, for instance the use of bat and bird boxes on the outside of the building. In addition bee bricks (image below) could also further increase biodiversity value. These are known to provide nests for solitary bees which makeup 250 of the 270 bee species in Britain. The recommended landscape and biodiversity condition at the end of this report allows for measures such as this to be explored and added where possible.



Air Quality

In accordance with Local Plan Policy 34 and Sussex Guidance, the application includes an air quality assessment. This examines the occurrence of pollutants local air and the predicted effect of the development in terms of exposure for new residents and traffic related air-quality effects of the proposal.

It concludes that local monitoring results indicate annual mean NO₂ concentrations which are below the relevant air quality objectives and that the number of predicted trips anticipated by the proposals, would have a negligible impact. It also concluded that the layout of development, in which apartments are distanced from major pollutant sources; noticeably the road and site access, is unlikely to expose new residents to levels above Air Quality Objectives (AQO).

Using the West Sussex methodology, a calculation of air quality impact identifies that the development should either provide a mitigation cost sum of to £9,955, towards off-site mitigation, or include on-site mitigation equivalent to this sum. The applicant proposes that the on-site provision of 45% electric (EV) charging would offset this cost. The Environmental Health officer agrees with this position, although it is noted that the requirement for EV charging is now also an intrinsic part of Building Regulations and as such this mitigation would be delivered, even if air quality impacts were not a consideration.

Construction Management Plan

A construction management plan (CEMP), would be required to minimise risk of fumes and dust during redevelopment works, along with other matters such as noise, lighting, traffic management, liaison with other development projects in the area and effective communication with neighbours and nearby residents.

Fire Safety

Fire Safety has been considered and confirmed as acceptable by the Health and Safety Executive. Access between the basement and main part of the building is via separated staircases and lifts to meet their requirements. A planning condition can be used to require confirmation of the adequacy of fire hydrants, or their improvement of addition and the awaited comment of the County Fire Safety officer may assist in this.

A separate Building Regulations' process will deal with the fire rating of building materials. In parallel with this, the external materials would also be submitted as part

of the recommended Materials and Details planning condition at the end of this report, which will allow for the appearance of suitably rated materials to also be considered.

As mentioned in the Access and Traffic section of this report, clarification is awaited concerning the extent of options for required fire tender access and distances. Subject to this information a further planning condition may be necessary to ensure that these locations and access to them are satisfactory.

Employment & Skills

The scale and nature of this major development presents some potential for engagement with local training and employment organisations, in the promotion of education related to the construction sector and allied activities. Local procurement is also encouraged. An Employment and Skills Plan requirement as part of a planning permission can explore the delivery of these points in liaison with the Council's Economy and Skills Team.

Infrastructure & s.106

As discussed in the Housing and Viability section earlier in this report, it is accepted that a total sum of £433k is available for infrastructure including highways, cycle path and education needs, with a balance of £128k available for off-site affordable housing. Whilst this does not allow for health and open space funds, the site provides a significant open space for outdoor enjoyment adding to the welfare of residents and public.

A further review of this total sum should be undertaken at an appropriate time, which would be identified as part of a legal agreement; this may provide funds which could be directed to health facilities, with open space as a second preference, given the provision made on-site.

The £500k for riverside works would make an important contribution for the key infrastructure of the continuous riverside path and its associated construction works, which would form part of a future development of the neighbouring land parcel.

Table 4 below sets out these sums and includes an enhanced car club provision, although the applicant's view is awaited on this. It also includes a range of management requirements which flow from the matters described in this report in relation to parking, site servicing and bin management, the communal energy system, travel plan, drainage, flood safety and the management of the shared public space and public access. It is anticipated that a management entity would bring these responsibilities together in a comprehensive management approach.

Table 4: s.106 Obligations

	Obligation	Terms
	<i>Highways, Access & Parking</i>	
1	<i>Highway Improvements Contributions</i>	<ul style="list-style-type: none"> ● £196,602, comprising £48,364 towards Adur Local Plan measures and £148,238 towards Area Action Plan measures ● £10,000 towards upgrades to the frontage to facilitate a segregated cycle path
2.	<i>Car Park</i>	<ul style="list-style-type: none"> ● Car Park Management Plan to be agreed under planning condition prior to occupation ● (Note: This is to ensure most effective practical uptake of all spaces if allocated and to minimise risk of 'locking-up' of unused spaces. It will include identification and maintenance of visitor parking, Car Club Spaces, and of EV charging points and ducting).
3.	<i>Travel Plan</i>	<ul style="list-style-type: none"> ● Appointment of Travel plan coordinator for five years ● Liaison with County Council ● £1,500 towards Travel Plan statement auditing
4.	<i>Car club</i>	<ul style="list-style-type: none"> ● Paid membership per household for 2 years ● £50 drive time per household ● Reasonable endeavours to ensure accessibility of new car club scheme in the WHA and town centre, for new residents.
6.	<i>Parking and Servicing</i>	<ul style="list-style-type: none"> ● see 'Site Management' below
7	<i>Shared Access</i>	<ul style="list-style-type: none"> ● Reasonable endeavours to achieve shared access with 1) land to south and east via access ramp and 2) land to the west via adjoining Free

		Wharf development
	<i>Housing</i>	
8	<i>Affordable Housing Contribution</i>	<ul style="list-style-type: none"> • £128,455 for off-site affordable housing
	<i>Other Obligations</i>	
9.	<i>County Infrastructure Contribution (non-highway)</i>	<ul style="list-style-type: none"> • Education (secondary) £59,569 • Education (six form) £13,720 • Libraries £22,255 • Fire and Rescue £1899 • Sums to be reviewed and updated after 3 months of Committee resolution
10	<i>Financial Viability review</i>	<ul style="list-style-type: none"> • Financial Viability review to be undertaken with additional funds to be used for health facilities.
11.	<i>Riverside Path and Works</i>	<ul style="list-style-type: none"> • £500,000 to be provided for future construct of the riverside path and flood wall along the river frontage of the adjoining land. If not required within 5 years funding to be used for affordable housing / open space
12	<i>Public Access</i>	<ul style="list-style-type: none"> • Access for public to outdoor parts off the site and site accesses (other than basement parking).
13.	<i>Relocation of car park at site frontage</i>	<ul style="list-style-type: none"> • Reasonable endeavours clause to require applicant to continue negotiations with Free Wharf to relocate car park onto adjoining site.

Site Management		
13	<i>Site Management</i>	<ul style="list-style-type: none"> ● Car Parking Management and Servicing Plan ● Secure cycle stores to be maintained ● Bin stores and litter bins, including no use of bin collection area outside 24 hours of collections. ● Implementation of Travel Plan ● All common and publicly accessible areas to be maintained, including watering and pruning; ● Sustainable drainage, including arrangements for maintenance and end-of-life replacement. ● Flood Risk Management Plan, including updating and dissemination ● Basement Floodrisk Management ● Maintenance of acoustic glazing and associated ventilation / ventilation systems ● Green roofs and other landscaped areas on building ● Maintenance of on-site heating system
15.	<i>Local Procurement and Skills</i>	<ul style="list-style-type: none"> ● Employment & Skills Plan to be agreed pre-commencement ● To include provisions for working with local learning, skills and employment group (s) and/or colleges and/or training establishments, in order to procure local labour and arrange apprenticeship(s) and skills training during the construction phase. ● Implementation in liaison with Council's Economy & Skills Officer

Conclusions and Planning Balance

The principle of residential and commercial development is clearly supported by adopted Local Plan and Area Action Plan (JAAP) policies. These seek high density

development (minimum of 100 dwellings per hectare) and the proposal falls well inside the density range of other recent approvals in the Western Harbour Arm (WHA) and nearby.

Although this would take the total committed development in WHA to 1226 dwellings, the policy reference to 1100 is a minimum figure. Data for current housing commitments and emerging future delivery rates indicate that whilst the titled balance of the NPPF in favour of housing schemes is not yet engaged, there is added weight in respect of housing need, which is an important factor in decision making here.

In terms of impact, the proposal is considered acceptable in scale and spatial relationships, the design is also contextually appropriate subject to some relatively minor elevational augmentation which could be added to its northern face.

Despite the financial constraints which have been satisfactorily reviewed, the proposal meets significant infrastructure needs for highways, education and a modest contribution for off-site affordable housing. Whilst it cannot make direct financial provision health facilities (unless a subsequent viability review reveals a future improvement), it provides a sizeable area of new public realm and space, meeting recreation and pedestrian as well as flood defence, needs as a counterpoint to the more heavily built-up frontage of the neighbouring Free Wharf road frontage, which works well in urban design terms.

It is hoped and is actively encouraged that reasonable endeavours between the applicant and Southern Housing can look at a shared re-think of the Free Wharf frontage parking area and servicing arrangements, including bins, in the interface between these two sites. This could produce a more efficient and overall more attractive arrangement.

The proposals demonstrate a high degree of energy and CO2 efficiency. The parking provision at a ratio of 1.1 spaces per dwelling is considered suitable in this reasonably accessible location, although it is hoped that the counterbalancing sustainable transport package can be enhanced by an enhanced car club offer.

Subject to detailed engineering, the vehicular access / ramp is an opportunity to serve an extended parking basement for a future neighbouring development. The spatial relationships between the proposal and the land to the east and south are also considered sufficient to allow for such development, although details and layouts rely upon a future or scheme as yet unknown. In the meantime noise mitigation measures would minimise the risk of noise from the existing neighbouring use as well as road. Importantly the proposals would part fund riverside works within this neighbouring land, to form part of the continuous riverside path, as a key element of WHA infrastructure.

Relationships with the Free Wharf buildings are also considered reasonable including its location alongside the approved service road. Confirmation is awaited concerning access here, which may include a further planning condition to be added to those recommended below. Subject to this provision and the receipt of remaining consultation responses, notably the Fire Service and Drainage consultant, and the

s106 provisions in Table 4 above, and planning conditions below, the planning balance is considered to be in support of the application.

Recommendation: APPROVE Subject to consideration of satisfactory comments from remaining consultees and the completion of a satisfactory section 106 Agreement.

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.

[Insert drawing numbers]

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

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

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

Enabling Works

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

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

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

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

(iii) Re-routing of existing sewer main if needed

(iv) Site survey works, including excavation to assess ground ~~existing~~ condition.

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

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

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, and to manage impacts of noise, vibration and dust in accordance with the National Planning Policy Framework 2023, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Materials and Details

4. With the exception of Enabling Works in Condition 3, (and unless agreed otherwise in writing by the Local Planning Authority), no works above ground level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority and all development of that phase pursuant to this permission shall be carried out and permanently maintained in full accordance with details thereby approved:
 - a) Details and samples of the materials to be used on all external faces of the building(s) and ground surfacings, including colours and finishes;
 - b) Details, including 1:20 drawings and profiles of external doors; windows and frames; roof intersections, soffits, parapets & cappings, brise-soleil, balconies, balcony screens / balustrades and any external rails;
 - c) Any external plant and utility cabinets, their location, size, design, materials, colours and finish and any associated externally visible ducting,
 - e) Details of any external lighting, including measures to minimise light pollution,
 - f) Details of pedestrian and vehicular access ramps and steps and ground floor plinths, including their edges,
 - g) Details of the location and design of any externally visible ventilation louvres, gaps or ducts

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

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies 15 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.*

Landscaping, Play and Biodiversity

5. Before the commencement of development above ground level, (other than Enabling Works), and unless otherwise agreed in writing, the following details shall be submitted to and approved by the Local Planning Authority:
 - i) Details of hard landscaping materials and surfacings
 - ii) Details of provisions for play & recreation
 - iii) Any external seating
 - iv) Planters and tree pits including irrigation and drainage
 - v) Ground preparation to create a planting medium
 - vi) Biodiversity enhancement measures
 - vii) Public art

- vii) A maintenance plan to ensure full establishment of new planting

Development shall be carried out only in accordance with the approved hard and soft landscaping plans and the planting maintained, in accordance with the approved details and the phasing plan. Any trees or shrubs or other vegetation which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: *To ensure the provision, establishment and maintenance of hard and soft landscaping on the site, including provisions for play & recreation and biodiversity, and to provide for minor revision to the landscaping layout at point B i) in accordance with policies 15 & 30 of the Adur Local Plan 2017 and Policies SH7& CA7 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.*

Means of Enclosure gates or barriers & Permitted Development restriction

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

Reason: *In the interests of visual amenity, to ensure an ongoing high quality appearance and character of development in accordance with policies 15 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.*

Commercial Units - Uses and limitations

- 7. i) The commercial spaces hereby approved shall not be used other than for purposes within Class E Town and Country Planning (Use Classes) Order 1987, (as amended) but not including any uses within Class E(f) for creches, day nursery and day centres. This condition shall apply notwithstanding the provisions of Schedule 2, Part 3 of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting these Orders they shall not be used for any other purposes whatsoever.
- ii) Prior to the commencement of any use within Class E for any indoor sport, recreation or fitness or details shall be submitted to and approved in writing by the Local Planning Authority including hours of use, measures to minimise risk

of noise and disturbance to neighbours or occurrence of odours, measures to minimise and control traffic and deliveries and anticipated numbers of staff and visitor and customers. These uses shall only operate in accordance with the details approved by the Local Planning Authority

Reason: *To provide an appropriate commercial use of the space in accordance with the current application, to add vitality but also to minimise risk of conflict with neighbouring residents at the site or adjoining sites, in accordance with policies 8 & 28 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019 NPPF, 2023.*

Commercial Units - Hours

8. The commercial spaces shall only be used and open to customers and visiting members of the public between the following hours, (unless otherwise approved in writing by the Local Planning Authority, including any written approval under condition [7] of this permission, which may include other or shorter hours):

Monday – Saturday 07:30 – 23:00

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

Reason: *To achieve a balance between business needs and the protection of residents immediately adjacent or close to the premises from noise and disturbance in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF, 2023.*

Commercial Units - Noise Insulation

9. a) Construction work above podium level, shall not commence until an insulation scheme for protecting the first floor flats from noise from the commercial spaces has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors.
- b) Before the residential units are occupied a test shall be undertaken to demonstrate compliance with this level and submitted to and approved in writing by the Local Planning Authority.

Reason: *To protect neighbouring residents from noise and vibration in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF, 2023.*

Ventilation & Amplified sound

10. i) No kitchen for the preparation of hot food shall be installed in any commercial space unless details of means, plant or equipment for the extraction and disposal of cooking odours have been submitted to and approved in writing by

the Local Planning Authority.

ii) No external fixed plant serving commercial or other spaces in the development shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. The design shall have regard to the principles of BS4142:2014 and aim to achieve a rating level which is no greater -5dB above existing background noise level, shall include any necessary anti-vibration mountings and any necessary odour control.

iii) No amplified sound equipment in or outside the commercial spaces terrace shall be used until details have been submitted to and approved in writing by the Local Planning Authority, including proposed hours of its use and to ensure that any sound level measured 1m from any speaker or equipment shall not exceed 75dB(A) LAeq 1 min.

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

Reason: *To protect neighbouring residents from odour, noise and vibration.in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.*

Commercial Units - Forecourt Signage

11. Details of any external forecourt signage for any commercial space which is more than 5 metres from the respective commercial space if proposed, shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation of each respective space. Thereafter no additional forecourt signage shall be erected outside the aforementioned 5 metre distance without the prior written approval of the Local Planning Authority.

Reason: *In the interests of visual amenity and to manage advertising in the wider public realm of the development, to achieve a balance between business needs and the impact and appearance of signage in accordance with policies 15 of the Adur Local Plan and SH9 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.*

Highways & Access

12. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Access Plan and numbered 11837/2101 ref P4.

Reason: *In the interests of road safety and to ensure suitable access to and around the site, including provision of the riverside path in accordance with policies 28 & 29 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019 and NPPF 2023.*

Accesses and Frontage Specifications

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

Reason: *To ensure provision of robust and drained access, parking and manoeuvring areas, including suitability for servicing, refuse and emergency vehicles, including sustainable drainage where appropriate in accordance with policies 28 & 29 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019 and NPPF 2023.*

Car-Park Barrier

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

Reason: *To provide vehicle waiting space clear of the public highway in the interests of the safety and free flow of vehicular traffic and pedestrians and in the interests of visual amenity, in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.*

Access Ramp - access to adjoining land

15. With the exception of Enabling Works in Condition 3, (and unless agreed otherwise in writing by the Local Planning Authority), no development works shall take place until engineering details, including an engineer's report, of the construction of the access ramp and basement car park have been submitted, to demonstrate that future access to adjoining land to the east and south can be provided without significant reconstruction works and to demonstrate that this meets highway, drainage and other engineering requirements for safe usage. These details shall be fully adhered to in the implementation of the development.

Reason: *To ensure that provision is made for future shared use of the access to serve development of neighbouring land in accordance with the submitted basement plan 6719 05 P03, to minimise the need for multiple accesses to the highway and impacts on the future roadside cycle path and footway along the A259 in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.*

Vehicle Parking and Electric Vehicle Charging

15. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site and basement plans and including provision of at least 34no. active electric vehicle charging points and provision of passive electric vehicle cabling and conduits to all other spaces. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: *To ensure the provision of well-located car-parking facilities and sustainable parking to serve the development in accordance with policies 28 of the Adur Local Plan 2017 and and SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.*

Secure Cycle Parking

16. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with the approved plans and shall be permanently maintained thereafter.

Reason: *To provide alternative travel options to the use of the car in accordance with policy 28 of the Adur Local Plan 2017 , SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.*

Travel Plan

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

Reason: *To encourage and promote sustainable transport in accordance with policy 28 of the Adur Local Plan 2017 , SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.*

Parking and Servicing Management Plan

18. No residential part of the development shall be first occupied until a Parking and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall detail management measures to ensure that parking spaces are used efficiently, and that arrangements for service and delivery vehicles are managed in order to minimise impacts on the highway and conflict with pedestrians and other users of the outdoor areas within the site. The Plan thereby approved shall be permanently adhered to, unless otherwise agreed in writing by the Local Planning Authority.

Reason: *To manage vehicular access in the interests of highway and pedestrian safety and amenity to minimise traffic within the interior of the site, in*

accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.

Recycling & Refuse - storage and collection

19. No part of the development shall be occupied until the internal refuse storage space serving it and the roadside bin day collection point have been provided in accordance with the approved plans and shall be permanently retained and maintained thereafter. No bins shall be kept within the roadside bin day collection point other than within a period of 24 hours of a bin collection day.

Reason: *To ensure adequate internal storage space for recycling and refuse and the roadies bin collection point, and to ensure that bins are not left in the collection point other than for the immediate purpose of collection, in the interests of public and visual amenity and highway safety in accordance with policy 15 & 18 of the Adur Local Plan 2017 and NPPF 2023.*

Wheelchair access – apartments and all external areas

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

Reason: *To ensure accessibility for wheelchair users in accordance with policies 15, 28 & 32 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.*

Flood Risk Management

21. The development permitted by this planning permission shall only be carried out in accordance with the flood risk mitigations in the submitted Flood Risk Assessment ('FRA') (GTA Civils Flood Risk Assessment & Outline Drainage Strategy Ref 11837 - 2nd Preliminary Issue 18 April 2023.), including:

- i) Finished floor levels of the residential properties must be set no lower than [] mAOD
- ii) Finished floor levels of the commercial units must be set no lower than [] mAOD
- iii) No habitable accommodation whatsoever shall be located below upper ground floor level at any time

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

Reason: *To reduce the risk of flooding to the proposed development and future occupants, in accordance with the Planning Practice Guidance (PPG) to the*

National Planning Policy Framework, 2023 for Flood Risk and Coastal Change in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and NPPF 2023.

Flood Risk Management Plan

22. No part of the development shall be 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 each respective phase or part, including the provision of any escape routes contained in the Flood Risk Management Plan and shall be permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.

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

Basement - Flood Mitigation.

23. With the exception of Enabling Works in Condition 3, (and unless agreed otherwise in writing by the Local Planning Authority), no development works shall take place until details have been submitted to and approved in writing by the Local Planning Authority of measures to protect the basement plant room and lift from damage and loss of power during flooding and any appropriate mitigation measures. This shall be implemented prior to the occupation of the development hereby permitted and adhered to throughout its lifetime.

Reason: *As recommended by the West Sussex County Council Lead Local Flood Authority, to prevent risks from flooding in accordance with NPPF, 2003, policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019 .*

Drainage 1 - Details of Foul & Surface Drainage

24. No works except Enabling Works under condition 3 shall take place until details of the proposed means of foul and surface water sewerage disposal (including finished ground levels around the site to minimise risk of ponding), and including a timetable for its provision, and assessment of pollution risks with any measures necessary for its control or mitigation, have been submitted to, and approved in writing, by the Local Planning Authority. This shall include any details of development phasing necessary to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. The development shall then be carried out to comply with the agreed details, timetable and phasing.

Reason: *To ensure that the proposed development is satisfactorily drained in consultation with Southern Water, in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2023.*

Drainage 2 – Sustainable Surface Water Drainage infiltration

25. No drainage systems for the infiltration of surface water to the ground are permitted other than with the prior written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out only in accordance with the approved details.

Reason: *As recommended by the Environment Agency to ensure that the development will not cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution, in accordance with paragraph 174 of the National Planning Policy Framework 2023 and Policy 34 of the Adur Local Plan 2017*

Drainage 3 – As-Built Records

26. Immediately following implementation of the approved foul and surface water drainage systems and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by a qualified engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be permanently maintained in perpetuity.

Reason: *To ensure that the proposed development is satisfactorily drained and managed in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2023.*

Drainage 4 - Management

27. The drainage system for the site shall be permanently maintained and managed in accordance with Annex SuDS Management & Maintenance Plan. GTA Civils Flood Risk Assessment & Outline Drainage Strategy Ref 11837 - 2nd Preliminary Issue 18 April 2023, unless the Local Planning Authority gives prior written approval for any variation.

Reason: *To ensure that the proposed development is satisfactorily drained and managed in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2023.*

Remediation and Groundwater

28. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- i) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 - ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: *As recommended by the Environment Agency and Environmental Health Officers to ensure that the development will not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF and in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2023, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Remediation Verification

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

Reason: *To ensure that the development will not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF and in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2023, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Previously Unidentified Contamination

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

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, in accordance with the National Planning Policy Framework 2023, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Foundation Risk Assessment, Piling & Contamination

31. Prior to excavation and foundation works, a Foundation Risk Assessment shall first be submitted to and approved in writing by the Local Planning Authority, to include consideration of turbidity and contamination impact risks associated with the development, including excavation required to install the basement, and any proposed mitigation plan. Piling and using penetrative methods shall only be carried out in accordance with details which shall also first be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the details thereby approved.

Reason: *As recommended by the Environment Agency and Southern Water to ensure that the development will not cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution, in accordance with in accordance with the National Planning Policy Framework 2023, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Sustainability & Energy

32. a) The development hereby approved shall incorporate the energy and heat management measures, in accordance with the details in Energy Strategy Report by Impact Sustainability Ltd Rev.00, dated 15th March 2023, submitted with the current application:

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

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

b) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target CO2 reduction including renewable energy, as identified in the submitted Energy Strategy Report and efficient water usage. It shall also include timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: *In accordance with the submitted application, to ensure that the development is sustainable and makes efficient use of energy, water and materials to achieve CO2 reductions having regard to the National Planning Policy Framework 2023 and policies 18 & 19 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan and the Council's Sustainable Energy SPD, 2019.*

Noise Mitigation and Ventilation

33. No development shall be occupied until all measures for noise mitigation and ventilation, including acoustic glazing and mechanical ventilation, have been fully implemented in accordance with the Noise Assessment by Acoustic South East Consultants reference J3591 Issue 1, dated 16th March 2023 and these shall be permanently retained and maintained thereafter.

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

Air Quality Mitigation

34. No development shall be occupied until all measures for air quality mitigation and ventilation have been fully implemented in accordance with the Air Quality Report by Syntegra Consulting reference 20-6951, dated 16th March 2023 and these shall be permanently retained and maintained thereafter.

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

Levels

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

[insert drawing number]

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

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

Aerials / Antennae

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

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

Obscure Glazing & Privacy

37. *[To bathroom and other windows as necessary detailed wording to be provided]*

Fire Hydrants & Water Supply

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

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

Construction Environment Management Plan - Development

39. Prior to commencement of enabling works no development shall take place, until a Construction Management Plan in respect of these works has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- a) the anticipated number, frequency and types of vehicles used during construction,
 - b) the method of access and routing of vehicles during construction,
 - c) the parking of vehicles by site operatives and visitors,
 - d) the loading and unloading of plant, materials and waste,
 - e) the location of any site compound and site office,
 - f) the storage of plant and materials used in construction of the development,
 - g) arrangements for efficient construction waste management,
 - h) environmental best practice guidance and appropriate mitigations to minimise risk of impacts upon the underlying chalk aquifer,
 - i) measures to be place to deal with minimise risk of and respond to any accidental spillages including containment and clear-up,
 - j) a Dust Management Plan incorporating the dust control measures,
 - k) a commitment to no burning on site,
 - l) the erection and maintenance of security hoarding, including provision of public information about the development and viewing ports,
 - m) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - n) Arrangements for regular and responsive traffic management liaison with other imminent or active development sites in the Western Harbour Arm and A259 Brighton Road,
 - o) details of any external lighting during the development//construction period, including provisions to avoid any hazards to shipping and activities at Shoreham Harbour Port, in liaison with the Shoreham Port Authority,
 - p) details of public engagement both prior to and during construction works including neighbouring and nearby residents (including those at Shoreham Beach), businesses and other occupiers.

Reason: *As recommended by Highway and Environmental Health officers and Southern Water, in the interests of highway safety and the amenities of the area and to minimise the risk of pollution, hazards and noise and to safeguard the amenities of neighbouring and nearby occupiers during the period of development works in accordance with Policies 8, 15, 28 & 34 of the Adur Local Plan, 2017.*

Hours of Work - Development

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

Monday - Friday 08:00 - 18:00 Hours

Saturday 08:30 - 13:00 Hours

Sundays and Bank / Public Holidays no work is permitted.

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

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

41. **Any other appropriate conditions.**