



**ADUR DISTRICT  
COUNCIL**

**Planning Committee  
5th September 2022**

**Agenda Item 6**

**Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1481/21      Recommendation – Approve subject to a s.106 Agreement, the receipt of amended plans and outstanding consultee responses.**

**Site:            Land At Former 5 Brighton Road, Shoreham-By-Sea**

**Proposal: Proposed mixed-use re-development between 3 and 8 storeys comprising 21 townhouses, mixed-use apartment block of 24 flats, riverside walk, landscaping, and parking.**

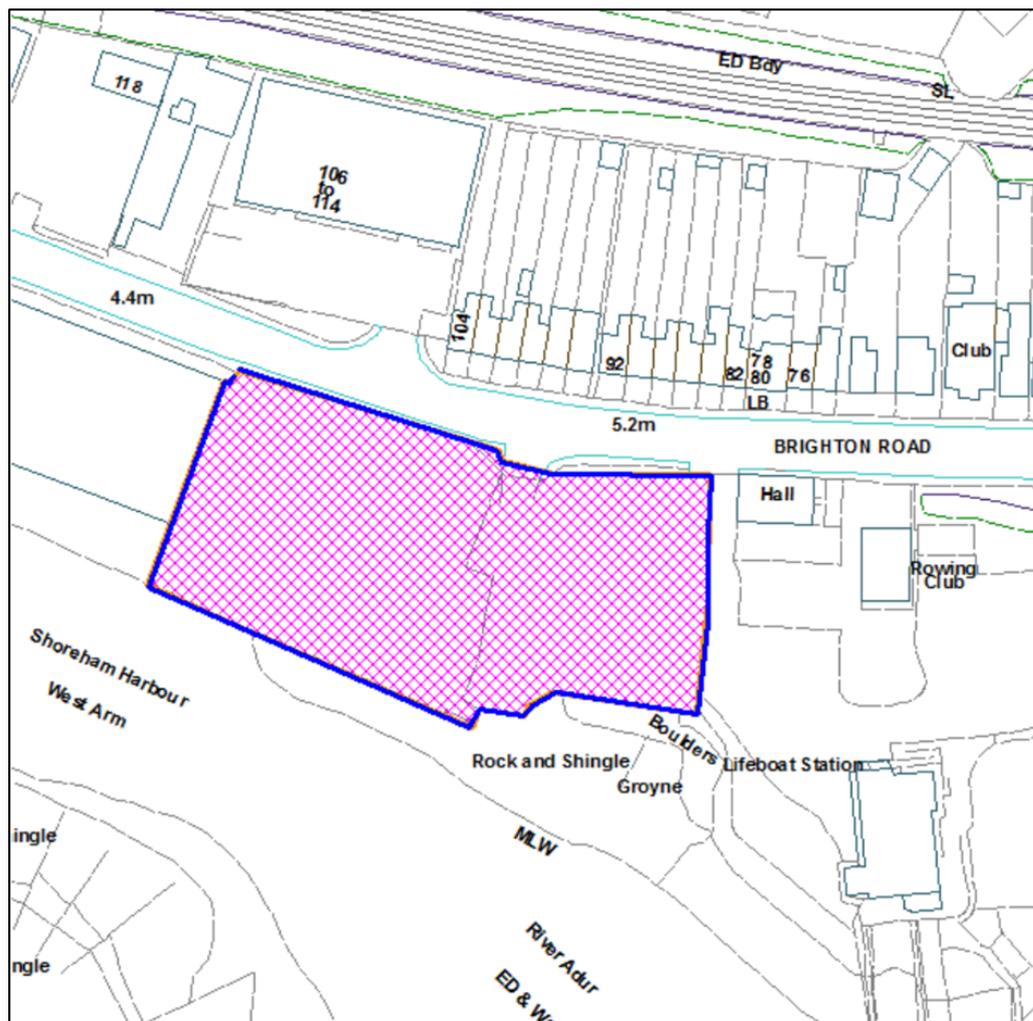
**2**

**Application Number: AWDM/0585/22      Recommendation – Delegate to approve subject to completion of s106 agreement.**

**Site:            Land At 68 And South Of 68 To 86 Manor Hall Road, Southwick**

**Proposal: Erection of 22 residential units, with associated landscaping and access arrangements**

Application Number:	AWDM/1481/21	Recommendation - Approve subject to a s.106 Agreement, the receipt of amended plans and outstanding consultee responses.
Site:	Land At Former 5 Brighton Road, Shoreham-By-Sea	
Proposal:	Proposed mixed-use re-development between 3 and 8 storeys comprising 21 townhouses, mixed-use apartment block of 24 flats, riverside walk, landscaping, and parking.	
Applicant:	Cayuga 011 LLP	Ward: Southwick Green
Agent:	Lewis and Co Planning SE Ltd	
Case Officer:	Stephen Cantwell	



**Not to Scale**

## Proposal, Site and Surroundings

This riverside site of approximately 0.47ha lies at the easternmost end of the Western Harbour Arm (WHA) in the Shoreham Harbour regeneration area. It fronts onto a bend in the southern side of the A259 Brighton Road, with frontages of 95m to the road and river and an average site depth of approx. 50m.

This full planning application proposes 24no. townhouses arranged in three terraces of three and four storeys height, also an eight storey block of 21 apartments, with riverside cafe (60sqm) in part of its ground floor. Development would be set around a central amenity and parking courtyard. Vehicular access to the courtyard would be via a ramp from the street. A second vehicular access would serve parking for the apartment block at the western end of the site. A proposed riverside walk would connect with that approved at the neighbouring site, Kingston Wharf.



Fig. 1: Images of the proposals

The site is currently vacant following demolition of the Howard Kent repository building around three years ago and comprises level, concrete-surfaced ground, contained within a series of cobbled-stone walls and palisade-steel security fencing, giving open views between the road and river. The roadside pavement is narrow at 1m width, with lapposts set within it and a pole-type bus stop approximately 15m from the north east corner of the site.

Opposite approximately half of the site is part of the terrace of Victo-Edwardan, two storey houses on the north side Brighton Road; the other half faces towards a two storey, mid/late-C20th industrial building set back behind a parking forecourt. The western boundary is with the Kingston Wharf site, where redevelopment works are in progress to construct 255 flats and a commercial building. The closest residential block of six storeys at the Kingston Wharf development will be 14m from the western boundary of the site; a ramped driveway will occupy the intervening space, providing service-only access to the riverside.

Immediately east of the site is Kingston Green and Beach, which contains a Victorian single storey building at its north-west frontage to Brighton Road; most recently this was used as a Scout Hall and is 5m from the site boundary. Kingston Green has village-green status and also contains the barrel-roofed, three-storey Lifeboat Station and two storey Rowing Club buildings along with informal car parking and grassland. The southern edge of the application site comprises the reinforced riverbank, adjoining an area of riverside mud and rock revetment, which faces towards the nearby harbour mouth which is to the south of the site and Kingston Green & Beach.

Kingston Buci Lighthouse, a listed building, lies at the east side of the Green close to the road frontage. The Kingston Buci conservation area is situated 90m to the north of the site, beyond the intervening terraced houses, road and railway. It contains listed buildings at Shoreham College some 250m north of the site, although lines of site between them are largely obscured at eye level by intervening buildings and railway-side trees.

## **Relevant Planning History**

**AWDM/1979/17** Demolition of existing building and erection of 3 buildings to provide 136 dwellings (including 30% affordable) comprising 21no. three bed, 61no. two bed, 46no. one bed and 8no. studio flats, community and residents' space as flexible D1/D2 space to ground floor, flexible A1/A3 to ground floor, 136no. parking spaces, provision of England coastal path, access, enhanced sea defences, enhanced flood defences, connection to the Shoreham Harbour Heat Network, creation of a new public realm to the A259 with hard and soft landscaping and other associated infrastructure. **Withdrawn 24.08.2018**

## **Consultations**

**West Sussex County Council Highways Authority** – No objection, subject to

**S.106 Agreement** including: Contribution of £145,074 split between £35,680 Local Plan Measures (A27 Steyning and Hangleton junctions) and £109,394 Sustainable transport improvements within the JAAP. It is acknowledged the works to the public

right of way FP 3556 (adjoining the eastern boundary) would provide a wider public benefit and could reduce the level of JAAP contribution.

- Construction of new kerb-line in Brighton Road, with widening for pedestrian and cycle paths and dedication of Highway land;
- Contribution towards provision of cycleway surfacing / kerbing
- Surfacing of footpath FP 3556, value/specification to be agreed with the Rights of Way team.
- Travel Plan statement and auditing fee of £1,500 or towards wider travel plan promotion within Shoreham Harbour;
- Car Club vehicle provision;

Note also: Additional frontage land may also be required to provide suitable width for the bus stop

The access ramp gradient and on-site turning space for service vehicles are acceptable. It is noted that refuse vehicles would cross the centre line in Brighton Road on all turning movements however this is acceptable given the limited nature of the collections.

Additional cycle parking (3 Sheffield stands) has been provided in the vicinity of the proposed café

**Planning conditions**, including: Construction of access; car and cycle parking provisions including EV charging and ongoing management plan. A construction management plan (CMP/CEMP) during development works, including liaison with other development in Western Harbour Arm and/or along A259 Brighton Road.

***West Sussex County Council Public Rights of Way (PROW) : Comments***

No objection to the developer improving the surface of the existing FP3556 to a specification to be agreed and separate approval of the PROW team and of the landowner. We would ask for a minimum width of 2m but if the existing footpath width is greater then we would encourage the whole width to be surfaced to the agreed specification. (follow-up specification mixed bound loose?)

***West Sussex County Council Fire and Rescue Service: Comments***

The supply of water for firefighting and access for a fire appliance appear to comply with Water and Access requirements.

***West Sussex County Council Lead Local Flood Authority: Objection***

Further information required as stated by the District Council Drainage officer, in relation to future climate change flood events (2 year 100 year) and tidal-locking. Not

currently demonstrated that the proposals fulfil the principles of over-the-wall drainage.

#### Other information

Current surface water mapping shows that the proposed site is at low risk from surface water and groundwater flooding, although this is based on modelled data. Any existing surface water flow paths across the site should be maintained. The site is located within Flood Zone 3, the Environment Agency should be consulted. [**Officer Note:** Environment Agency response supports the amended plans]

Surface water drainage should be based on sustainable drainage (SuDS) principles. Future maintenance and management of any SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority and subsequently be implemented in accordance with the approved designs.

#### ***Adur & Worthing Councils***

***Parking Services Team*** No objection.

Comments: There is no controlled parking zone in the area but there is limited available unrestricted on-street parking in the area. A Traffic Regulation Order shows that double yellow lines and provision of parking would be required.

***Environmental Health Private Sector Housing*** . No Objection

***Technical Services Officer*** ( Drainage): Holding Objection

Surface water drainage: It must be demonstrated that a gravity solution to the River Adur can be achieved within the site layout, including provision for tidally-locked scenarios. A revised surface water drainage strategy and calculations should address rainfall events (2 year to 100 year climate change rainfall events. Further information is required prior to determination as it is not clear that drainage can be secured via conditions.

The application is within flood zone 3. An emergency plan should be provided to evidence how safe access and egress will be provided.

***Waste Services Officer:*** No Objection

As long as drain covers and the surface can support the weight we have no issues with this as a collection access.

***South Downs National Park Authority:*** comments

The development would be seen from key vantage points within the National Park albeit the National Park boundary is some 1.5-2km. SDNPA makes no comment on the principle of the development. However it recommends consideration of materials proposed, on account of the height of the building and its visibility from key vantage points within the National Park, and to lighting, given the International Dark Night

Skies Reserve status and would encourage a sensitive approach to lighting which conforms the Institute of Lighting Professionals for lighting in environmental zones, and tries to achieve zero upwards light spill in all respects.

**Environment Agency:** Comments & Recommends conditions

The previous objection (as per Environment Agency letter dated 21 September 2021, our ref: HA/2021/123531/01) can be removed provided that the following conditions be attached to any planning permission granted: Adherence to flood risk assessment and levels; contamination remediation strategy & verification when implemented; groundwater protection & approval of piling methods

The agency advises that the use of infiltration SuDS is not appropriate in this location and that the following planning condition be attached:

Sustainable Drainage: No drainage systems for the infiltration of surface water to the ground are permitted other than with the 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 in accordance with the approved details.

**Southern Water Services :** Comments

Investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. A formal application for a connection to the public sewer should be made by the applicant or developer. Arrangements for maintenance for surface water drainage should be secured.

**Shoreham Port Authority:** Awaited.

**National Highways:** No objection.

The proposals will generate minimal additional traffic on the strategic road network

**Historic England .** Confirms no comment.

Refer to Council's Conservation officer

**Sussex Police:** Comments

No major concerns with the proposals, recommends the following of Secured by Design (SBD) and Building Regulations Part Q Security – Dwellings) to reduce the opportunity for crime and the fear of crime, creating safer, more secure, sustainable environments.

Residential:

- Control of entry to flats for authorised persons only, i.e a visitor door entry system or access control system and a recognised electronic key system. Postal arrangements to be through-the-wall or externally mounted secure post boxes.

- Communal parking areas must be within view of an active room (not bedrooms) within the property with direct and visual connection between the room and parking area. Cycle stores and footpaths to be secure-designed under SBD.
- Landscaping - ground planting should not be higher than 1 metre where windows of observation needed
- Lighting should also conform to relevant British Standard

Commercial:

- It will be important to ensure, clear segregation of the residential and commercial elements and that the structure of this development is maintained so that the uses do not cause conflict with each other.
- Specifications are recommended for CCTV and installation of an intruder alarm; also consultation Police Licensing at Sussex Police in the event of alcohol sales.

***Health and Safety Executive*** (Fire Safety)

Comments awaited on recent internal changes - summary of previous comments:

Fire performance classification for external materials sought. Escape routes for proposed houses via the undercroft parking area may require design changes. Some revision / separation required for internal stairs to the flatted block.

***NHS Clinical Commissioning Group (CCG)***

Requests a contribution from the applicant of £60,271, which will be used most likely towards the new health hub for Shoreham, or additional estate.

***Adur District Conservation Advisory Group.***

Comments awaited on amended plans - summary of comments September 2021:

“The large block of 8 floors will inevitably impact on the Kingston Buci conservation area with south views. A building of no more than 5 floors would be preferred & more in keeping”.

We support the holding objection submitted by the Environment Agency.

A recent report on community consultation is missing, the only evidence being a reference to discussions held with the Council. **[Officer Note: A Stakeholder Consultation Report was received subsequently in October 2021]** The Planning Statement mentions a 2018 community meeting at the “Barn” regarding a similar scheme. Other than door dropping 500+ residents in the immediate area, members feel this aspect as required by NPPF has not been correctly carried out which it is felt is still required.

Members are concerned about increased traffic, parking & air pollution and effect on climate change bearing in mind the site is within the JAAP local plan. Members recommend refusal

## Representations

### Amended Plans - Comments received May - August 2022

10no. objections from Residents (summarised in table below)

<b>28a Brighton Road</b>	Additional traffic on A259, Shoreham now at a standstill.
<b>32 Brighton Road</b>	How will infrastructure cope (medical appointments taking longer, lack of local school places) Will local people occupy these? Inadequate parking, will spill onto road and Kingston Beach
<b>100 Brighton Road</b>	Out of scale with the existing surroundings, notably the houses on the north side of the road and the listed lighthouse to the east.  Concern that traffic incidents at bend on road will increase, especially at access points; also note the dazzling effect of morning sunlight on eastward-bound traffic. Inadequate parking will overspill
<b>Rectory Close</b>	Too high, should be 4-5 storeys maximum Scale not reasonable Additional traffic increasing air pollution Housing will not benefit local people and add to infrastructure pressures (medical, Schools and roads) Increased risk of flooding to existing sand proposed residents as sea level rises Proposed river-walk is supported
<b>155 Church Green</b>	Taller than recent developments between Portslade and R. Adur – should be 5-6 storeys maximum. Will dominate historical area Additional flood-risk Infrastructure pressure Additional traffic and congestion Archaeological assessment needed
<b>Member of Sailing Club</b>	Tall buildings will affect wind patterns for pedestrians and for sailing on R Adur, including the sailing club slipway nearby. No microclimate study submitted.
<b>20 Kingston Way</b>	Overbearing and loss of skyline to houses Loss of light to neighbours Overlooking and shading of beach Impact on setting of lighthouse Block should not exceed six storeys and houses 3-4 storeys. Showers should be provided to users of Beach in compensation for impacts.

<p><b>90 Brighton Road</b></p>	<p>Previous objections 28-09-21 remain valid [these referred to scale and height and the lighthouse setting , with suggestion to reduce to 3-5 storeys and improve facilities at Kingston Beach; lack of affordable homes &amp; amenity space; floodrisk]</p> <p>ADCAG 4/6/22 <i>The whole design will seriously impact on the neighbouring conservation area due to its height and pseudo-design which will adversely affect the neighbouring lighthouse and the designated 'village green' adjacent'</i></p> <p>Environment Agency objection removed but need evidence that its conditions incl. remediation and groundwater protection could be adhered to. Drainage officer concerns not yet addressed</p>
<p><b>40 Mill Lane</b></p>	<p>Object to design, overdevelopment and infrastructure (no detailed comments)</p>

**Original Plans** - Comments received August - November 2021

48no objections from residents and 3no from groups  
1no support from a group

**Resident comments** are summarised as follows:

- Eight storeys too high
- Overdevelopment, out of keeping with the scale of Victorian houses, lighthouse and will cause overshadowing
- Height of the block will create an uneven, unbalanced appearance with Kingston Wharf development. It should be lowered and graduated heights across the site
- Harm to setting and character of lighthouse contrary to Tall Buildings Study
- With other development, it will spoil Shoreham's character
- V poor design
- Eyesores e.g ParcelForce & Yacht Club should be stopped
- Traffic hazard – drivers take this bend at speed, increased risk of collisions
- Developers should provide for safe crossing of Brighton Road
- Parking inadequate 45no. spaces instead of required 64no. Risks of parking overspill onto street or Green, affecting RNLI, Rowing Club and existing residents ability to park
- Air pollution and increased traffic congestion and parking need
- No more developments until roads are sorted out
- Impact on local infrastructure, schools, Drs, sewers
- No affordable housing for local people
- Lack of space for children
- East terrace, much taller than Brighton Road houses and with roof terraces will overlook and overshadow neighbours
- Invasive of privacy and loss of light
- No apparent provision for sustainable energy

- Light from eight storey block will impact harbour navigation
- Support principle of terraced houses

### **Group Comments on Original Plans**

#### ***Adur & Worthing Business Partnership*** - Support

Proposals are more considerate than previously withdrawn scheme. Development will bring economic benefits.

Support for linkage between development works, local employers and educational work placements/apprenticeships

#### ***Kingston Beach Residents Association*** - Object

Detailed 23 page document including massing visualisations

- Out of scale – Flatted block is 4m taller than scheme refused in 2007 and houses at road frontage are 2.5m taller and 100% wider
- Block should be lower than or no higher than the approved Kingston Wharf
- Will dominate 2 storey 'Pier Terrace' houses in Brighton Road, resident's outlook and setting of Kingston Beach
- Heights should be 3-4 storeys to retain skyline of lighthouse
- Will create significant overshadowing
- Space between buildings is narrow and only visible at angled views. Should be made wider
- Building materials not referenced to context or marine location
- Conflict with Shoreham Tall Buildings Study
- Insufficient amenity and children's play space
- Conflict with Port operations
- Bus stop & Shelter with pedestrian island are needed, including a speed camera
- Refuse collection – adequate provision? Bin-stores should be located away from the proposed gap
- Commercial unit better located to riverside closer to Beach, needs cycle stands

S.106 contributions are needed for enhancements of Kingston Beach & Green including integration of proposed riverside walk, improvement of rowing club facilities, flood defences and parking on the Green.

#### ***Adur Residents Environment Action*** - Object

- Inadequate play space – roof terraces inadequate for family houses
- Central courtyard is a vehicular space and not a safe environment
- Height exceeds JAAP expectation of five storeys
- Lack of affordable housing, contrary to policy 21
- Economic benefit is questioned, likely to be temporary during construction works only
- Parking ratio too low and inappropriately based on St Mary's Ward
- Traffic increases and air quality is underestimated. Mitigation of £8980 too low
- Increased plants and trees needed to combat pollution

- Viability details not provided
- Child numbers are likely to be higher, possibly 56no
- Public consultation in 2018 inadequate and more recently only notified to residents near the site or via a small-ad
- Flood risk – Environment Agency not satisfied [Sept 2021] Recommends refusal due to size and lack of affordable homes

### ***Shoreham Beach Residents Association* - Object**

- Eight storey block is too high and highly visible from eastern Shoreham Beach. The Lighthouse should remain dominant
- Bulk & mass does not enhance street-scene. Architectural design does not take into account historic maritime setting
- Inclusion of townhouses welcome but considerable work needed to become acceptable
- Concern at infrastructure, health, education, roads/traffic and sewer capacity.

### **Relevant Planning Policies and Guidance**

*Adur Local Plan (2017)*. Policies:

- 2 – Spatial Strategy
- 3 – Housing Provision
- 4 – Planning For Economic Growth
- 8 – Shoreham Harbour Regeneration Area
- 11 – Shoreham-By-Sea
- 15 – Quality of the Built Environment
- 16 & 17 – The Historic Environment
- 18 – Sustainable Design
- 20 – Housing Mix & Quality
- 21 – Affordable Housing
- 22 – Density
- 28 – Transport & Connectivity
- 29 – Delivering Infrastructure
- 30 – Green Infrastructure
- 31 – Biodiversity
- 32 – Open Space, Recreation & Leisure
- 34 – Pollution & Contamination
- 36 – Flood Risk & Sustainable Drainage

*Shoreham Harbour Joint Area Action Plan, 2019 (JAPP)*. Policies:

- CA7 – Western Harbour Arm (Land Parcel WH7)
- SH1 – Climate Change, Energy & Sustainable Building
- SH3 – Economy & Employment
- SH4 – Housing & Community
- SH5 – Sustainable Travel
- SH6 – Flood Risk & Sustainable Drainage
- SH7 – Natural Environment, Biodiversity, Green Infrastructure
- SH8 – Recreation & Leisure

SH9 – Place Making & Design Quality  
SH10 – Infrastructure Requirements

*South Inshore and South Offshore Marine Plan, 2018. Policies:*

S-PS-1 – Objectives & Policies

### **Other Supplementary Planning Documents, Guidance & Study Documents**

- *Sustainable Energy – Supplementary Planning Guidance, (August 2019)*
- *Adur & Worthing Joint Open Space Study (including calculator) (2019)*
- *Guidance Note on Intertidal Habitats (2018)*
- *The Shoreham Harbour Transport Strategy (October 2016)*
- *The Western Harbour Tall Buildings Capacity Study (2017)*
- *Planning Contributions for Infrastructure Provision SPD (2013)*
- *Development Control Standards: Space around New Dwellings & Flats (ADC)*
- *The Provision of Service Infrastructure Related to New Development in West Sussex Part 1 (WSCC)*
- *Guidance on Parking at New Developments, May 2019 (WSCC, August 2019)*
- *National Planning Policy Framework, 2021 (NPPF)*
- *National Planning Practice Guidance 2014-present (NPPG)*
- *Technical Housing Standards – Nationally Described Space Standard (CLG 2015)*

### **Adur Local Plan (2017) – the development plan**

The Adur Local Plan is the development plan for the purposes of determining planning applications. In accordance with NPPF, Policy 1 of the Local Plan supports the principle of development which is sustainable in terms of meeting economic social and environmental objectives, including: the right types of development with provision of infrastructure; sufficient number and type of homes in well-designed environments and the protection and enhancement of existing built environments, minimising energy needs and pollution and adapting to climate change.

Policy 2 identifies Shoreham Harbour as a focus for development to facilitate regeneration through delivery of a mixture of uses including housing which will be delivered through a Joint Area Action Plan (JAAP). Policy 3 identifies a minimum district housing requirement over the Plan period of 3,718 new homes (an average of 177 new homes a year) with a minimum of 1,100 of these new homes being delivered as part of the Shoreham Harbour Regeneration Area Western Arm (within Adur).

Policy 8 requires proposals to be determined in accordance with the JAAP and identifies key priorities for the Western Harbour Arm (WHA) which include its comprehensive redevelopment to become an exemplar sustainable, mixed-use area and sets out a range of applicable environmental criteria to achieve this.

Policy 15 requires high quality design to enhance and respect the prevailing character of the area in terms of size, design and layout contributing to local distinctiveness. It should avoid unacceptable impacts on neighbours in terms of privacy, light and outlook and should contribute to biodiversity. Where development

affecting any heritage asset is permitted, policy 16 requires that it must be of a high quality, respecting its context and demonstrating a strong sense of place. The setting of listed buildings should not be adversely affected (Policy 17)

Under policies 18 & 19 Sustainable designs should include renewable energy, including provision to connect to a potential future Shoreham District Heating System. Water efficient standards should achieve a target water usage efficiency (110 litres per person/day). Policy 29 requires that developments should provide or contribute to the provisions made necessary by them in terms of facilities, infrastructure and services. Major residential development, such as that proposed here, should also provide 30% of homes as affordable housing, under Policy 21

### ***Shoreham Harbour Joint Area Action Plan, 2019 (JAAP)***

The JAAP, which was approved in October 2019, covering regeneration of the riverside area between 2017- 2032 (the plan period). It contains policies SH1-9 which shape standards of development, such as high quality design, flood defence, sustainability, transport, employment, spaces and nature.

The application site falls within the 'Western Harbour Arm' (WHA) which is also subject to the area-based JAPP policy CA7. This policy re-affirms Adur Local Plan's Policy 8 support for the delivery of a minimum of 1,100 new homes in WHA. The JAPP states a minimum density target of 100 dwellings/ha and mainly comprising flats.

Policy CA7 also allows cafes, restaurants or shop. These are said to play an important role in harbour-side regeneration if they are ancillary to the primarily residential and employment generating developments within the WHA area. It is noted that this position predates the introduction of the National Use Class E, which merges these shops, restaurant, office uses together, alongside other uses such as light industry, health services and crèches.

Policy CA7 also states that:

- Developments should provide a continuous riverside path and to make provision for a segregated roadside cycle-path in Brighton Road; also linkage of new development to the future Shoreham Harbour District Heat Network.
- Residential development will need to be lifted up above likely flood level
- Flood defences should be integrated with high quality public realm
- Open space should be provided, although off-site improvements will be considered
- Green infrastructure should include appropriate planting along Brighton Road
- Development should include habitat creation, including enhancements at the riverside and protection of intertidal habitats or its compensation

The site is identified as land parcel WH1, and described as follows:

*'WH1, at the eastern end of the Western Harbour Arm Waterfront, has the dual function of forming a strong edge to Kingston Beach, helping to define the space, and to mark the gateway to the Western Harbour Arm. A key consideration here is the potential navigational impact of residential development. Discussions will be*

*required with Shoreham Port Authority at an early point in the design process to ensure navigational issues are addressed’.*

### **South Inshore and South Offshore Marine Plan (July 2018)**

Policy S-PS-1 of the Marine Plan seeks to ensure that development in coastal and port areas does not harm protected marine environments, including two, which are located approximately 10km to the east and south west.

### **National Planning Policy Framework (2021)**

The recently updated National Framework describes the purpose of the planning system and planning decisions as contributing to the achievement of sustainable development. Sustainability is characterised by three objectives which are said to be interdependent:

**Economic:** a strong, responsive economy by ensuring the right development to support growth and by coordinating the provision of infrastructure.

**Social:** strong, vibrant and healthy communities, via sufficient number and type of new homes, with accessible services and open spaces. In the 2021 NPPF, the need for well-designed places as part of the social objective is now accompanied by the description *‘beautiful and safe’*.

**Environmental;** the protection of historic and natural environments including improvement of biodiversity, resource and low-carbon efficiency adapting to climate change and minimising waste

The NPPF states a presumption in favour of sustainable development which meets the development needs of the area; aligns growth and infrastructure; improves the environment; mitigates climate change, (including by making effective use of land in urban areas) and adapt to its effects (Para 11a). Furthermore, under para 11c, proposals which accord with an up-to-date development plan should be approved without delay.

In cases where new housing proposals do not accord with the development plan, para 11d applies additional weight (a ‘tilted balance’) to the merits of housing proposals, if there is either:

- less than a five year provision of housing permissions in the District, or
- if the rate of housing delivery is less than 85% of the required rate during the previous three years.

This tilted balance applies unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.’* (para 11d)

As part of the Government’s objective of significantly boosting the supply of new homes. It is important that *inter-alia*, the needs of groups with specific housing requirements are addressed. Where need includes for affordable housing this should

be met on-site unless an off-site provision or appropriate financial contribution in lieu can be robustly justified (paras 60 & 63).

In the matter of development contributions, such as affordable housing or those related to infrastructure, it should be assumed that requirements based on an up to date Local Plan are viable. However, an applicant may demonstrate that particular circumstances justify the need for a viability assessment as part of a planning application. The weight to be given to such assessment is a matter for the decision maker, having regard to all the circumstances in the case, including any change in site circumstances since the Local Plan was brought into force (para. 58).

Regarding design, the revised NPPF (para 125) recommends area-based character assessments, design guides, codes and master plans to help ensure the efficient use of land at appropriate densities, while also creating beautiful and sustainable places. Significant weight should be given to well designed, sustainable development; that which is not well designed should be refused (para 134). Opportunities for tree-lined streets *and* new trees in developments should be taken, including arrangements for their long-term maintenance, compatible with highways standards and the needs of different users (para 131).

### **Approach to decision making**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended). This provides the applications 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, which requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 subsection (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a comparable requirement relating to Conservation areas and provides “In the exercise, with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” (The NPPF para 195-206 attaches a similar test to development affecting their setting)

### **Publicity**

The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the

display of site notices, notification letters sent to neighbours, and a notice being displayed in local newspapers. Amended Plans were notified to 286 addresses in May 2022 with a 21 day period for responses. Further responses after this date are included in the summary of representations below.

The applicants have invited local groups and residents close to the site to a series of direct further discussions during August 2022. It is anticipated that the applicant will provide a summary of comments received as an update for the Committee.

### **Environmental Impact**

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA development), regard has been given to environmental factors such as the change in physical scale of development at the site, as proposed by comparison with the previous commercial development, also to the need for remediation of ground contamination as part of the development.

Whilst the development is less than 1ha or 150 dwellings and is not considered to constitute “EIA development” for which an Environmental Statement would be required, this does not override the need to consider matters of environmental importance such as air quality, traffic, energy, impact, appearance and impact on existing neighbour and future residents, which have been subject of individual assessment in the current application. These are relevant considerations in the determination of this application and considered in the planning assessment below.

### **Planning Assessment**

#### ***Principle of Development*** - Land Use

Principles SH3-SH9 & policy CA7 of the Shoreham Joint Area Action Plan, 2019 (JAAP) and Policy 3 of the Adur Local Plan envisage development of a minimum 1100 dwellings in the Western Harbour Area (WHA) of Shoreham Harbour. These should provide a mix of sizes and tenures, including suitable family accommodation. Small scale ancillary retail uses may enliven frontages.

The proposal would produce a range of 2-4 bed homes in accordance with these principles and policy, including the first houses to be seen in the WHA. The small cafe (60sqm) and its riverside terrace are also well located to add vitality to the new river walk.

At a density of approximately 96 dwellings/ha the proposal is slightly below the minimum 100 dwellings/ha sought by policy CA7. However, mindful of the higher densities already approved elsewhere in WHA (159/ha at Kingston Wharf and 183/ha at Free Wharf), this is not considered to be problematic. The site is also the smallest in WHA, whereby the land-take for accesses, footpath widening and new riverside walk, impose a proportionately greater impact on space for new buildings. The need to blend with the existing residential context (including existing houses opposite and Kingston Buci Lighthouse), also serves as a limiting factor here.

Transport provisions, according to JAPP policies and principles, should reduce reliance on private car use including innovative solutions, minimising surface and

on-street parking space but with improvements to the highway network and public realm; also contributions to community and social infrastructure. Developments should be flood-defended, increase natural capital/biodiversity and improve access to the River.

These matters are described in detail later in this report but in broad terms the amount of parking (44 spaces) with provision of a car club is considered reasonable. Improved footpaths on the three site frontages, including the wider roadside path, the new riverside path and a contribution to wider highway improvements by the Highway Authority are considered to meet the JAAP requirements. Contributions to health, education and open space would also be secured by legal agreement in accordance with JAAP and Local Plan policies.

Raised floor levels and flood defences as recently amended are now supported by the Environment Agency. New native-riverside and roadside planting would add to green infrastructure. The Port Authority is also satisfied with the size and positioning of windows, to minimise light spill onto the river for the sake of navigational safety.

### Sustainable Design and Energy

JAAP Policy SH1 combined with Local Plan Policies 18 & 19 require energy efficient building designs which demonstrate good thermal performance in order to minimise energy demand. As part of the policy requirement for low or zero carbon heating and cooling, development should achieve a policy target of at least 10% on-site energy provision by renewable or low carbon methods. The Council's Sustainable Energy SPD and its declaration of Climate Change Emergency in 2019, add further weight to this low-carbon approach and expresses the 10% saving in terms of CO2 reduction.

The proposal is accompanied by an Energy Statement which summarises the use of thermally efficient construction, insulation materials and air tightness, together with energy efficient lighting and 'A'-rated fitted domestic appliances. These combine to produce a CO2 saving of 19% above current Building Regulations. A planning condition can be required to require verification of this when the proposed buildings are completed.

In anticipation of this later verification further information has been sought upon the elements of built fabric and fixtures and appliances which contribute to this saving. Confirmation has also been sought that ventilation, in particular the reliance on mechanical ventilation and cooling in noise sensitive parts of the development (facing and close to Brighton Road), will not undermine this saving.

In accordance with Policy SH1, a basement plant room would be constructed below the apartment block. Details of pipework runs have been requested to confirm that these would be incorporated, in order to connect the development to a potential district heat main in Brighton Road as part of the future Shoreham District Heat Network envisaged by JAAP and Local Plan policies. It is noted that this provision relates only to the flatted block; the houses would rely upon roof-mounted solar panels for their renewable energy component.

Solar panels on the roof of the apartment block would also provide a renewable source of electricity. Space heating would be via 'wet systems' in all houses and

flats, which would be powered by gas boilers, a communal boiler for the apartment block and individual boilers for houses, also providing hot water. These would be low NOx emission-type and in the case of the apartment block, could be decommissioned in future in the advent of the district heat network, connecting to the wet systems in each apartment via a new plant-room interface. Legal agreement obligations can cater for this future scenario.

Given the future national reduction of gas reliance, the applicant has been asked to explore other heating possibilities, for instance a hybrid approach perhaps including air source heat pumps (ASHPs), to power low-temperature under-floor heating. An update will be given.

In terms of current policies the applicant's proposed approach to heat and energy is predicted to achieve an above-target saving of 12.3% CO<sub>2</sub>, principally due to the inclusion of solar panels. Whilst the inclusion of other energy sources, such as ASHPs would represent a further improvement, the total saving in terms of construction, insulation and renewable energy is predicted to be 31.3%, which is considered a reasonable outcome under the Sustainable Energy SPD.

### ***Housing: Need, Mix & Affordability***

#### Housing Need

Policies 3 and 8 of the Local Plan and CA7 of the Joint Area Action Plan of 2019 (JAAP) set out a minimum target of 1,100 new homes in the redevelopment of the Western Harbour Arm of the Shoreham Harbour Regeneration Area. This contributes to the wider housing target of 3718 homes for Adur District up to 2032.

Since adoption of the JAAP, a total of 803 new dwellings in the Area are under construction at the neighbouring Kingston Wharf and at Free Wharf and 14no completed at Humphrey's Gap corner. The proposal would bring the total for four sites to 862 which represents 78% of the minimum target. This would increase to 1045 / 95% if current proposals AWDM/1473/21 for the Frosts site, 69/75 Brighton Road are added.

Although the uptake of the development potential allocated by the JAAP and Local Plan has been extremely good within the Regeneration Area, the wider rate of housing commitments (sites with planning permission) for Adur District overall, has been slightly below the target required under the National Planning Policy Framework (NPPF). Sites with planning permissions in 2020 were sufficient to provide for a period of 4.8 years supply, compared with a target of five years. A review of current supply is in progress.

The rate at which approved new housing has been completed in the wider District has also been below that required by the NPPF. Over the three years 2017-2020, the number of housing completions has been 249 against a 516 target, i.e. 48 percent against the NPPF's required 85 percent.

The significance of these findings is that additional weight is attached to applications for new housing such as this, above the normal presumption in favour which applies under the NPPF. Housing proposals which do not accord with the development plan

are afforded this additional weight, unless any adverse impacts of approving such development would significantly and demonstrably outweigh the benefits.

In determining this application this added weight will need to be considered along with the range of merits of the proposal and its impacts, including any negative ones, such as the difficulties of achieving policy-compliant affordable housing, described in the viability sub-section below. Other advantages and disadvantages are described within this planning assessment and summarised in the Planning Balance, mindful of this added weight in favour.

Among the advantages are the redevelopment of previously developed urban, as opposed to green-field land in less accessible locations, also the particular mix of the proposal, which is unique in providing 21no. houses by contrast to the larger numbers of flats already achieved in the regeneration area.

As with other riverside sites, this smallest of the regeneration sites to date, also provides its section of the new riverside walk and widened roadside pavement to improve the existing narrow pedestrian path and accommodate a future cycle path. The proportionately greater land-take of these and the site accesses and parking, (by comparison with substantially larger sites at Kingston Wharf and Free Wharf) is a factor in site viability, which is discussed below, and which affects the potential funding of affordable homes

#### Housing Mix

The proposed size mix of dwellings is compared with the Council's assessed housing needs in Table 1 below Need is derived from the \*Council's Assessed Needs Study of 2015. The effect of the proposal on the mix of sizes within the wider regeneration area is shown in Table 2.

**Table 1: Proposed Dwelling Sizes and Need\***

Size	Proposal	Need*
1 bed	3 (6.7%)	35%
2 bed	18 (40%)	60%
3+ bed	24 (53.3%)	5%

**Table 2: Dwelling Numbers & Sizes at Shoreham Harbour**

Approved Dwellings					With Proposal
	Kingston Wharf	Free Wharf	67 Brighton Road	Combined (%)	
<b>1 bed</b>	87	188	10	285 (35%)	288 (33%)
<b>2 bed</b>	149	324	4	477 (58% )	495 (57.4%)
<b>3+ bed</b>	19	36	0	55 (7% )	89 (10.3%)
<b>Total</b>	255	548	14	817	862

Table 1 shows that the development in isolation bears little resemblance to the percentage dwelling sizes required across Adur District; notably the 53% of 3+ bedroom homes is far above the 5% need.

However, Table 2 shows that the effect of the proposal makes very little difference to the percentages of one and two bedroom homes in the Shoreham Harbour regeneration area. Each of these remains within 3% of the percentage need for each dwelling size shown in Table 1 (35% and 60% respectively). This suggests that there is scope to accommodate the higher proportion of three and four bedroom homes without harming the wider mix-strategy.

In design terms the significant proportion of houses allows the development to make a transition between the scale of existing housing in Brighton Road, and the scale of the proposed apartment block at the western end of the site; and also the approved apartment blocks at Kingston Wharf immediately beyond it. This unique addition of houses broadens the range of households who can be accommodated in the regeneration area, in accordance with the aim for mixed and balanced housing.

#### Affordable Homes & Viability

The policy requirement for the provision of 30% affordable homes, has been examined by the submission of an assessment of viability based on costs and development profit. A peer review undertaken in June 2022 on behalf of the Council is appended with this report.

The review assumes a 17.5% development profit, in accordance with National advice. Its findings differ with the existing 'Benchmark' land value (BLV), used by the applicants, which it considers to be too high, causing a reduction of projected profits. However, even when a lower value is applied, the abnormal costs associated with development of the site, such as replacement of the river, the relocation of utilities from the site and raising of levels to create flood defences produce inadequate funds to support the provision of affordable housing. Account is also taken of the proportion of land required for footpath widening at the A259 frontage and required for the riverside walk, together with an assumed expenditure of £480,000 to fund planning

infrastructure requirements, such as highways, education and health.

The review notes the effect of recent economic trends, which have affected the supply and cost of materials and construction. It also notes the high specification due to the target market for waterfront properties, although this might also coincide with the need for high quality design and external materials to meet planning policy requirements in this important location, in the setting of the Beach and Lighthouse. It indicates that a later review of actual profit may assist in retesting the possibility of affordable housing provision or contribution.

Following this review, further discussions regarding the range of contributions necessary to find arising infrastructure needs has led to an increased offer by the applicant. The full figures are set out in the Infrastructure & Legal Agreement (s.106) section at the end of this report but include circa £180k for the provision of affordable housing off-site. In light of the review findings this offer is considered a welcome revision, which can be included in a legal agreement.

### ***Cafe Space***

The small cafe space of 60sqm and its associated riverside terrace in the ground floor frontage of the apartment block would be well located for users of the river walk and would be accessible from Kingston Beach a short distance to the east. This (Planning) Class E commercial use is supported by JAAP and Local Plan policies. It is possible to limit it to sub-classes E.a) & E.b) such as to allow either food and drink or retail uses, but not other Class E uses such as creches, gymnasiums, offices and light industry, which may lead to other effects on future residents in the block immediately above and closeby.

Also in the interests of residential amenities, it is recommended that hours of use are as follows:

Monday – Saturday 07:30 – 21:00

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

No use of the café terrace before 08:30 on any day

Planning conditions are also recommended by the Environmental Health officer to require internal sound insulation, the control of odour extraction and ventilation equipment, including its effectiveness and acoustic /vibration qualities; also to control the volume of amplified sound and future signage, particularly illuminated signage, mindful of river navigation and to some extent the riverside setting of the listed Lighthouse.

Subject to these provisions, the use is considered to make a positive contribution to the recreational value and vitality of the new riverwalk and the nearby Kingston Beach.

## ***Design, Character and Appearance***

### Policies

Relevant design-related policies include SH9 of the Adur Local Plan and CA7 of the Joint Area Action Plan (JAAP) These require developments of high quality in relation to massing, design and detailing and of suitable scale in relation to local context. These may include buildings up to five storeys on frontages or taller in site interiors, particularly on deeper sites in the harbourside and achieve minimum density of 100 dwellings/ha. Set-backs from the road frontage and river are required for the provision of pedestrian and cycle routes along each and to prevent a canyoning effect.

Development forms should respect and connect with surrounding areas, considering privacy, overlooking, outlook, overshadowing, sunlight and daylight, with well-defined internal spaces to meet the Council's standards. A secure and legible shared or public realm should have well-defined purposes; waterfront uses can provide animation. Well-related public art may comprise architectural details, public realm elements, sculpture, water features, street furniture, lighting effects and landscaping.

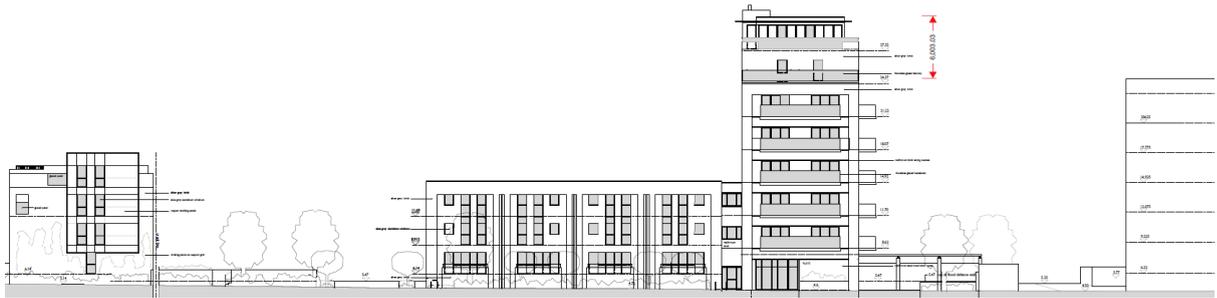
The form and character of development should reflect the character of the marine environment and be sensitive to views of the surrounding landscape, views of the waterfront and historic features; the setting of Kingston Buci lighthouse must be considered for development of over 3 storeys. Views from the coast at Shoreham Beach to the South Downs must be retained.

Policy SH8. Adds that outdoor areas should include multi-functional open space and contribute to the creation of a green corridor (e.g along Brighton Road). Planting should add to biodiversity and must be suitable for coastal environments, trees must be hardy and securely supported against high winds.

### Design – form, massing and Kingston Buci Lighthouse

The proposed design form comprises three main elements; the eight storey apartment block at the western end of the site; two terraces attached to it of three storeys at the roadside and four storeys at the riverside frontage. Finally the separate four-storey terrace at the eastern extremity of the site.

Uniquely among the harbourside developments of 817 apartments already approved, the proposals are the first to include a proportion of houses. In terms of design context, this has some similarity with the terrace of Victo-Edwardian houses on the north side of Brighton Road, partly opposite the site and facing onto Kingston Beach. The positioning of terraces to the east and middle of the site and the eight storey block to the west, creates a transition between this existing context and that of the approved Kingston Wharf immediately development to the west. The three images at Fig. 2 below show this relationship;



**Fig. 2 (Top, Middle, Bottom)**

**Top image** – the proposed development seen from the harbour (in colour), with the six blocks at Kingston Wharf (white) receding westwards. To the east are existing terraced houses and Kingston Buci Lighthouse.

**Middle image** – the proposed development seen from the roadside, with the nearest of the Kingston Wharf blocks shown in outline-form to the west (right). The red arrow to the right of the proposed apartment block shows the height difference of 6m between the Kingston Wharf block and the top of the proposed penthouse roof (the main roof of the proposed block is 3m below that of the penthouse)

**Bottom image** - Kingston Wharf, showing four of the six approved blocks in colour as approved in 2020. The six storey block at Kingston Wharf is 24m from the side wall of the block currently proposed. The 2020 drawing implied that proposed block would be lower than, rather than taller than the Kingston Wharf end-block but this suggestion is not binding upon the current application.

The principle of a transition of heights and masses across the site as shown in the top and middle images was supported by the Design Panel. However, the question of height is among the matters for determination here.

Height has been considered previously in the Council's Tall Buildings Study of 2017. The Study noted the townscape and heritage importance of the Grade II listed Kingston Buci lighthouse in combination with the terraced houses in Brighton Road, for instance the view received from the east. In order for the lighthouse to remain its visual dominance and for it to remain above the skyline for 50% of its height, the Study recommended that development heights in the area to the west of Kingston Green & Beach should be limited to 4 storeys (12m) within the first 170m from the Green and up to 6 storeys (18m) within 260m.

If followed, the Study recommendations would limit all development on the application site to four storeys, including a distance spanning the first 75m of Kingston Wharf, only rising to six storeys some 165m west of its boundary with the current application site.

However, in the Kingston Wharf development height account was also taken of the positioning of buildings relative to the slightly curved alignment of Brighton Road. This indicated that a margin of skyline between the lighthouse would remain (Fig 3).



**Fig 3. Kingston Wharf and Kingston Buci Lighthouse (2020)**



**Fig 4. Current Proposals and Kingston Buci Lighthouse (on left)**

This factor, together with the higher quality architectural design of new development, supplanting poor quality industrial forms and yards, was considered to achieve a reasonable balance in the setting of the lighthouse. Therefore six storeys at the eastern end of Kingston Wharf were approved by the Committee, rising to seven storeys around the 75m distance and eight storeys beyond this.

In considering the height proposed in the current application, the Design Panel (December 2021) considered an eight storey block to be acceptable in principle, although its interconnection with the proposed terraces required a re-think. It commented:

*‘After some deliberation, we concluded that even though the height of the taller element does not constitute a concern per se, its relationship with the adjoining lower terraces is problematic. If a taller element is to be accepted, the join from the flats to the houses needs to be resolved elegantly. This may involve moving the staircase within the body of the plan or introducing a gap between the elements’.*

Regarding the impact upon the lighthouse it commented:

*‘We believe that the most important historic views [of the lighthouse] are from the sea. The land views are secondary to its historic significance and as such, should not constitute a reason to refuse the application. It is however a distinctive historic feature in the local townscape, along with the open aspect to the south, and this development as the interface between the redevelopment of the JAAP area and Kingston Beach should acknowledge this significance. The design of the west-facing arrangement of volumes and the silhouette of the development should respect and reflect this context more thoughtfully’.*

Following these comments, the amended plans have adopted design simplifications to remove asymmetric and rolled roof-forms and edges to produce a more consistent and rectilinear series of forms. In particular the deep recess of the proposed penthouse, away from building edges, combined with its ranks of rectangular windows and over-sailing roofline is now evocative of the lighthouse lantern and contributes to a more tapering silhouette than previously.

The more conventional arrangement and proportions of windows and openings are more complementary to those of the neighbouring Victo-Edwardian terrace. Design simplifications have also been made to the roof and upper floor of the proposed terrace to the east (removal of asymmetric and rolled roof-forms and edges), which forms the immediate backdrop to Kingston Beach.

Consideration of height and design are intertwined in this case. The design changes have produced a distinctive and contextually referenced form. Whilst the apartment block would be between 3m – 6m taller than the closest block of the Kingston Wharf development, there is design merit in this, which allows for the penthouse form to be clearly expressed against the skyline, and less likely to be merged into the backdrop of the approved Kingston Wharf blocks.

It may be argued that the singular distinctiveness of Kingston Buci Lighthouse would be affected by this approach, but there is a balance to be struck between the importance of design distinctiveness at this site at the eastern entrance to the new

Shoreham Harbour environment, and the setting of the listed lighthouse. The advice of the Design Panel indicates that land views are secondary to its historic significance and that it is not the height of the proposed buildings, but their design quality which is of importance in determining the current application. This is considered under 'Detailed Character and Appearance', below.

### Detailed Character and Appearance

The two images in Fig. 5 below show the current amended proposals (top) and the original proposals, as seen by the Design Panel (below). The numbered arrows identify the main changes and are discussed below.



**Fig 5: Proposals: Amended Plan (top) and Original Plan (bottom)**

**1 & 2.** As recommended by the Design Panel, the need for an 'elegant resolution' at the joining points of the two terraces with the apartment block, has been addressed by lowering the ends of each terrace, and removing the two, tall stair towers. The stairs are now contained within the body of the block. The result is a much clearer distinction between the block and terraces and a greater sense of gradation between their masses.

**3.** The previous asymmetric roofs of the tiered upper floors and penthouse have been simplified by regular, rectilinear shapes. The use of larger windows and panelled sections, together with trimming back of masonry margins has reduced the visual 'weight' of the upper floors. The removal of the external stair cores and expansive green wall has allowed for columns of windows and panels to be added into the façade; these are contrasted with the horizontal lines of the new central balconies to create an overall sense of balance and visual interest in views above the proposed rooftop terraces to the east, and the setting of the lighthouse. The extensively glazed penthouse, including intervening reflective glass walls, and its over-sailing roof, form a lightweight roof form and a distinctive final tier.

**4.** Balconies on the roadside elevation are now inset from the edges of the building and projected from the façade, rather than inset within it. This reduces the previously weighty margins of masonry and creates a lighter silhouette. It is also reminiscent of C20th maritime architecture along the A259 between Shoreham and Hove, including the development currently under construction at Free Wharf. Relocation of the stair-cores has allowed a wide and prominent entrance doorway to be added to the north elevation, greatly improving the connection and interaction between the building and the street.

**5.** The façade of three-storey roadside terrace has been transformed from its original, relatively flat facade and arrangement of small windows, to a more clearly articulated series of terraced houses, by the use of simple vertical columns. Columns of slightly larger but more extensive windows and panels are repeated along the terrace but mirrored, as is common in the Victo-Edwardian terrace. The large ground floor hallway windows create ground floor interest at the street frontage, whilst slightly above pedestrian eye-line and filtered by frontage vegetation, for the sake of privacy.

**6.** The roadside façade of the four storey eastern terrace has also been amended from the previous asymmetrical arrangement of small windows, to a more conventional and contextual columnar alignment. The balcony end at the top floor has also been cut away, to create a permeable corner and silhouette. Although the internal arrangement of the townhouse and noise exposure are limitations upon further changes, the new vertical area of panelling helps to alleviate the sense of mass and width. It also makes a stronger visual connection between the top floor/ roof level of the terrace, and the lower floors; a theme which is also used at the end of the riverside terrace, to strengthen the sense of architectural unity.

**7.** At roof level, profiles have changed from asymmetrical to more conventional rectilinear shapes, in common with the changes to the apartment block.

**8.** Shows the stepped layout of the southern end of the terrace, each of three

townhouses is stepped 0.5m back from its neighbour. This creates a subtle sweep to the terrace (consistent with but less dramatic than the swept façade of the riverside terrace). This responds to a Design Panel recommendation for a layout revision at the south-east corner site, this is achieved within the limitations imposed by the need to minimise light-spill onto the harbour entrance (a requirement of the Port Authority). The change does not significantly diminish the important gap and river view between this terrace and the riverside terrace from/through the internal courtyard.

The main changes of **7 & 8** to the silhouette of the building are in the simplified shape of the roof and top floor, although the stepped southern end should also produce a discernible shadow-line in the façade, which also assists in providing a sympathetic backdrop to Kingston Beach and the listed lighthouse.

The series of other images in Fig. 6 below shows other views of the proposals from the street and river. Points of interest are set out in the accompanying text. Among these is the importance of gaps between the proposed buildings, which retains skyline views to Brighton Road; this is an important consideration in balancing the taller height of the proposed buildings, with the amenities and outlook of existing houses some 21-23m to the north and the character of the street.

Another more general point is that the amended designs demonstrate design continuity between the proposed buildings, using similar proportions for facades and windows. Given the limitations of the harbour entrance upon window openings, the swept façade is a distinctive addition to the riverside, with windows and café providing an enlivened frontage to the new riverside path. Proposed materials are described further below.

A point of remaining reservation is in the design of the prominent service space at the western edge of the site. Co-designing of boundary, landscaping and surfacing is called for with Kingston Wharf, to create a considered co-design for this space. An update will be given.

 <p data-bbox="491 1845 667 1877"><b>North West</b></p>	<p data-bbox="922 1429 1428 1845">With Kingston Wharf in the foreground the greater height of the proposed block is only discernible from more distant vantages. The external balconies and glazing/panelled columns provide relief from large areas of masonry. The service areas between Kingston Wharf and the proposed block require detailed care to appear co-designed.</p>
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 <p style="text-align: center;"><b>North East</b></p>	<p>Against the backdrop of Kingston Wharf the greater height of the proposed block is visible but of similar 6 storey height at the road frontage due to the tiered profile. Compared with existing houses opposite, 3 storey terrace (10m) is approx. 1.3m taller than the 4 storey terrace (12.6m) is 2.9m taller. The skyline view through the gap is important.</p>
 <p style="text-align: center;"><b>East</b></p>	<p>The eastern terrace is seen beyond the former scout hall and boat club. The masonry framework which contains the 2<sup>nd</sup> floor balcony and roof terrace above is a notable design element. The upper tiers and penthouse of the apartment block are visible from the road, beach and lighthouse environs</p>
 <p style="text-align: center;"><b>South East</b></p>	<p>Both terraces are staggered towards the south east corner. Facades can have only limited openings where they face the harbour entrance, in order to avoid light spillage into the main navigation. The gap between the terraces is also visible here, retaining skyline views from Brighton Road.</p>
 <p style="text-align: center;"><b>South West</b></p>	<p>The sweep of the southern terrace is a distinct feature, with windows facing the river and Shoreham Beach. Top floors are recessed by 5m providing deep roof terraces. The ground floor café of the apartment block, with enlarged adjoining raised seating terrace, follows the Design Panel suggestion to enliven the riverside walkway.</p>

**Fig. 6: Views of Amended Proposals**

## Materials

Four main external materials are proposed (Fig.7 below). These comprise a main silver-grey brick for the facades of the terraces and apartment block. This is intended to echo the dressed stone of the lighthouse. A contrasting red-brown brick is used for band courses above and below windows in the terraces and recessed links between these and the apartment block. This echoes the red-orange brick palette of Kingston Wharf.



**Fig. 7: Proposed Materials**

Zinc-red cladding is proposed for large parts of the broad vertical columns of the apartment block. The fourth material is copper panelling for the roofs of the terraces and side panels on three of their four ends, including those seen from the river and the northern face of the eastern terrace fronting Brighton Road. Confirmation has been sought as to whether these will be treated to retain their red-brown colour, or to oxidize to form green-blue verdigris, slowly as they age.

Window and door frames would be slate-grey aluminium (balconies would have frameless glass screens), also echoing the use of charcoal grey frames and columns at Kingston Wharf. As mentioned the penthouse would contain a mixture of clear and reflective glass.

It is noted that the submitted drawings suggest a slightly buttery grey rather than silver grey and it will be important that the particular shade, texture and finish is carefully chosen for both this and the other materials; such choices could greatly influence the contextual relationship between the buildings and their existing and future neighbours, including the Lighthouse. Two types of brick bonding are also indicated 'stack' and conventional stretcher bond. Clarification has been sought as to their deployment, the use of both may add to the overall range of textures. An update on this will also be given.

## Heritage

The two closest designated heritage assets are the Grade II listed Kingston Buci Lighthouse 90m to the east of the site and Kingston Buci Conservation Area some 90m – 400m to the north/north east. The 19<sup>th</sup> Century Shoreham Fort is a Scheduled Monument, approximately. 350m to the south on Shoreham Beach. The Shoreham (town) Conservation Area is 1km to the west, focused on St Mary De Haura Church.

In accordance with planning and conservation legislation development should not adversely affect the setting of a listed building, conservation area, archaeological feature or scheduled ancient monument and their significance. NPPF paragraphs

199 – 205 require consideration of heritage assets and the impact of development proposals upon these, including their setting. Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal. The following assessment has been undertaken working closely with the Councils' Design and Conservation Officer who has also been actively involved in all the discussions seeking enhancements to the overall design of the scheme.

The significance of the Conservation Area can be deduced from the District Council's Conservation Area Report of 1999. This refers to the flint and brick buildings of St Julian's Church, parts dating from the 12<sup>th</sup> - 14<sup>th</sup> Centuries, the Rectory, associated buildings and Shoreham College, enclosed by flint walls. Their pitched roofs and skyline are seen within the setting of numerous trees, many of them large, which also form a backdrop to the adjoining College field, also screening the railway line when seen from St Julian's Lane and Kingston Lane to the north and east.

From these vantages it is unlikely that the proposed terraced buildings will assume prominence, given the intervening existing houses in Brighton Road, which are slightly closer to these views from the Conservation Area and substantially screened and visually filtered by trees.

Relative to these views the proposed apartment block would be further to the west beyond the densest areas of trees, which by estimate are around 20m in height. By reason of distance and visual separation of the site and proposed buildings by the intervening trees and buildings, the proposals are considered unlikely to affect the appearance and character of the Conservation Area in any substantial way.

The Grade II Kingston Buci Lighthouse, dating from 1846 is, according to its listing, significant for its dressed stone, tapering tower and moulded base and platform, its hipped, multifaceted lantern housing, railings and tapering roof with distinctive globe and weather vane. Whilst the listing does not consider its setting, its shape and silhouette evidently make a strong contribution to the maritime character of the harbour, Beach and shoreline.

As already mentioned, the Council's Tall Buildings Study noted its heritage importance in combination with the terraced houses in Brighton Road. In assessing the heritage impact of the proposals, three factors emerge. Firstly, the proposed apartment block, due to its height, is likely to be seen as a larger mass than the nearest part of the approved Kingston Wharf development. Secondly, due to the curvature of the road, its position may reduce the slither of skyline visible between the Lighthouse and the proposed block when seen from some vantages to the east, to a greater degree than Kingston Wharf. Thirdly, the proposed eastern terrace will introduce a large rectangular mass as an immediate backdrop to the Beach/Green which forms part of the setting of the Lighthouse.

Inevitably, these changes would create a more urban backdrop to the Lighthouse and the setting of the Beach/Green. Whilst the views of the Design Panel are not fully shared concerning the secondary heritage importance of these landward views of the Lighthouse, their recommendations for simplification of the original proposed designs and greater contextual referencing, are considered of great value.

The simpler roof line of the amended eastern terrace is considered less distracting. Its slightly staggered footprint may also soften its rectangular silhouette. Window proportions and their more traditional ordering on the eastern façade, are references to the Victorian terrace which is an acknowledged part of the Lighthouse setting.

The apartment block, whilst larger than the nearest of the Kingston Wharf blocks, provides the distinctive stepped form and heavily glazed inset penthouse, which creates a sense of seaward-looking architecture.

In weighing up these changes to the setting of the Lighthouse, much depends on the quality of materials and execution. If well implemented, the overall effect could create visual interest and quality in both the distant views and at human-eye/street level. By comparison with the demolished commercial building, this may be regarded as an enhancement to the setting of the listed building.

Shoreham Conservation Area and the listed St Mary de Haura Church are approximately 1.2km – 1.9km to the west. Due to distance and numerous intervening buildings along the slightly curved road and riverbank, the site and the Church and Conservation Area are not visible from one another from street level. Common views of the two from Shoreham Beach and footbridge observe these as distant from one another such that any impact would be minor.

Shoreham Fort is 335m from the site, occupying a headland set among largely open ground. Views towards the site are also quite distant, but direct. However, by comparison with the original, demolished commercial building on the site, the proposed terraced housing, including the riverside terrace, is unlikely to be significantly more prominent.

The proposed block to the west would continue the rise and fall of the Kingston Wharf development and its intervals of space, such that it is unlikely to present a solid mass. The increased opportunity for public views from the site towards the Fort are considered a public benefit which would offset any minor changes to views of the Fort from Kingston Beach and Brighton Road.

The former Scout Hall/Custom's House which is a simple, pitched roof Victo-Edwardian building with Port associations, might be afforded some minor heritage interest. The proposed buildings due to their much greater scale will change its immediate setting greatly but will also remove the air of neglect around the pre-existing boundaries of the demolished commercial building on the application site.

In common with much of the Western Harbour Arm area, the site lies outside any Archeological Notification Area, the nearest is focused on St Julian's Church to the north of the railway. A large portion of the site lays on artificial deposits or made ground according to the geological investigation submitted with the application. As with Kingston Wharf, the likelihood of archaeological interest is considered to be low and further exploration is not recommended .

In summary, the proposals are considered to result in less than substantial harm to

the setting of Conservation Areas, the Listed Lighthouse and the Scheduled Fort. Although the development would create a more urban setting when seen from the east and from the Fort any impact is considered to be less than substantial in accordance with National guidance and Conservation legislation; this is offset by the design benefits of the new architectural forms and increased public access to vantages from which the heritage and character of the area can be enjoyed.

### ***Landscaping & Biodiversity***

Following the recommendations of the Design Panel, the amended plans have relocated and expanded areas of planting along the road and riverside the boundaries and within the internal courtyard. These changes use a range of three tree types of varying size (holm oak, strawberry tree and small pine), between 4m – 20m, each of which are associated with coastal locations and conditions.



**Fig 8: Images of landscaped courtyard**

The holm oaks clustered around the site accesses to Brighton Road would make a prominent contribution to the greening of Brighton Road, together with the range of evergreen shrubs proposed for the frontage planters. It is noted that one planter may be reduced in size in order to provide adequate space for a bus shelter, however, this small change is unlikely to diminish the overall effect.

The smaller trees which are proposed for the courtyard, (as shown in Fig 8. images and layout plan below), would provide vertical greening instead of an earlier-proposed green wall, which was deleted on the Design Panel's recommendation. Of particular note, trees and shrubs in the 'gap' part of the courtyard will also be glimpsed both from Brighton Road and houses opposite, who will also face the new roadside planters. Details of planters, tree pits and aftercare can be required by planning condition.

Site boundaries and building edges provide opportunities for elements of art, the provision of which would be included in a legal agreement obligation. Boundary details and future boundary controls can also be required by planning condition, to ensure that these complement the proposed buildings and setting. The applicant has been advised to co-design boundary treatments for the intervening space at the eastern end of Kingston Wharf, in order that this appears as purposeful and integrated space.

A modest green space (90sqm) at the southern part of the gap will also be part-visible from the road and riverside, with seating for residents and informal play elements for younger children. The riverside walk would be edged by mixed maritime grasses.

An ecologist's report confirms the existing low ecological value of the site but recommends a precautionary approach to site clearance in case of reptiles or birds during the nesting season, for which a planning condition can be applied. In the redevelopment, new vegetation would provide new habitat, chiefly for invertebrates and bird and bat boxes are also included, which meets policy requirements for biodiversity gain.

### ***Highways, Access & Parking***

#### **Access and Traffic**

Two vehicular accesses are proposed, shown by red arrows in Fig 9 below. One is the existing former commercial bell-mouth approximately 33m from the eastern corner of the site frontage, which would be slightly narrowed and realigned. This would serve the 21no. houses and central courtyard via a ramped driveway.

A second access would be formed approximately 6m from the western boundary with Kingston Wharf. This would be flush with street level, by contrast with the ramped main access. It would serve the proposed 24no. flats and one staff-parking space for the riverside café. This access would be close to but separated from the adjoining service access of the Kingston Wharf development (for riverside maintenance vehicles only). An enclosed boundary and landscaping at Kingston

Wharf would lie between these two



**Fig 9: Site Layout - Accesses**

A good degree of pedestrian permeability is proposed via seven footway access points, shown by blue arrows (above). At the road frontage existing pavements would be widened from the existing 1m to 5.3m, by the provision of around four metres of land from within the application site, to be secured via a legal agreement. This would provide space for a much wider footway and a segregated cycle path, in accordance with the requirement of the Shoreham Harbour Joint Area Action Plan (JAAP).

The eastern-most of pedestrian access would comprise steps up from the pavement. A ramped footway (1:17 gradient) is shown to the west of the main vehicular access providing for wheelchair users.

At the western end, pedestrian access flush with the pavement is direct into the ground floor of the apartment block, where two internal lifts rise to flats at first floor level and above (the ground floor contains only under-croft parking and the long entrance hall). Pedestrians may also use the new vehicular access through a proposed parking area where another access to the block and internal lifts is via a side door.

At the riverside a 4m wide foot & cycle path would be created by the provision of land from within the site, also via legal agreement. This would run along the riverside boundary, linking at a consistent height with the approved path provided by the Kingston Wharf development to the west. In common with the path widening in Brighton Road, this accords with JAAP requirements for both continuous road and riverside routes. Pedestrian access between the rear of the site courtyard and riverside path would be via steps through a boundary wall

At its eastern end the walkway would merge into the confluence of two off-site paths at Kingston Green. These proceed either eastwards across the informal parking area on the Green, or immediately northwards towards Brighton Road along the eastern boundary of the site. The latter path is a definitive public right of way, and is partly tarmac-surfaced, uneven and gently sloped up to the Brighton Road, where it emerges onto the roadside footpath at the corner of the former scout hall.

The Highway Authority is satisfied that the predicted traffic volumes from the development comprising 18 two way trips in the morning peak and 19 evening peak, (increases of 11 and 15 respectively against the original commercial use), are reasonable. Accordingly it confirms that a review of nearby road junction capacities is not required.

Following recent amended plans, including safety audit information, the Highway Authority is also with access layouts, gradients and suitable turning space for service and emergency vehicles on-site. A slight further increase in pavement width is needed to accommodate a bus shelter, by reduction of a proposed frontage planter. Highway officers have calculated a contribution of £145,000 required towards highway network improvements; some to be spent in the regeneration area, some in wider highway network improvements, for instance at the A27 Steyning and Hangleton junctions.

A legal agreement would secure pavement widening at the site frontage and the provision and public access to the proposed riverside path. The applicant has indicated agreement to undertake footpath surface improvements to the public Right of Way (FP3556) alongside the eastern boundary, in order to provide a continuous connection between the riverside walk and Brighton Road, emerging adjacent to the former Customs House/Scout Hall building. These works may lead to some downward adjustment of the requested financial contribution. The village green status of the Kingston Beach Green is a consideration in the drawing up of this aspect of the s.106 agreement.

#### Parking and Manoeuvring

As mentioned, manoeuvring and turning space for vehicles, including deliveries and services, is proposed within the central courtyard served by the main access. Bin store positions are around its inner perimeter, which the refuse officer has confirmed as acceptable. It is important that the space is constructed to withstand vehicular and servicing use. A planning condition can require approval of engineering details. The legal agreement can require its ongoing maintenance as part of private site management.

It is noted that distances between opposing rows of under-croft parking spaces serving the houses around the courtyard are typically well above the required 6m distance, most are between 11m – 16.5m, with two being 6.4m - 8.4m. In some cases this intervening space may be assumed as additional parking space. However, a plan would be required to show a keep-clear area to ensure that this does not obstruct manoeuvring nor to diminish the dual function as a shared amenity area, with planting, trees and varied surface treatments. Private management responsibility for the area would be contained in the legal agreement.

The smaller yard area to the west of the site, which would serve the proposed apartment block also provides suitable manoeuvring distances of 6.2m – 6.5m between the two rows of cars along its perimeter, which includes seven under-croft spaces at the ground floor of the apartment building. This yard also serves the proposed café and further information has been requested to demonstrate that there is suitable opportunity for delivery vehicles. It is noted that the bin stores for this and the apartments are well within 25m of Brighton Road, where refuse vehicles may wait at the roadside, in common with the approach taken in the Kingston Wharf development.

## Parking

The application proposes 44no. parking spaces, comprising one per house and 18 to serve the flats. Four visitor spaces are included and one space for the café. Table 3 below summarises the proposed provision. It also compares these with County Parking Guidance 2019 for Parking Behaviour Zone (PBZ3), within which the site is located.

**Table 3: Parking Proposals Compared With WSCC County Guidance**

Type of Car Space	Number of Spaces		Notes
	WSCC Guide PBZ3	Proposed	2 spaces are for wheelchair users (4.5%)
Houses	45	21	59% of spaces have EV charging points: 1 per house and 20% for apartments.
Flats	28	18	
Cafe	3	1	
Visitors – <i>Allocated or</i>	9	4	Café: WSCC guide =1 space per 25sqm + 1 per member of staff
Visitors <i>Unallocated</i>	5		Visitor parking: WSCC ratio is 0.2/dwelling where non-visitor spaces are allocated to dwellings.
<b>Total</b>	<b>81 or 85</b>	<b>44</b>	

## Parking - Policy and Guidance

In identifying appropriate parking levels, the County Parking Guidance 2019, which was adopted by the District Council in 2020, states at para 4.5 that: *The assessment of demand should normally be based on local or comparable data, taking account of forecast changes...in the local plan period, [up to 2032].* The Guidance includes locally derived parking rates for different areas (Parking Behaviours Zones – PBZs) The application site lies just within PBZ 4, (Southwick - Shoreham Beach) but at the edge of PBZ3, which covers the rest of the regeneration area and Shoreham Town Centre, where slightly higher parking ratios apply.

## Proposed Parking - Analysis

Table 3 shows the total proposed provision of 44 parking spaces for the mix of dwelling sizes in the amended plans; one each for the 21no. three and four bedroom houses; eighteen to be shared by the 24no. apartments, including two wheel-chair accessible spaces, and one for the proposed café space and four spaces for visitors to the houses and flats.

The Table also shows parking demand according to County Parking Guidance, which is for a total for PBZ4 is between 81 and 85 spaces; the lower figure assumes that parking spaces for the apartments are not individually allocated to occupiers and as such there is less visitor parking need for flats. According to these figures the apparent under-provision for houses is 24no. spaces (53%); 10no. (36%) for flats and 2no for the café, by comparison with the County Guidance.

In support of this apparent under-provision, the applicant relies on two factors. Firstly that census data for the Southwick area and secondly planning policies which promote lower levels of car ownership.

The latest available Census data from 2011 indicates that 50% of households in apartments have no car and therefore a 36% 'under provision' for the proposed flats is reasonable.

For houses 20% of households have no car and 50% have one car. If this is applied to the development, which provides one parking space per house, 70% of the houses would be adequately served. The under-provision is in relation to the 30% (7no.) houses which, according to census data, would have more than one car.

In consideration of this under-provision of second car spaces, it is noted that a few houses facing into the deepest part of the courtyard, may find informal space for a second car, taking into account keep-clear manoeuvring and amenity space. This would leave only 3-4 homes in need of a second space.

As part of the aim to foster less reliance on private car use, including second car ownership, the proposal draws upon the JAAP support for solutions such as car clubs and travel plans, both of which would be included in the proposal and secured by legal agreement.

Car club membership and a parking space for at least one car club vehicle would be required with the possibility of a second space in the future, or perhaps a joint future venture with Kingston Wharf. Paid membership for 2 years per household (houses and apartments) would be included with a £50 drive-time voucher. A Travel Plan would promote public transport and cycling, possibly a voucher for the incoming residents to spend on these modes.

This approach is consistent with developments already approved in the regeneration area. Recently published national data by CoMo UK:

[https://uploadssl.webflow.com/6102564995f71c83fba14d54/62a8acc694bf3158d04ebd5d\\_CoMoUK%20UK%20Car%20Club%20Report%202021%20Key%20Findings.pdf](https://uploadssl.webflow.com/6102564995f71c83fba14d54/62a8acc694bf3158d04ebd5d_CoMoUK%20UK%20Car%20Club%20Report%202021%20Key%20Findings.pdf) indicates that each car club vehicle replaces 20 privately owned vehicles. This is an encouraging finding which adds confidence to the use of this approach in fostering reduced reliance on private cars, including second-car ownership.

The Highway Authority is satisfied with these proposals and with the proposed inclusion of electric vehicle charging (all apartment spaces and fuse-box ready opportunities for houses to add these later). A planning approval would include requirements for site management to ensure that visitor spaces and a proportion of apartment spaces are communal.

### ***Residential amenity - for proposed dwellings***

#### **Internal Space**

The proposed 21no. houses mostly comprise four-bedrooms (17no), and four of them are three-bedroom. These would house a potential total of 118 people. The proposed 24no. flats are largely two-bedroom (18no) with three each of one-bedroom and three-bedrooms. These would house a potential total of 71 people, bringing the residential total to 189 people.

In each case the dwellings would exceed nationally described space standards; houses are between 15 – 53 percent above and most flats are between 0.7 – 3.5 percent above; the three –bedroom penthouse is 8 percent above. Therefore the internal space is acceptable in each case.

In terms of internal layout and in response to the recommendations of the Design Panel, all dwellings in the amended plans have outlooks which are dual-aspect. Some of those at the ends-of-terraces are triple-aspect, as are several of the flats above the third storey.

All flats are on a single level with dual aspect living areas, each is accessed by stairs and lifts from the ground floor hallway. The layout appears to provide convenient access to future occupiers and allows for cross-ventilation of each apartment.

All houses are aligned to face either north and south or east and west. Whilst bedrooms are largely single aspect, each house has a semi-open-plan living space with openable windows facing in each direction. This also provides for cross-ventilation of each house.

Therefore, internal layouts meet space requirements and with a few points of reservation, are considered to provide good internal amenity. The points of reservation concern flats at the northern end of the apartment block, which rely heavily on windows in the noise sensitive frontage to Brighton Road and to a lesser extent those of the adjoining northern terrace of proposed houses. The design quality of individual entrance areas in the under-croft parking bays is a further point of reservation. These are discussed in 'External Relationships: Light, Privacy & Noise' below.

One further observation is the proposed location of open-plan living space on the top

floor of houses. This arrangement provides direct access to spacious, individual roof terraces. However, it also means that daytime living space is reached by two flights of stairs. Whilst this has little weight as a planning consideration, it may have convenience impacts on future occupiers.

#### External Relationships: Light, Privacy & Noise'

The western face of the proposed apartment block, its windows and balconies would face the approved neighbouring block at Kingston Wharf, also containing windows to habitable rooms. The proposed distance between the two buildings would be approximately 26m, this is similar to distances used between blocks at Kingston Wharf, although it is slightly below the minimum 28m distance sought for light and privacy in the Council's Supplementary Planning Document: Space around New dwellings and Flats'

The other proposed buildings would be grouped around the communal central courtyard. Distances between the facing windows of the 3 & 4 storey northern and southern terraces would be between 16.5 – 18m, and 1.8m less than this where facing towards a balcony. Much of the eastern terrace is 30m away from the others, although its southernmost pair of houses would face the end wall and windows of the southern terrace across a much lesser distance of approximately 14m,

**Privacy:** These distances are much less than those indicated in the Council's guidance (22 metres between two storey properties), and although windows have been positioned with care, there will be a significant degree of overlooking between facing neighbours across the central courtyard. Such relationships and impact seem to be unavoidable where two rows of terraced houses are proposed across a site of tapering width.

On this matter, the Council's SPD allows for on-merit judgements to be made. National Guidance (NPPF – para 125) also recommends flexibility, particularly in the case of high density development. The current proposals are for a density of 96 dwellings/ha which is slightly less than the minimum target density of 100/ha for the harbourside regeneration area. It is likely that a redesign to increase spacing, would affect the amount of development achievable here, and further-reduce its density below the target level.

Another consideration is that these lower spacings are sometimes found in streets of houses where 'homezone' principles are used, (streets with shared and informal intervening spaces rather than conventional roads and pavements). Among the Shoreham Harbour developments approved to date, the proposed development of this site is unique in the inclusion of courtyard-houses rather than apartments. It is therefore considered reasonable that this flexibility is applied to the spacing between them.

**Light:** These relationships are considered reasonable in terms of privacy but they have also been tested in terms of natural light penetration using methods recommended in best practice guidance by the Building Research Establishment (BRE), supported by National Planning guidance (NPPF, 2021)

This assessment found that 95% of all proposed habitable rooms would meet or

exceed guidelines for natural light, with 87% of rooms also achieving the target skyline visibility guideline for new homes. The 11no. affected rooms are only marginally below one or other of these targets (0.1% - 0.2%), and are bedrooms, where this is less significant than in the case of rooms in typical daytime use.

The Design Panel strongly recommended assessment of any amended plans to ensure adequate light penetration, including the interior of the courtyard to encourage successful tree and shrub growth and amenity use.

It is noted that light penetration is likely to have improved by the amendments, due to the reduced size of the penthouse of the apartment block, and removal of the external stair cores in favour of lower-height linking. Hence a qualitative professional addendum to the original report may suffice and is awaited. This can also address the need for a more detailed explanation of the relationship of the proposed apartment block upon the neighbouring block approved at Kingston Wharf, as referred to in the Residential amenity section concerning neighbouring dwellings, later in this report.

**Noise and Ventilation:** As mentioned, the use of dual aspect layouts throughout the development provides opportunity for natural ventilation, particularly on the south-facing and courtyard elevations, away from the noisier roadside.

A specialist noise assessment has concluded that the northern elevation facing the road, and some side elevations will be subject to road-noise levels which require a higher standard of acoustic glazing; also that mechanical ventilation with heat recovery is likely to be required in these places.

It is noted that many windows on the north elevation are smaller than other elevations and tend to serve stairs, hallways and bathrooms, rather than main habitable rooms. The notable exception is the north-facing flats, where lounge-kitchen, bedrooms and balconies are located with smaller secondary side-facing windows. These, and side facing units, will rely heavily on mechanical ventilation, with the opportunity to open windows for periods of room-purging.

The Environmental Health officer's confirmation of the amended plans and noise assessment recommendations are awaited, including consideration of overheating. If supportive, a planning condition can be used to require acoustic glazing and mechanical ventilation with heat recovery and set their specifications. Subsequent management of these measures in relation to the proposed flats can also be included in the wider site management plan as part of a s.106 Agreement.

## **Outdoor Space**

The proposed site layout, based around a central courtyard, provides a semi-landscaped space which is edged with shrub-filled planters, including trees, at the edge of each house frontage and along the edges of the access drive and road frontage. This arrangement responds to the Design Panel advice that the space should provide shared amenity space for the residents, more planting and less vehicular circulation space.

Whilst it is important that vehicular manoeuvring space is provided for cars service

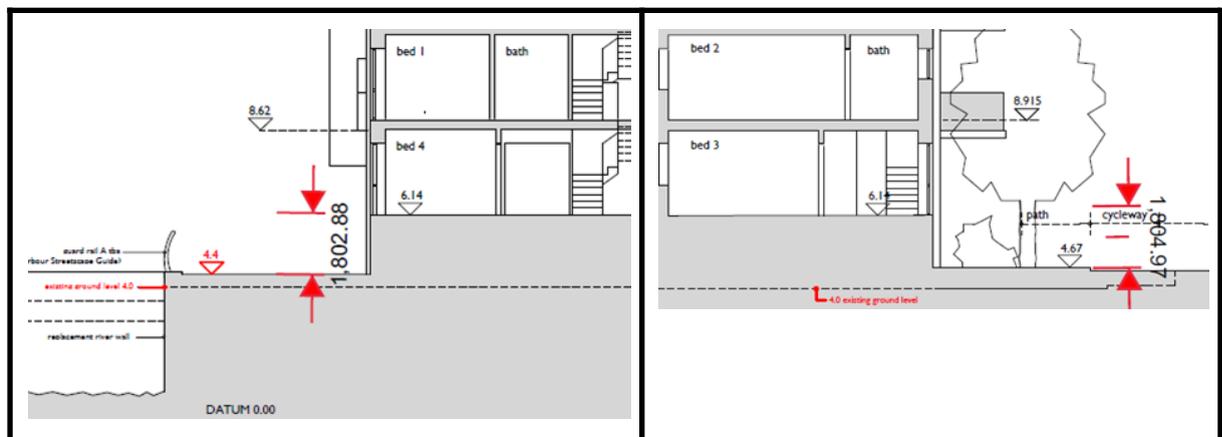
vehicles, including refuse and fire tenders, the redesigned space is a notable improvement upon the original submission. Confirmation as to planting options and types in relation to light penetration is awaited.

The revised courtyard layout also responds to the Design Panel recommendation for a communal space in the south-east part of the courtyard. The amended plans show a large planted space (90sqm), edged by paths and benches with views towards the river and harbour entrance above a low boundary wall and glass balustrade (1.1m overall height).

Individual apartments would each have a balcony, the depth of which has been increased to 1.8m in almost all cases, as recommended by the Design Panel. Seventeen of 21no. town-houses has a roof terrace, typically 25sqm and all of them have a balcony, those without terraces have larger balconies facing into the courtyard.

As such the proposals provide a degree of outdoor space for residents, and for many homes a direct view of the river and/or Kingston Green & Beach.

A recommendation of the Design Panel concerning privacy for ground floor bedrooms of future residents, has been addressed by the provision of increased shrub planting along the roadside. Along the external pathway edges to the riverside and Kingston Beach, bedroom floors are approximately 1.7-1.8m above path level, (see Fig. 10 below) so that even floor-to-ceiling windows, as proposed, will be above most pedestrian's eye-level.



**Fig. 10: Ground Floor Rooms - Heights relative to public paths**

However an added safeguard is the proposed use of frosted in the (low-level) glass balcony screens along the eastern elevation and for the lower sections of bedroom windows along the southern side. Details can be required by condition to ensure effective obscuring and appropriate external design at these prominent site edges.

In common with other harbourside developments approved hitherto, the proposal provides public amenity value by the provision of the riverside path. This also serves to connect residents of the proposed development to Kingston Green and Beach via a gate in the proposed boundary wall, so that residents have access to public outdoor space. However, the provision of other types of outdoor space and play

opportunities will rely upon the making of a financial contribution. A figure of £130,000 has been calculated, using the Council's recently adopted Open Space Study and Calculator. This would also be secured as part of a s.106 Agreement.

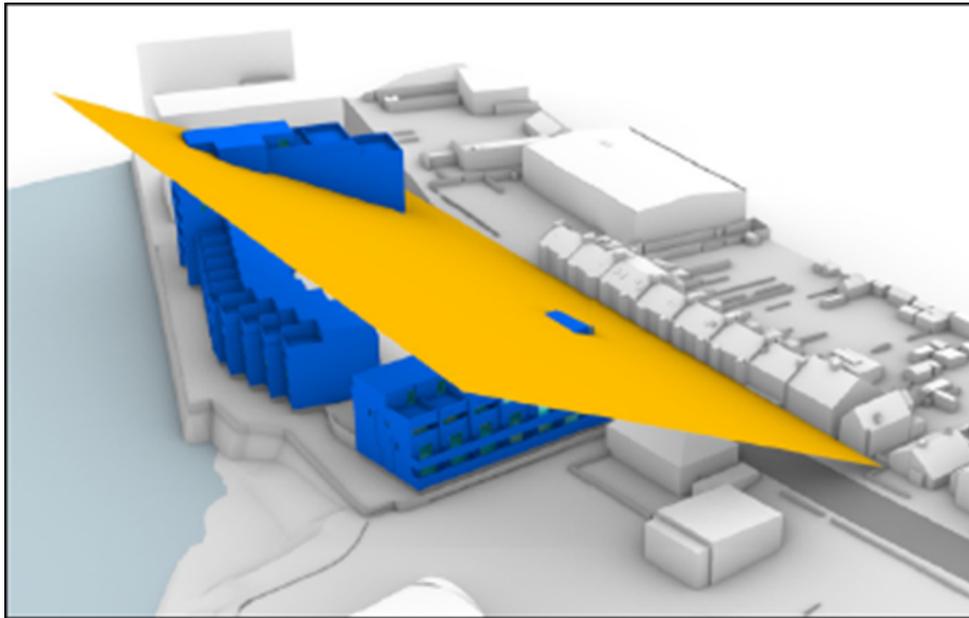
### ***Residential amenity - effect on existing dwellings***

In consideration of neighbouring privacy it is noted three dwellings of the proposed western terrace would face existing houses in Brighton Road, including relatively small kitchen and sitting room windows at second floor. The intervening distances of 21m – 24m are considered reasonable in relation to privacy in the context of this well-used street.

The northern end of the proposed eastern terrace would also face three existing houses across a similar distance. Landing room windows are proposed at first and second floor, with a fairly large, secondary window to the third floor family room and glazed opening to the rear terrace leading from the room.

A neighbour has raised the question of limit inter-visibility from these vantages, including the roof terrace which is taller than the existing houses and may have a downward line of sight towards existing windows. In consideration of this it is noted that a person in a seated position on the roof terrace would be behind the masonry parapet. However, a suggestion has been made to the applicant that windows, including the glazed terrace opening, might be obscure glass. Whilst the factor of distance across the well-used street must be considered in determining whether such an arrangement would form the basis of a planning condition, an update will be given upon the applicant's reply.

In consideration of impacts upon natural light, at neighbouring properties, an assessment has been undertaken in accordance with Building Research Establishment (BRE) good practice guidelines. National Policy advises that such tests are not definitive and should be applied flexibly. The BRE-type assessment has considered the impact on natural light reaching neighbouring windows by measuring the volume of the proposed building which would fall within the 25 degree angle measured from the centre of existing windows.



**Fig 11: Natural Light 25 Degree Test**

The results in Fig. 11 indicate that over one-third of the height of the apartment block will reduce light within this angle (the 25 degree angle is shown in yellow) to the car-park forecourt of the commercial building opposite but not the building itself. In consideration of existing houses in Brighton Road, only one of these would be affected according to the 25 degree test. However, as this impact is due to the topmost part of the roof to the proposed eastern terrace; the degree of impact is categorised as marginal, non-material such that no further daylight or sunlight test is considered necessary.

It is noted that the test makes a general comment that daylight impacts upon the approved but as-yet unbuilt eastern of the Kingston Wharf development block are considered acceptable, however, a more detailed explanation has been requested on this point.

In more qualitative terms, it is noted that much of the proposed buildings would be of light coloured grey brick, which has a slightly greater light reflectance value than red brick. This may also assist in minimising light impact.

In terms of neighbouring outlook, it is noted that a building of any height on this site would remove or reduce lines of sight of the river, which were opened-up by the demolition of the original building in recent years. The proposal is also likely to be more prominent from these outlooks due to its comparatively greater height.

However, it is important that the tallest of the proposed buildings would be opposite a commercial forecourt and that existing housing would look onto the proposed 3-4 storey terraces and intervening gap. The inclusion of frontage planting as a complement to the distinctive architectural form, is considered to provide a reasonable outlook, despite the larger size of the buildings by comparison with the demolished one.

## ***Flood Risk & Drainage***

The site falls within flood zone 3 where ordinarily a sequential test would be required which seeks to ensure that there are no other sites available that are less vulnerable to flooding. However, this was undertaken in connection with the Local Plan and JAAP and was accepted by both Planning Inspectors. Even with the inclusion of sites with flood zone 3 the Local Plan could not meet its objectively assessed housing needs for the District.

In accordance with JAAP and Local Plan policies the proposed ground floor would be set above the 1:100 year flood level, which includes an allowance for predicted climate change. This is approximately 1m - 1.7 above street level and 1.8m above the riverbank edge. Accordingly the outer edges of the proposed development are characterised by raised plinths, which in common with the Kingston Wharf development, are softened by planter beds and planted edges.

The main site access would be ramped up to 1m but the apartment block access to Brighton Road would be at ground level, with the edges of the building providing a flood defence and a second door to the central courtyard at a higher level a means of access or escape in a flood event. In the amended plans demountable flood barriers would protect the lower entrance in flood events.

The Environment Agency is satisfied with these provisions and has recommended conditions for their implementation and to the submission of a flood emergency escape plan, which would become the ongoing responsibility of the site owner or management entity by obligation of a legal agreement as part of planning permission.

Southern Water (SW) has confirmed that adequate foul water drainage capacity can be provided to serve the development. The applicant would make a separate application to SW for connection.

Surface water drainage would be directed into the river via pipes through the river wall, a principle which is supported by the County Lead Flood Authority (LLFA) and the District Council Engineer. The system would include an area of permeable paving, to store excess surface water before its release to the river. Pollution interceptors and filters would be included, details of which would be required by condition, along with future maintenance arrangements. Future management responsibility would also be an obligation upon the owner/management entity via a planning legal agreement.

At present, the District Engineer and LLFA have raised a holding objection pending the provision and agreement of more detailed future flood modelling. This is to demonstrate that adequate on site surface water capacity would be provided (such as the permeable paving area), to cater for high rainfall and flood events when the outfall pipe valve may be closed due to rising river /sea water or tidal cycles (tidal-locking). Work and discussions are in progress and an update will be given, although it is possible that this technical detail will need to be settled after the Committee meeting under delegated authority.

## ***Fire Safety***

As part of recently augmented national fire safety procedures, the application has been referred to the Health Safety Executive (HSE), to assess the Fire Statement submitted with the application and recently amended.

HSE is considering these amendments, which include new compartmentalisation of staircases within the apartment block and confirmation that external materials, including cladding will be appropriately fire-rated. The applicant has also responded to HSE queries concerning fire-safe escape routes through the undercroft parking spaces of the proposed townhouses. The response of the HSE is awaited.

Subject to confirmation that the HSE is satisfied, an informative can be included as part of a planning permission, highlighting the provisions of the Fire Statement which would in turn be incorporated in Building Regulations approval and certification by the County Fire and Rescue service (FRS). It is noted that the FRS is satisfied with the availability of fire hydrants. Highway tracking plans have also demonstrated that fire tenders can access the interior of the site.

## ***Air Quality***

In accordance with the County-wide Sussex Air quality and Emissions mitigation guidance for Sussex, the proposals are accompanied by an air quality assessment together with a calculation of mitigation costs based on predicted traffic associated with the development. The Environmental Health Officer is reviewing this alongside the amended plans and further comments are awaited.

It is noted that the assessment calculation produces a mitigation value of £8,980. Subject to the Environmental Health Officer's confirmation, this can be included in a legal agreement obligation. A planning condition in parallel with this obligation, can allow for on-site mitigation to be provided to active air quality improvements equivalent to and better than this value, which may include assessment of the air quality merits of the proposed car club and of electric vehicle charging.

## ***Remediation***

In common with other regeneration area sites already approved for redevelopment, the current application includes a stage 1 contamination risk study. The Environmental Health officer (EH) is satisfied with its findings of moderate existing risk from contaminants from previous industrial activity in the area, and a low future risk to water bodies and negligible risk to future residents.

The EH officer and the Environment Agency recommend a standard framework and set of planning conditions to require further site investigation followed by agreement, implementation and verification of appropriate remediation works. Conditions would include approval of piling work methods and piled foundations in order to safeguard groundwater quality.

## ***Harbour Navigation***

As mentioned earlier, the design is based on the requirement of JAAP policy to ensure that illumination does not affect navigation in the harbour area. The accompanying lighting assessment concludes that this has been achieved. Confirmation of the Port Authority is awaited upon the amended plans. Planning conditions could control future external lighting where necessary.

## ***Employment & Skills***

The application is accompanied by an Economic Impact Report, which seeks to quantify the financial and wider benefits of the development, including an estimation of £30m of economic benefit during the construction period, including suppliers, labour and spin-off local economic activity; thereafter an economic benefit of £4.7m over a ten year period.

Whilst these figures are estimated and not easily verified, there is undoubted social and economic benefit in development as part of the wider harbourside regeneration. During the construction period the applicant envisages 22no skills, training and apprenticeship opportunities for local young people and local educational establishments comprising:

- 9no. work placements for 16+ years of age;
- 2no. work placements for 14-16 years of age;
- 5no. construction curriculum support activities; and
- 6no. apprenticeship starts.

The applicant has agreed to work with the Council Communities Team in the provision of these opportunities and to participate in an Employment & Skills Plan as part of a legal agreement. It is hoped that this combined initiative will also foster other opportunities for local employment and local procurement.

## ***Infrastructure & Legal Agreement (s.106)***

In accordance with Local Plan Policy 29 requires, the development is required to provide or contribute to the facilities, infrastructure and services made necessary by development. As indicated previously the development would need to deliver 30% affordable housing to be policy compliant.

The applicant has maintained from the outset that the development would not be viable to deliver affordable housing or all the development contributions necessary to mitigate the impact of the development. In such cases the Council appoints independent viability consultants to robustly assess the applicants appraisals. In this case this work was undertaken by the Dixon Searle Partnership (DSP) and its report is appended to the agenda. DSP concludes that,

*'Our appraisal indicates a more positive view of the scheme than presented by the applicant, and indicates why this residential development might be preferred to alternative options such as continuing with the current, commercial use of the site. However our appraisal indicates that the scheme is unlikely to support the*

***inclusion of affordable housing as well as achieving a reasonable level of profit once a suitable benchmark land value has been taken into account. It can be assumed that if the applicant is willing to proceed they are content to accept a sub-optimal profit level, or must be confident of finding significant efficiencies within the scheme costs as well as achieving positive sales values – through the usual “value engineering” type processes.***

*In conclusion, therefore, whilst we disagree with the overall position presented by the applicant (and which we note appears incongruous, i.e. that the site is worth £2.7 million if sold as it is, but redevelopment results in a residual value of only £900,000) we agree with the FVA conclusion that the scheme will not support the provision of affordable housing, based on present day costs and values. This is primarily due to the high build cost, which is itself partly due to the abnormal costs of developing the site and partly due to the need for a high specification due to the target market for waterfront properties; in order to achieve the proposed sales values.*

Inevitably with viability reviews there are areas of disagreement and in this case it revolved around an assessment of benchmark land value. However, the key conclusion (highlighted in bold above) supports the applicant's contention that this is a scheme that cannot afford to deliver affordable housing. This is a similar position to other developments along the Western Harbour Arm and reflect the very high construction costs for the flood defence wall. Members will recall that both Kingston Wharf and Free Wharf developments are supported by Homes England Affordable Housing Grant and Free Wharf secured £10 million Housing Infrastructure Funding. This site by comparison is promoting a low density of development and there is no grant funding currently available.

#### WSSC Contributions

Education (primary)	£138,097
Education (secondary)	£148,631
Education (six form)	£ 34,818
Libraries	£ 20,412
Fire and Rescue	£ 1,557
Highways	£145,000
Car Club/Travel Plan	£ 12,500

#### Health

CCG	£ 60,271
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#### District Council

Open Space	£130,939 (i.e. £125,107 + £388.85 x15yr maintenance)
Art	£ 5,294
Air Quality	£ 8,980* *(unless physical/on-site mitigation)

**TOTAL £706,499**

The development appraisal originally only earmarked £480k towards s106 development contributions and this level of funding was supported by the Councils

Viability Consultants. This would have left a shortfall of approximately £220k (as set out above) and would not have provided any funding for off-site affordable housing.

However, in recognition of the likely concerns about the lack of affordable housing being offered the applicant has increased the offer to **£750k** notwithstanding the less than commercial return likely on the site and is happy for the Council in consultation with WSCC to agree how this is divided between competing requirements. Rather than just accept circa **£44k** for the delivery of off-site affordable housing your Officers have discussed with WSCC whether there is scope to reduce the education contribution given the significant reduction in pupil numbers in local primary schools.

WSCC accepts the viability position in this case and is exceptionally prepared to divert the primary school contribution (£138K) towards the delivery of affordable housing which would ensure a more meaningful contribution of **£181,598** towards the delivery of one or more of the Adur Homes schemes in the pipeline for delivery. Whilst Members may feel that the contributions should be divided in a slightly different way but your Officers felt that this was the most appropriate way of ensuring that the majority of services secured the policy compliant development contributions. The Heads of Terms attached reflect the above.

To put this contribution into perspective the Council would normally seek approximately £35,000 per 3 bed affordable dwelling to be provided off site (albeit these figures are out of date and will be reviewed as part of a new Affordable Housing SPD). Based on the current figures the affordable housing contribution would equate to the delivery of 5 affordable dwellings off site (13.5 dwellings would be required to meet the 30% requirement).

**Table 4: Legal Agreement Summary (Heads of Terms)**

	Obligation	Terms
	<b>Highways, Access &amp; Parking</b>	
1	Highway Improvements Contribution	<ul style="list-style-type: none"> <li>£145,074 contribution split between £35,680 Local Plan Measures (A27 Steyning and Hangleton junctions) and £109,394 Sustainable transport improvements within the JAAP</li> </ul>
2.	Highway Improvements A259 Cyclepath	<ul style="list-style-type: none"> <li>Kerb realignment and dedicate land along A259 Brighton Road frontage for use as Cycle-Footpath land [<b>Note:</b> <i>trigger date needed from WSCC Highway team e.g. completed and dedicated on occupation of site and via s.278/38 Highway Agreement</i>]</li> <li>Uninterrupted public access pending transfer if later than on-occupation</li> </ul>

3.	Public Rights of Way Improvement	<ul style="list-style-type: none"> <li>• Footpath improvement work to FP 3556 adjacent to eastern boundary of site</li> </ul>
4.	Car club	<ul style="list-style-type: none"> <li>• Space for two cars</li> <li>• Procurement of a supplier to provide two cars</li> <li>• Paid membership per household for 2 years</li> <li>• £50 drive time per household</li> </ul>
5	Travel Plan	<ul style="list-style-type: none"> <li>• Appointment of Travel plan coordinator for five years</li> <li>• Liaison with County Council</li> <li>• £1,500 fee for County Council liaison/monitoring</li> </ul>
6.	Riverside Access	<ul style="list-style-type: none"> <li>• Connection with adjoining Riverside Path</li> <li>• Uninterrupted public access to Riverside Path for pedestrians and cyclists</li> <li>• Uninterrupted for Environment Agency to undertake riverside maintenance</li> </ul>
	<b>Housing</b>	
7	Affordable Housing	<ul style="list-style-type: none"> <li>• £181,598 contribution for off-site provision</li> <li>• To be paid at [agree trigger point]</li> </ul>
	<b>Other Obligations</b>	
8.	County Infrastructure (non-highway)	<ul style="list-style-type: none"> <li>• <del>Education (primary)** £138,097</del></li> <li>• Education (secondary) £148,631</li> <li>• Education (six form) £34,818</li> <li>• Libraries £20,412</li> <li>• Fire and Rescue £1557</li> </ul> <p><i>** 29/7/22 Primary Education Contribution under discussion with WSCC – may reduce</i></p> <p><b>Note:</b> Sums to be reviewed and updated after 3 months of Committee resolution</p>
9.	Health	<ul style="list-style-type: none"> <li>• £60,271 towards either the refurbishment, improvement, replacement or expansion of Harbour View GP Surgery (Shoreham Health Centre) or at another location within Adur District.</li> </ul>

10	Open Space & Recreation	<ul style="list-style-type: none"> <li>£130,939 for provision of and / or improvement of off-site public open space and/or recreation facilities within Adur District</li> </ul>
11	Air.Quality Mitigation	<ul style="list-style-type: none"> <li>£8,980 prior to occupation unless it is first agreed that air quality mitigation measures have reached or exceeded that value.</li> </ul>
12	Public Art	<ul style="list-style-type: none"> <li>£5,294 for provision of art work on-site or mutually agreed location</li> <li>Procurement of art in agreement with District Council</li> </ul>
13	District Heating	<ul style="list-style-type: none"> <li>Provisions for connection to Shoreham Harbour District Heating System.</li> </ul>
	<b>Site Management</b>	
14	Site Management	<ul style="list-style-type: none"> <li>Site Car Park Management &amp; Servicing Plan to be agreed under planning condition prior to occupation</li> </ul> <p><i>[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</i></p> <ul style="list-style-type: none"> <li>Secure cycle stores to be maintained</li> <li>Implementation of Travel Plan</li> <li>All common areas to be maintained, including watering and pruning;</li> <li>Sustainable drainage, including arrangements for maintenance and end-of-life replacement.</li> <li>Green roofs and other landscaped areas on buildings</li> <li>On-site heating system</li> <li>Bin stores and litter bins</li> </ul>
15	Noise Attenuation	<ul style="list-style-type: none"> <li>Maintenance of all acoustic glazing/systems</li> <li>Maintenance of all associated ventilation system</li> </ul>

16	Local Procurement and Skills	<ul style="list-style-type: none"> <li>• Employment &amp; Skills Plan to be agreed pre-commencement</li> <li>• 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.</li> <li>• Implementation in liaison with Council's Economy &amp; Skills Officer</li> </ul>
17	106 Monitoring: District Council	<ul style="list-style-type: none"> <li>• Payment triggers to be agreed</li> </ul>

### ***Conclusions and Planning Balance***

The application site is the smallest of the harbourside regeneration sites but occupies a key location at its eastern edge, where redevelopment meets the long established Kingston Beach residential area and harbour, with its distinctive and characterful buildings and historic listed lighthouse. The JAAP and local plan policies require development of high quality and contextually referenced design, which the proposal is considered to provide, following its careful amendment in response to the Design Panel advice. The result adds to the distinctiveness of the area and the outlook and amenities of residents and other uses of the area, many of whom have taken a keen interest in current and previous proposals.

The houses add greater breadth to the range of household sizes served by the harbourside regeneration, they also provide a physical transition between the scale of existing houses and the approved apartment blocks to the west. The tapering profile of the proposed apartment block and its glazed penthouse echo the maritime form of the lighthouse and together with the proposed terraced, provides a sensitive setting in accordance with conservation legislation, policies and guidance. Careful selection of materials and detailing are vital in its design success, through the use of planning conditions.

In land use terms, the provision of housing and a small commercial element is fully supported by policies. The proposals are within the 1100 dwelling minimum target for the Western Harbourside and the mix of house and apartment sizes is consistent with identified needs in the Adur District. The package of contributions in the proposed legal agreement are directed towards appropriate road, education and health infrastructure and services in compliance with policies.

Whilst the full delivery of affordable housing under Policy 21 is not viable in financial terms, as confirmed by the Council's peer review, the financial contribution offers the prospect of up to five (11%) affordable homes off-site. Mindful of the weight attached by national policy to the delivery of housing, particularly where the rate of recent housing completions across the wider District is below target, and mindful of the physical benefits provided by the dedication of land from the site to wider and new

paths, the overall planning balance is considered positive.

The Highway authority is satisfied with traffic impacts and parking, subject to the package of sustainable traffic measures. Some matters of detail remain to be concluded, including amended plans to provide pavement space for a bus shelter and with a keep-clear area in the central courtyard. Further information is also awaited on other matters, including ventilation and heating, including exploration of less gas reliance; resolution of surface water drainage; lighting information and possible additional obscure glazing. However, none of these currently indicate any insurmountable issue

Responses are also awaited from the HSE, Port Authority and Council Engineers.

In summary, the proposal is supported, subject to the satisfactory conclusion of these matters and the receipt of minor amended plans.

**Recommendation:**

**To delegate authority to the Head of Planning and Development to grant planning permission subject to:**

- i) The receipt of amended plans;**
- ii) The receipt of satisfactory comments from Technical Services regarding drainage, Port Authority and the HSE;**
- iii) The completion of a s106 agreement securing affordable housing and the development contributions set out in the report other than minor variations agreed in consultation with the Chair of Planning Committee; and,**
- iv) Subject to the following planning conditions,**
  - 1. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

*[Insert drawing numbers]*

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

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

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

**Phasing (and Enabling Works)**

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

of this planning permission, shall be submitted and approved in accordance with that phasing programme.

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

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

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

### **Enabling Works**

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

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

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

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

(v) Re-routing of existing sewer main

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

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

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

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

## **River-wall works**

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

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

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

## **Materials and Details**

6. With the exception of Enabling Works in Condition 4, (and unless agreed otherwise in writing by the Local Planning Authority), no works above ground level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority and all development of that phase pursuant to this permission shall be carried out and permanently maintained in full accordance with details thereby approved:
  - a) Details and samples of the materials to be used on all external faces of the building(s) and ground surfacings, including colours and finishes;
  - b) Details, including 1:20 drawings and profiles of external columns doors; windows and frames; roof intersections, soffits, parapets & cappings, balconies, balcony screens and external rails;
  - c) Any external plant and utility cabinets, their location, size, design, materials, colours and finish and any associated ducting,
  - d) Details of solar panels and height relative to adjoining parapets / roof edges,

- e) Details of any external lighting, including measures to minimise light pollution and impact on river navigation, and arrangements for verification of these measures, which shall be implemented,
- f) Details of pedestrian and vehicular access ramps and steps and ground floor plinths, including detailing and/or materials to add visual interest,
- g) Details of the location and design of any externally visible ventilation louvres, gaps or ducts

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

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

### **Landscaping, Play and Biodiversity**

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

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

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

8. Before the commencement of development above ground level, (other than Enabling Works), details of all means of enclosure, gates or barriers for that phase shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided for each phase of development prior to the occupation of each such phase. 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.*

#### **Café Space - Use**

9. The café space and café terrace shown on the ground floor of the apartment block in the approved drawings, shall be used only for the purposes of either:

Class E (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises or

Class E (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,

as defined by the Town and Country Planning (Use Classes) Order 1987, (as amended). It shall not be used for any other purposes whatsoever, including any other uses within Classes E or Class C3 of the aforementioned (Use Classes) Order and notwithstanding the provisions of Schedule 2, Part 3 of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting these Orders.

**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.*

### **Café space - Hours**

10. The café space and terrace shall only be used and open to customers and visiting members of the public between the following hours:

Monday – Saturday 07:30 – 21:00

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

No use of the café terrace before 08:30 on any day

**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.*

### **Café space - Noise Insulation**

11. a) Construction work (with the exception of any demolition or stripping out), shall not commence until an insulation scheme for protecting the first floor flats from noise from the café space has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors.

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

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

### **12. Café space - Odour, Air Moving & Amplified sound**

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

The use of the café space 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.*

### **Café Space - Advertisements**

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

**Reason:** *In the interests of visual amenity and the safety of river navigation, to achieve a balance between business needs and the impact and appearance of signage in accordance with policies 15 of the Adur Local Plan and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Highways & Access**

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

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

### **Accesses and Frontage Specifications**

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

**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.*

### **Surfacing of the Public Right of Way**

16. No part of the development shall be first occupied until such time as plans, details and construction specification showing the proposed surfacing works for Right of Way no. FP3556 have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that suitable materials are used for the surfacing works and to safeguard users.

### **Car-Park Barrier**

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

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

### **Vehicle Parking**

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

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

### **Electric Vehicle Charging**

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

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

### **Secure Cycle Parking**

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

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

### **Travel Plan**

21. 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.*

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

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

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

### **Recycling & Refuse Stores**

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

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

### **Flood Risk and Riverside Management**

24. a) The development shall be carried out in accordance with the submitted Flood Risk Assessment (“FRA”) (dated February 2022, produced by HOP Consulting

Ltd) and the additional information provided by HOP Consulting Ltd in their letter and associated documents to the Environment Agency dated 10 February 2022 (“the Letter”) (ref: TJB/SMW/16050-4), and in particular the following mitigation measures detailed therein:

- i. Finished floor levels of habitable rooms shall be set no lower than 6.14 metres above Ordnance Datum (AOD) as stated in section 3.4 of the FRA.
- ii. Finished floor levels for the café space shall be set no lower than 4.95 metres above Ordnance Datum (AOD) as stated in section 3.4 of the FRA.
- iii. Finished floor levels of the courtyard shall be set no lower than 5.40 metres above Ordnance Datum (AOD) in accordance with drawing no: 1545 PA 040 (‘Flood Defence Proposals Ground Floor/ Site Plan’, date 12-21).
- iv. Provision of vertical rising flood control barriers up to 5.47m AOD as indicated in drawing number 1545 PA 040 (‘Flood Defence Proposals Ground Floor/ Site Plan’, date: 12/21), with details of a maintenance plan and operation of the barriers to be submitted to the Local Planning Authority prior to installation of the barriers.
- v. Provision of a waterfront access route of no less than 4 metres, which shall be permanently maintained in accordance with drawing number 1545 PA 040 (‘Flood Defence Wall Alignment, Access To Wall & Navigation Light Position’, date: 01-22)

b) The existing river wall defences shall be improved as outlined in ‘the Letter’ (as at a) above), comprising a new vertically Steel Sheet Piled (SSP) river wall structure set back slightly from the existing alignment and set to 4.4m AOD and a set-back reinforced concrete flood wall with structural connection to the river wall set to 5.47m AOD as shown in the following submitted drawings:

1545 PA 040 (‘Flood Defence Proposals Ground Floor/ Site Plan’, date: 12-21)  
1545 PA 041 (‘Flood Defence Proposals Perimeter Sections’, date: 12-21)  
1545 PA 044 (‘Indicative Flood Wall Details’, date: 01-22)  
1545 PA 040 (‘Flood Defence Wall Alignment, Access To Wall & Navigation Light Position’, date: 01-22)

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

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

## **Flood Risk & Safe Access**

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

**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 para 163 of the NPPF 2019.*

## **Temporary Floodrisk Management**

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

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

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

27. No works except Enabling Works shall take place until details of the proposed means of foul and surface water sewerage disposal including a timetable for its provision and assessment of pollution risks with any measures necessary for its control or mitigation, have been submitted to, and approved in writing, by the Local Planning Authority in consultation with Southern Water. The development will then be carried out to comply with the agreed details and timetable.

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

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

28. No works except Enabling Works and site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by

CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. Details shall include measures to manage any pollution risks, including risks to controlled waters with measures for control and mitigation of these risks. No building shall be occupied until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

### **Drainage 3 – As-Built Records**

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

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

### **Drainage 4 - Management**

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

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

## Remediation and Groundwater

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

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

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

## Remediation Verification

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

**Reason:** *To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is*

*complete. This is in line with paragraph 174 of the NPPF and in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Previously Unidentified Contamination**

33. 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 paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Piling Works & Contamination**

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

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

### **Sustainability - Heating Network**

35. With the exception of Enabling Works, no development shall take, unless otherwise agreed in writing, until the following details have been submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the details thereby approved:
- i. Details which identify the supply of all space heating and hot water in the buildings by a centralised, communal wet system,

- ii. Details which identify and safeguard plant room space for the future installation of heat interface equipment, and/or other plant, required for future connection to a future heat network,
- iii. Details of a safeguarded pipe run into, through, and out of the site to connect the plant rooms with the proposed heat network,
- iv. A strategy to facilitate the connection of the network to the development; and
- v. A strategy to facilitate access to the site and plant rooms for the heat network developer to carry out works required to connect the site to the Shoreham Heat Network, lay underground infrastructure within the roads, footpaths, open space and public areas of the development, and carry out repair and maintenance work to any heat network infrastructure; and
- vi. Measures to protect plant rooms and other related equipment from flood risk

**Reason:** *To enable the delivery and operation of the planned Shoreham Heat Network in accordance with Policies 8 and 19 of the Adur Local Plan and Policy SH1 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Sustainability & Energy**

36. a) The development hereby approved shall incorporate the following sustainable energy and heat management measures, in accordance with the details in Energy Statement by Thermenergy Consultants, dated 24th March 2021, submitted with the current application

[and additional details received - reference xxx]:

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

The development shall be implemented and maintained in accordance with the details thereby approved, unless the Local Planning Authority give 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 below the baseline model

including renewable energy, as identified in the submitted Energy Statement and confirming the installation of water goods and fixtures to achieve a target of <110L/Person usage/day. The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

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

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

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

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

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

No development shall be occupied until all noise mitigation and ventilation approved under condition [35] above has been completed and details of the post implementation independent verification have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

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

### **Air Quality Mitigation**

39. With the exception of the Enabling Works, development shall not commence until full details of all proposed operational phase air quality mitigation measures for that respective phase have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall either be equal to the values of £8,980 for or shall comprise in whole or part, the provision of a

financial contribution (s) in accordance with [ Schedule x ] of the s.106 Legal Agreement which forms part of this approval.

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

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

### **Levels**

40. 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.*

### **Lighting Limitation & Navigation**

41. With the exception of any external lighting approved under condition [6 (e) above] above, no external lighting shall be installed on the site until details, including measures have been submitted to and approved in writing by the Local Planning Authority. Details shall:

- i) avoid any negative impact on river & harbour navigation (in consultation with Shoreham Port Authority in cases where lighting may be seen from seen from the river and harbour)
- ii) minimise light pollution in all other cases.

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

**Reason:** *In the interests of navigation safety and to safeguard the character and amenities of the area and minimise light pollution in accordance with Policy 19 of the Adur Local Plan 2017 and para 185 of the NPPF 2021.*

### **Aerials / Antennae**

42. 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.*

### **43. Obscure Glazing**

*To ground floor areas near footpaths - detailed wording to be provided*

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

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

- n) details of any external lighting during the development//construction period, including provisions to avoid any hazards to shipping and activities at Shoreham Harbour Port, in liaison with the Shoreham Port Authority,
- o) details of public engagement both prior to and during construction works including neighbouring and nearby residents (including those at Shoreham Beach), businesses and other occupiers.

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

#### **Hours of Work - Development**

45. 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

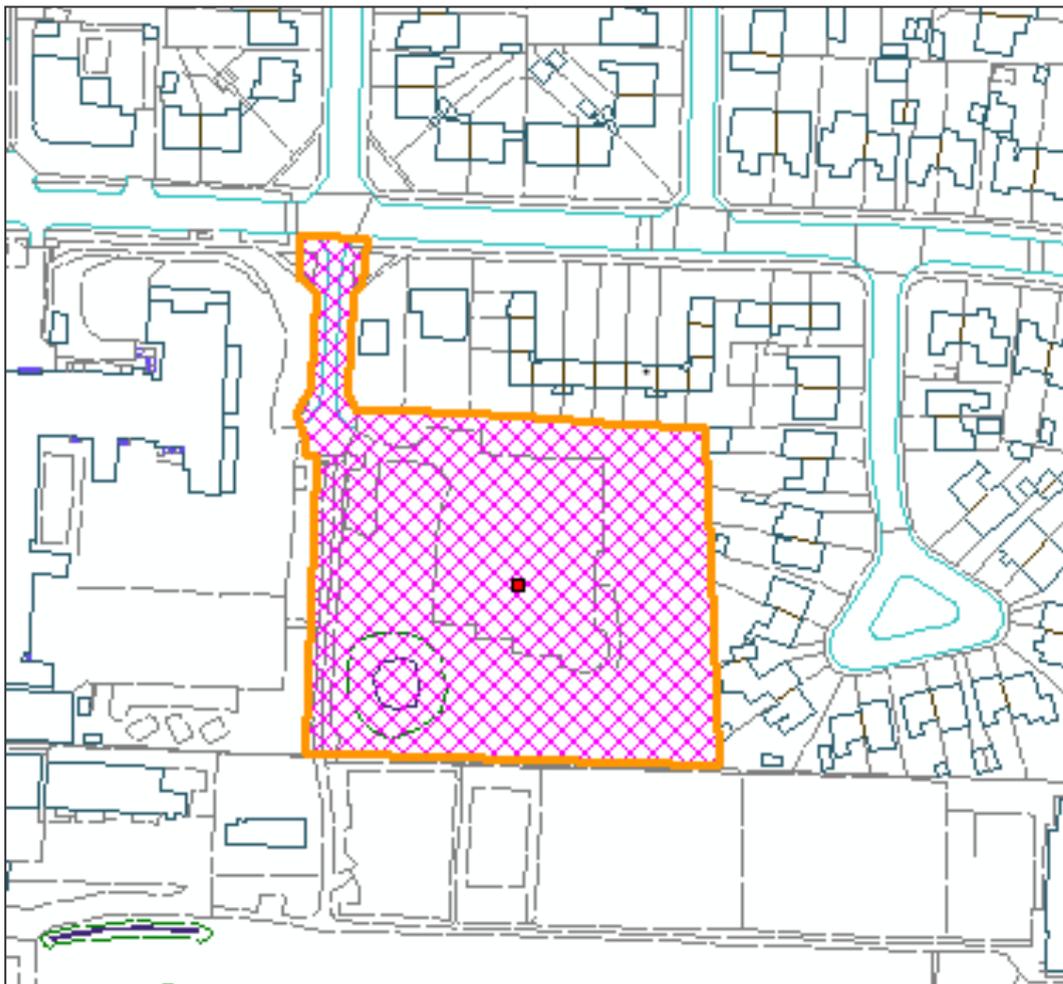
Sundays and Bank / Public Holidays no work is permitted.

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.*

46. **Any other appropriate conditions**

<b>Application Number:</b>	<b>AWDM/0585/22</b>	<b>Recommendation - Delegate to approve subject to completion of s106 agreement, amended plans and receipt of outstanding consultee responses.</b>
<b>Site:</b>	<b>Land At 68 And South Of 68 To 86 Manor Hall Road, Southwick</b>	
<b>Proposal:</b>	<b>Erection of 22 residential units, with associated landscaping and access arrangements</b>	
<b>Applicant:</b>	West Sussex Property Development LLP	Ward: Eastbrook
<b>Agent:</b>	Nexus Planning	
<b>Case Officer:</b>	James Appleton	



**Not to Scale**

## **Site and Surroundings**

The site is located to the south of Manor Hall Road and adjacent to Park Way, a cul-de-sac leading to Eastbrook Primary School to the west of the site. A cyclepath leads off Parkway down to Southwick Recreation Ground.

The site is rectangular in shape and measures 0.73 ha. To the north of the site there are residential properties fronting Manor Hall Road. These properties are owned by Adur Homes and No.s 72 - 90 are a terrace of single storey properties arranged in a 'U' shape backing onto the site. To the east of the site are two storey houses accessed by a cul-de-sac, Orchard Close. Directly to the south of the site is a large play area, multi Use games area (MUGA) and recently installed 3G football pitches.

The site used to be used as a primary school before it amalgamated with the larger school site to the east to form Eastbrook Primary Academy. The school closed on the site in 2013 and was then demolished as the County Council declared the site surplus to educational requirements.

## **The Proposal**

The proposed development would comprise 22 residential dwellings, including a mix of 2, 3 and 4 bedroom properties. The application proposes that 7 of these would be affordable homes with the tenure split being 5 affordable rent and 2 intermediate (shared ownership) resulting in 31% of the dwellings being affordable. The application confirms that all dwellings would meet Nationally Described Space Standards and have been designed to incorporate the guidance set out in Secured By Design Homes 2019.

The dwellings are two-storey with pitched roofs with a mixture of detached, semi-detached and terraced housing. All houses would have dedicated external storage for bicycles and refuse bins. The dwellings are located around a central village green shared by all residents and would incorporate a small seated area. The south-east corner of the site would be kept free of development and would be retained as an ecology area with public access restricted to aid biodiversity. Both the public open space and the dedicated ecology Area will be managed by a management company.

The development would be accessed off Park Way, which would be upgraded and brought to adoptable standards as part of s278 highway works. It is proposed that the carriageway would be widened to 4.9 metres to facilitate two-way vehicle and cycle movements. Park Way would also be provided with a 2 metre wide footway on the western side (which would also be used by the school); and a 1.5 m wide footway on the eastern side. The existing shared foot/cycleway would also be upgraded by introducing speed control measures and by improving visibility.

The development would incorporate a total of 37 parking spaces with each dwelling having at least one dedicated off-street parking space (at the front of the property), and a dedicated electric vehicle charging point. Additional visitor parking would also be provided within the central area of the site.



In support of the application the following reports have been submitted:

1. Air Quality Assessment;
2. Application Form;
3. Arboricultural Development Statement;
4. Archaeological Desk-Based Assessment;
5. Design & Access Statement;
6. Energy Strategy;
7. Flood Risk Assessment;
8. Landscape Management Plan;
9. Landscape Statement;
10. Phase II Geo-Environmental Site Assessment;
11. Planning Statement (which contains the Affordable Housing Statement and the Head of Terms);
12. Preliminary Ecological Assessment Report;
13. Stage 2 Environmental & Intrusive Noise Assessment Report;
14. Statement of Community Involvement; 15. Transport Statement.

The Planning Statement concludes that,

*'The Site is located within a residential area and has been vacant and derelict since 2013. Due to its poor state, the Site makes a negative contribution towards the character and appearance of the wider area. It is also locally known for antisocial behaviour, and is generally avoided by the local community.'*

*The Site forms a prime opportunity for regeneration, and it is considered that a housing scheme would be an optimal and most appropriate form of development. Indeed, Adur DC SHLAA Update 2021 recognises the Site as a suitable location for a housing scheme, and counts the Site towards establishing a five-year housing land supply.*

*The proposed scheme would have a high-quality design, with good placemaking being central to the vision. It seeks to provide a scheme that will create a high-quality residential experience.*

*The scheme would deliver 22 residential units, of which 7 units would be affordable (31%). The dwellings will be arranged around a generous central village green shared by all residents. The scheme will also deliver a Dedicated Ecology Area to aid biodiversity. Improved access arrangements also form part of the scheme.*

*The extensive community engagement programme has generated general support for the proposed scheme from the local community.*

*The proposal is policy compliant and will result in a high-quality scheme that delivers economic, social and environmental benefits. As such, we respectfully ask that planning permission is granted.'*

In relation to open space, the applicants submit that the proposed scheme would deliver a much greater quantum of open space compared to the requirements of the Open Space Calculator (1,644 sqm proposed vs 1,316 sqm required). Regarding the loss of trees on the site the applicant submits that,

*The Site does not contain any protected trees. A tree survey of the site has identified 37 existing individual trees and 6 groups of trees. Of the trees identified, 13 individual trees and 1 group of trees are to be retained along with the partial retention of 2 groups.*

*The arboriculture assessment makes recommendations on how to provide adequate protection for these, during the development process. The removal of 24 individual trees and 3 groups of trees plus the partial removal of 2 will be required as part of the proposal. The majority of trees to be removed are categorised as 'C' and are assessed to be of little intrinsic value. Where trees are to be removed, they will be replaced with an equivalent suitable species within the development.*

*It is proposed that the development will introduce 45 additional trees. As such, the development will increase the overall number of trees, the range of species (and associated ecological benefits) and improve the age-structure of the tree stock.*

## **Consultations**

**West Sussex County Council Highways Authority** originally commented that,

*"WSCC in its role as Local Highway Authority (LHA) has inspected the application documents, and notes that the proposals include off-site highway works, with carriageway and footway works on Park Way. As off-site highway works are*

*proposed, the LHA requests that a Stage 1 Road Safety Audit (RSA) is submitted in accordance with GG119, as per WSCC policy.*

*Please request this from the applicant and re-consult. Upon receiving this, the LHA will assess the application further.”*

A safety audit has now been submitted and the Highway Authority in its second consultation response states that,

### Access

*The site benefits from an existing vehicular access onto Manor Hall Road, a 30mph speed limit predominantly residential road although Eastbrook Primary School is to the immediate west. With the exception of the addition of tactile paving at the pedestrian dropped crossing points, the existing vehicular access is to remain unchanged.*

*Alterations are proposed to Park Way, which is the access road leading to the site as well as providing a further point of access to the adjacent school. Park Way forms part of the adopted public highway. The applicant will be required to enter into a formal agreement with WSCC Highways prior to commencing any works on the highway.*

*The alterations to Park Way seek to reallocate some of the existing eastern footway to provide a widened carriageway. The TS states that the alterations will achieve a 4.9 metre wide carriageway with a 2 metre footway on the western side and an approximately 1.5 metre wide footway on the eastern side. The proposed changes are considered to provide an appropriate balance of provision for pedestrians and vehicles. The alterations are shown on drawing number 2106061-08-PD02 Revision B.*

*It's recognised that a foot/cycle way continues southwards from Park Way. With the exception of on-carriageway cycle markings, no changes are proposed to the existing arrangements for cyclists. Whilst the proposed development will result in additional vehicle movements on Park Way, the increases will be minor. On-carriageway cycling on Park Way is considered to remain acceptable. Arrangements for pedestrians visiting Eastbrook Primary School remain unchanged.*

*The access arrangements have been the subject of a Stage One Road Safety Audit. The problems raised by the Stage One RSA have been accepted by the Design Team and WSCC Highways in its role as the Overseeing Organisation.*

### Trip Generation and Highway Impact

*Trip generation has been estimated using TRICS. TRICS is a large database of surveys of completed developments. The database can be refined so as to use those sites comparable to the development proposed. For the purpose of the current application, a per dwelling person trip rate has been derived using TRICS (i.e. trips by each dwelling by all modes per day) with Census journey to work travel data for the local area then being used to allocate trips proportionately to travel modes. This*

*approach is commonly used and therefore acceptable.*

*The proposed dwellings are forecast to generate 22 two way movements in the AM network peak hour (8 to 9am) and 19 two way movements in the PM network peak (5- 6pm). Specific consideration is given to the peak hour operation given that this is when the highway network is at its busiest and most sensitive to change. The site will of course generate movements throughout the day.*

*Although the site will lead to a local intensification, vehicle trips will disperse quickly across the network. The proposals fall below the threshold at which at highway capacity impacts would need to be formally assessed through traffic modelling.*

#### *Access by Sustainable Travel Modes*

*Consideration is given within the TS to travel by walking and cycling. It's recognised that there are a wide range of services and facilities within what are considered reasonable walking and cycling distance. The site is not expected to result in any significant number of walking or cycling trips to warrant specific off-site enhancements. Proportionate contributions may still be requested to schemes WSCC are looking to progress in the local area.*

*The location of the site is considered to offer future residents the realistic opportunity to travel by modes other than the private car.*

#### *Layout and Car Parking*

*The application form indicates that the development includes new public roads. The exact extent of the new adopted highways are not indicated. At this stage, WSCC Highways are commenting only on the planning principles of the layout presented. WSCC Highways will separately review the layout as well as materials in terms of its suitability for adoption as and when any formal highway agreement application is received.*

*The internal layout comprises an access road looped around a centrally landscaped area. The proposals are indicated as a shared surface with all users sharing the same area. The provision of a shared surface in this low speed, lightly traffic scenario is considered appropriate. It's noted that the access road is intended to operate on a one-way, clockwise loop. This is acceptable in principle but will require suitable signage.*

*The shared surface is indicated as having an edge to edge width of 5.5 metres. The applicant should note that a margin will be required on both sides of the shared surface if the internal road is to be offered for adoption.*

*Tracking is provided within the TS for a refuse vehicle. The tracking in places is tight but turning is achieved within the limits of the shared surface.*

*Car parking is indicated as exceeding the requirements within the WSCC Parking Guidance. As recommended for shared surfaces, all car parking is indicated to take place within marked bays.*

## Summary

The development proposals are not anticipated to result in any unacceptable highway safety impacts or any other issues that may be considered severe. **No highway objection** would be raised.

The following conditions are recommended.

**Access** - No part of the development shall be first occupied until such time as the alterations to Park Way have been constructed in accordance with the details shown on the drawing titled *General Arrangement of Proposed Access Improvements Option 2 (Park Way)* and numbered 2106061-08-PD02 Revision B as included in the approved Transport Statement. Reason: In the interests of road safety.

**Car parking spaces** - No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved planning drawings. Once provided, the spaces shall thereafter be retained at all times for their designated purpose. Reason: To provide car-parking space for the use

**Cycle parking** - No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

**EVC Parking Spaces** - No dwelling shall be first occupied until Electric Vehicle Charging spaces serving the respective dwelling have been provided in accordance the details set out on the drawing titled 'Site Wide Vehicle Charge Point Layout' and numbered D2496-WSD-ZZ-ZZ-DR-E6701 Rev P1.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies

**Construction Management Plan** - No development shall take place, including any works of demolition, until a Construction Management Plan 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,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- 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),  
 details of public engagement both prior to and during construction works.  
 Reason: In the interests of highway safety and the amenities of the area.

**West Sussex County Council Local Lead Flood Authority** comments that,

*“The following are the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.*

**Flood Risk Summary**

<i>Current surface water flood risk based on 30year and 100year events</i>	<i>Moderate risk</i>
<p><i>Comments: Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding. Some localised higher risk exists within the centre of the site.</i></p> <p><i>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</i></p> <p><i>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</i></p> <p><i>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</i></p>	

<i>Modelled groundwater flood hazard classification</i>	<i>High risk</i>
<p><i>Comments: The area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.</i></p> <p><i>Groundwater contamination and Source Protection Zones. The potential for groundwater contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered a risk.</i></p>	

<i>Ordinary Watercourses nearby?</i>	<i>No</i>
<p><i>Comments: Current Ordnance Survey mapping shows no ordinary watercourse running close to the boundary of the site.</i></p>	

<i>Records of any surface water flooding within the site?</i>	No
<p><i>Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.</i></p> <p><i>A property in close proximity to the site has experienced surface water flooding.</i></p>	

### **Future development - Sustainable Drainage Systems (SuDS)**

*The Flood Risk Assessment for this application proposes that permeable paving, swales and soakaways would be used to control the surface water from this development.*

*This application may want to be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.*

*Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.”*

**West Sussex County Council Planning Services** comments that,

### **Summary of Contributions**

<b>S106 type</b>	<b>Monies Due</b>
<b>Education - Primary</b>	£77,910
<b>Education - Secondary</b>	£83,850
<b>Education - 6th Form</b>	£19,642
<b>Libraries</b>	£8,154
<b>Waste</b>	No contribution required
<b>Fire &amp; Rescue</b>	£590
<b>No. of Hydrants</b>	To be secured under Condition
<b>TAD</b>	£66,898
<b>Total Contribution</b>	<b>£257,045</b>

*Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning*

*condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition ( Appendix 5)*

*The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.*

*Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2021.*

*The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with nonfinancial triggers taking around six years to fulfil and therefore costing £1200.*

*The basis for this advice is contained in the County Council's adopted Supplementary Planning Guidance document "The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1".*

*All TAD (Total Access Demand) contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.*

*The calculations have been derived on the basis of an increase in 22 net dwellings, and an additional 37 car parking spaces. Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).*

#### *Deed of Planning Obligations*

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.*
- b) The deed would provide for payment of the financial contribution upon commencement of the development.*
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the*

*relevant date falls after 31st March 2023. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.*

- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**
- f) Review of the contribution towards the provision of fire service infrastructure (fire stations) should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

*The contributions generated by this proposal shall be spent on additional facilities at Eastbrook Primary Academy. The contributions generated by this proposal shall be spent on additional facilities at Shoreham Academy.*

*The contributions generated by this proposal shall be spent on additional facilities at Shoreham Academy Sixth Form.*

*The contributions generated by this proposal shall be spent on providing additional facilities at Southwick Library.*

*The contributions generated by this proposal shall be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons' homes in West Sussex Fire Rescue Services Southern Area serving Shoreham/Southwick.*

*The contributions generated by this proposal shall be spent on cycle and public transport infrastructure improvements on the A259 linking Southwick to Shoreham and Hove.*

*Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.*

*Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus*

*require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.*

*Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.*

*Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.*

*It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.*

*Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).*

**Adur & Worthing Councils Technical Services** comments that,

*“We have the following comments on flood risk and surface water drainage.*

*Flood risk - The application is within flood zone 1, and has areas shown to be at risk from surface water flooding.*

*Surface water drainage- a surface water drainage strategy has been included with this application. This indicates that it is proposed to discharge surface water via infiltration, this is acceptable in principle, and is in fact the only means of disposal which we would support here due to the lack of available watercourses and adjacent public surface water sewers. Extracts of infiltration testing have been supplied; it is not clear when or where this testing was completed. Full details will be required in due course.*

*The surface water drainage strategy also includes results of groundwater monitoring completed between 12/01/21 and 20/04/21, this does not cover the full winter monitoring period required and is likely to have missed the peak groundwater levels within the winter of 20/21. Further winter groundwater monitoring will be required to meet policy requirements. Calculations will need to be revised to incorporate a 45% climate change allowance as is now required. An area of over 3000m<sup>2</sup> is proposed to drain to soakaway, the base of the soakaway is proposed to be used, we therefore will require a factor of safety of 5 and not 2 to be applied to calculations. An urbanisation allowance will need to be applied to impermeable area if this has not already been completed.*

*Given the above points it is possible that the area available for infiltration may be insufficient, we therefore OBJECT to this application and REQUEST FURTHER INFORMATION IS SUPPLIED. Insufficient evidence has been submitted to demonstrate that a policy compliant design can be achieved. Further information is required prior to determination as it is not clear that drainage can fit within the proposed layout and be secured via conditions. To overcome this objection the applicant should submit:*

- 1. Revised calculations applying a 45% climate change allowance and an urbanisation allowance.*
- 2. Revised calculations applying a factor of safety of 5 to the infiltration structure.*
- 3. 10 year plus 45% cc event calculations demonstrating the structure drains 50% of its total volume within 24 hours.*
- 4. 100 year plus 45% cc event calculations demonstrating water will safely be contained on site.*
- 5. Any revised drainage layouts as may be necessary to meet points 3 and 4 above considering the higher required factor of safety, urbanisation allowance and climate change allowance.”*

**A revised FRA has been submitted in response to the concerns raised by the Council’s Drainage Engineer and the further comments of Technical Services will be reported at the meeting.**

**Environment Agency:** Awaited

**Southern Water Services** comments that,

*“Please see the attached extract from Southern Water records showing the approximate position of our public foul sewer and water distribution main within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.*

*Please note:*

- The public foul sewer requires a clearance of 3 metres on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access.*
- No development or tree planting should be carried out within 3 metres of the external edge of the public foul sewer without consent from Southern Water.*
- The 3 inches water distribution main requires a clearance of 6 metres on either side of the public water distribution mains to protect it from construction works and to allow for future maintenance access.*
- No development or tree planting should be carried out within 6 metres of the external edge of the water distribution main without consent from Southern Water. - No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a apparatus.*

- *All existing infrastructure should be protected during the course of construction works.*

*Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](https://southernwater.co.uk/media/3011/stand-off-distances.pdf)*

*We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" ([southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf](https://southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf)) and the Sewerage Sector Guidance ([water.org.uk/sewerage-sector-guidance-approved-documents/](https://water.org.uk/sewerage-sector-guidance-approved-documents/)) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.*

*It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.*

*Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.*

*The submitted drainage details indicate the SuDS to be maintained within private ownership and maintenance.*

*However, under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:*

*[water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](https://water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)*

*Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.*

*Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:*

- *Specify the responsibilities of each party for the implementation of the SuDS scheme.*
- *Specify a timetable for implementation.*

- *Provide a management and maintenance plan for the lifetime of the development.*

*This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.*

*The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.*

*The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to [Developer.Services@southernwater.co.uk](mailto:Developer.Services@southernwater.co.uk)*

*We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.*

*This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.*

*Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer."*

**Sussex Police:** *Awaited*

*The **Parks Manager** supports the approach of off-site development contributions towards formal play provision given the close proximity of play equipment on Southwick Recreation Ground. The retention of the south east corner of the site with mature trees and an existing pond would provide excellent opportunities for biodiversity enhancement and the recommendations of the ecologist should be closely followed to protect wildlife during construction and to ensure the enhancement measures recommended.*

## **Representations**

We have received 2 objection letters from local residents raising the following concerns:

- The loss of trees to the east of the footpath (Parkway) is detrimental to the area. This wooded footpath contains three mature Sweet Chestnut trees which

are at least thirty years old and are proposed to be removed and there is no mention in the application that they are a habitat to Stag Beetles. The tree canopy will be replaced by a tarmac road and one tiny area of ground cover which will end up as a weed-ridden verge.

- Twenty two homes on this small site appears to be an over-development and money grabbing by the developer. The brickwork proposed is just the same as every other new development - not at all anything like the other properties they are supposed to be in keeping with in the area.
- Parkway is virtually a footpath at Manor Hall Road end. It is currently only wide enough for one car and as this is access to the school, it is totally inappropriate as an access road to what will be a busy housing estate.
- Although this development appears to be labeled or assumed to be a sustainable development, the impact of the number of mature trees earmarked for removal is alarming and will impact on the character of the area and, above all, is likely to have a significant effect on the habitat of the foxes, birds, reptiles and badgers that currently enjoy this site.
- It is not correct to simply label trees as low quality to support the practical element of the scheme. This should be looked at as a collective with each tree adding value and character to make this an environmentally friendly development.
- It is suggested that a Tree Preservation Order is placed on the remaining trees to ensure that these are not removed in the future; otherwise this will lead to a situation of 'death by a thousand cuts' for the mature trees in this area.
- The area of vegetation at the eastern end of the development and behind the end of the gardens of Orchard Close was removed without any consultation with residents. This area provided habitation for slow worms which we frequently found within back gardens. Being a protected species, I had informed the developer on three separate occasions and he clearly just ignored this and, as a result, failed to take this into consideration.
- The Ecological Report states the site is considered as having a low potential to support reptiles and this is despite the fact that the slow worms were seen. This rather casual attitude in relation to slow worms means that I would question the Ecological Report in its entirety.
- The area of land is perfectly set out for the purposes it was intended eg, for use as a School. A long term view for this area of land needs to be taken and it is not considered that it is surplus for school use just because there is falling birth rates at the present time. Future situations in terms of changing birth rates may require this site in the future.
- This is effectively a Greenfield site almost within the adjacent park and is not suitable for housing development.

- Although I appreciate the pressures for much needed housing, a long term view still needs to be considered for the use of this land and ideally it should be retained as a much needed resource for education purposes.
- The Consultation with local residents was inadequate. The Developer undertook two Zoom call meetings where they stated they would work with the local community. However, they have ignored all comments given to local residents and the Consultation was only paying lip service.
- I object to the distance between the proposed development and the backs of adjoining gardens. This is simply not acceptable and a certain amount of minor adjustments of the proposed dwellings would have reduced the effect on local residents living in Orchard Close. The large central area in the proposed scheme is an unacceptable cost in terms of space to the back of the properties of Orchard Close. This central area could be reduced by several metres and the proposed properties having a corresponding increase to the length of their rear gardens.
- The Developer has changed the boundary fence from a 1.8 metre fence with concrete posts which was indicated to the residents to a 1.5 metre fence with trellis with no mention of the materials used for the posts. I object to the scheme as a whole but if it was to go ahead, at least could a 1.8 metre fence be erected with concrete posts within the current boundary as it was previously agreed at the Consultation Zoom call.

### **Relevant Planning Policies and Guidance**

Adur Local Plan 2017

'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'; No.2 'Extensions and Alterations to Dwellings'

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

Planning Contributions for Infrastructure Provision (ADC 2013)

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

Shoreham Harbour Joint Area Action Plan 2019

'A Strategy for Shoreham Renaissance' (ADC 2006)

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

National Planning Policy Framework (July 2021)

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

Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

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

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant

conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

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

## **Planning Assessment**

The main issues to be considered in this case are:

- i) The Principle of Development
- ii) Design and Layout
- iii) Residential Amenity (existing and proposed).
- iii) Tree loss, ecology and biodiversity
- iv) Accessibility and Parking
- v) Flood Risk
- vi) Sustainability
- vii) Affordable Housing and Development Contributions

### *i) Principle of Development*

One of the objectors to the development has questioned the loss of the school site and the applicants were advised to justify the loss of the site for educational or other community use. In this respect Policy 33 (Planning for Sustainable Communities) states that,

*“development which would result in the loss of existing social or community facilities will only be permitted where:*

- *It can be demonstrated there is no demand for the facility within the area and the premises have been marketed for a reasonable period of time; or*
- *There is alternative provision available locally that is accessible, and at least equivalent in terms of quality; or*
- *The proposed development would provide an alternative social and community facility.*

The school's use ceased on site in 2013 and there has been no 'existing' social or community facilities at the site since that time. The closure of the school was authorised by the Department for Education and the County Council as the Local Education Authority. Whilst, your Officers are aware that there has been a need for a new school in Shoreham town centre to cater for the new development at the Western Harbour Arm, the County Council has indicated that the old Eastbrook School site would be too far east to meet this need. In addition, pupil numbers have reduced significantly over recent years and in Brighton your Officers are aware there is significant spare capacity in local schools.

Even if a need exists for a school site the applicant argues that the development would comply with the Policy as there is alternative education provision provided when the school was relocated to the newly-built Eastbrook Primary Academy

(located adjacent to the Site).

In the circumstances there are no policy objections to the redevelopment of the site and the site has been identified in the Council's Strategic Housing Land Availability Study as being suitable and available to help meet future housing needs.

As Members are aware there is a significant housing need for both market and affordable housing to meet current and future housing needs. The applicant refers to the fact that the Council cannot demonstrate a five year supply of housing and that the latest Housing Delivery Test results (2021) shows that Adur DC has delivered only 77% of its requirements. Members will also be aware that there is a presumption in favour of sustainable development and in principle the redevelopment of this site for housing is supported. The Adur Local Plan is under review and as it is 5 years old could be argued as being out of date. Certainly the Plan has not taken into account recent changes to the NPPF (2021 version). As a result Members will be aware that the NPPF states that,

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,*

*ii. **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

ii) *Housing Density, Design and Layout*

There are a number of constraints that affect the site which has affected the density of development that can be delivered on the site. Policy 22 (Density) states that new residential developments should achieve densities of a minimum of 35 dwellings per hectare. However, the site has residential development relatively close to the north and eastern boundaries of the site and there are a significant number of trees on the site. The ecological report also highlights a number of other constraints which have prompted the retention of trees in the south east corner of the site and this area is to be left undeveloped and retained as an area to enhance biodiversity (see ecological section of the report). As a result of these constraints, a density of only 30 dwellings per hectare can be achieved.

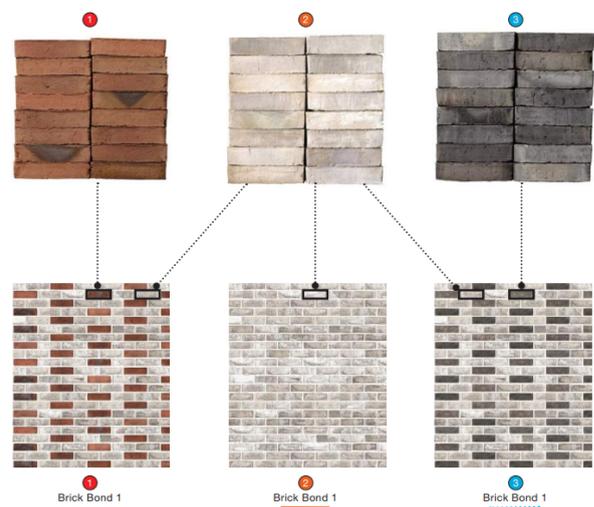
The site layout has sought to respond to these constraints and also to provide an attractive layout with dwellings clustered around a central green space. The illustrative plans indicate that this could provide a small seating area and significant tree planting is indicated in the central green to compensate for trees lost elsewhere in the development. Overall it is considered that the mix of terraces, semi and detached dwellings around the central space provides a high quality and varied layout responding to the constraints of the site.

As indicated in the section below the loss of trees within the site is quite significant even to achieve 30 dwellings per hectare but wherever possible trees on the boundaries of the site are shown to be retained and the extent of new planting will provide an attractive environment for new residents.



The existing cyclepath linking to Southwick Recreation Ground is an attractive green link with trees and hedging on either side providing a very attractive walkway. Unfortunately, the provision of the access road into the site loses two category C trees and retains only a small slither of land with little scope for replacement planting. Three visitor spaces are shown along this western boundary which if removed would allow for replacement tree and hedge planting and would help to retain the character of this well used pedestrian and cycle link. The applicant has been asked to consider this amendment and Members will be updated at the meeting.

The design of the proposed houses is considered acceptable, incorporating brick and tile but in a contemporary style to create a sense of place within the development. This is considered appropriate given the varied architectural forms and designs of the locality. The architect has concentrated on creating variation through the use of different brick bonds and ensuring design quality through contrasting timber entrance canopies, deep window reveals and contrasting brick colours to accentuate recessed elements between dwellings. The 3 brick bonds are shown here together with some of the other architectural features highlighted in the Design and Access Statement (DAS). The architect



submits that,

*‘The proposed design utilises three different bricks in a series of bonding patterns to provide variation, character and distinctiveness across the development. A stretcher bond is proposed which reduces the density of ‘highlight’ bricks, ensuring the lighter base brick remains predominant. Bonds alternate between unit constructions to provide variation in the street and a unique sense of identity for each dwelling. Note: Specific bricks to be selected at detail design stage.*

*A darkened timber is proposed for the primary porch material and aspects of external fencing, referencing the historic use of tarred timber within the coastal plain. The reconstone fluted spandrels share the same rhythm as the timber panelling and aid the architectural proportion of the housing. A grey slate has been used as the main material for the pitched gabled roofs with a ballast finish proposed for the single storey garages to the four bed dwellings.’*



The design also incorporates external timber louvers to address the challenge of overheating by providing screening to optimise solar gains and provide security for night-time purge ventilation. The full brick window reveals assists with passive solar shading and it has been stated that these have been designed with optimised glazed areas again to mitigate overheating.



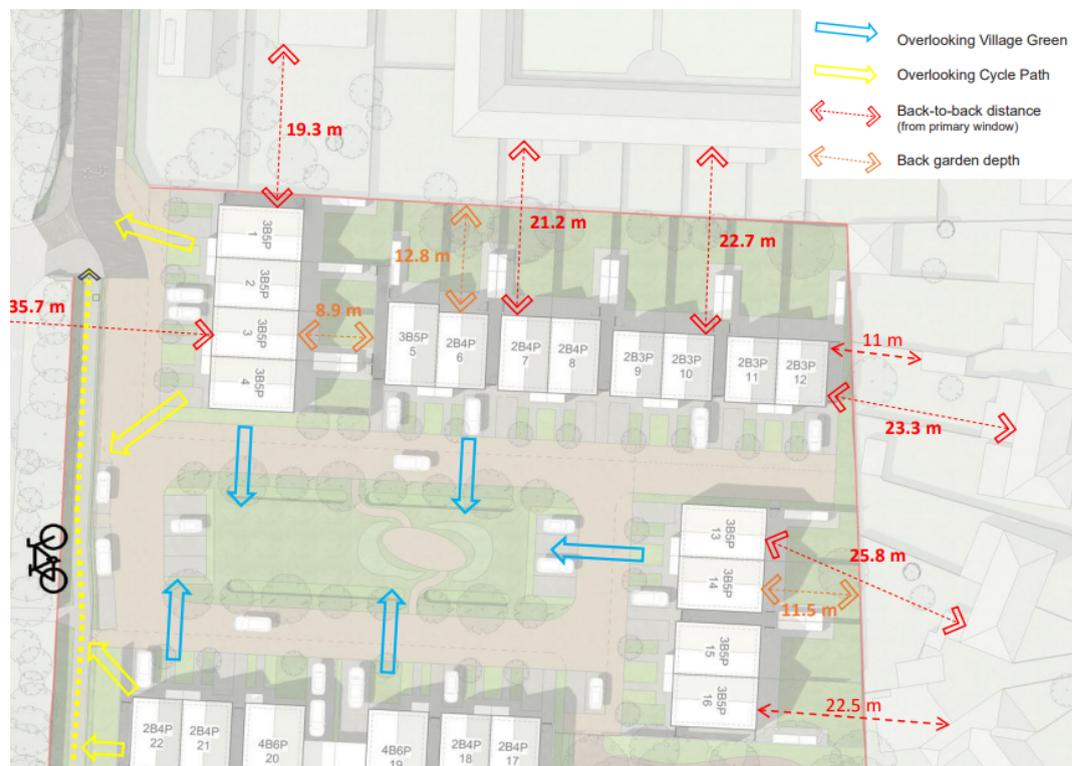
Overall your Officers are supportive of the design and layout of the scheme which will enhance the site and provide a high quality development.

iii) Residential Amenity (existing and proposed).

As indicated earlier, one of the constraints to the site is the relatively short gardens of properties adjoining the site and particularly on the north side of the development. This has meant ensuring longer gardens to ensure acceptable back to back distances and has aided the site layout in increasing security for both the proposed dwellings as well as the existing adjacent properties.

Development Management Standard No 1 "Space Around New Dwellings and Flats" seeks to secure a minimum of 22 metres between facing windows. The applicant has sought to meet these standards and, following the pre-application consultation, increased back to back distances to reduce potential for adverse overlooking. As the plan shows below, the development generally accords with the 22 metres guide (some authorities use a guide of 21 metres). There are, however, two properties on the northern boundary that fall just below 22 metres separation (shown to be 21.2 m).

It is not considered, however, that this is an unacceptable relationship with the bungalows to the north. There are existing trees to be retained on this boundary and these two bed 4 person houses would only have one bedroom window overlooking the development to the rear (the other window to a bathroom can be obscure glazed). No objections to the development have been received from these properties to the north of the site.



The objection on overlooking grounds has come from Orchard Close (no.14) to the east but as the attached plan demonstrates these properties are angled slightly away from the proposed development and in any event exceed the 22 metre guideline. Concerns have been raised about changes to boundary treatments since the public

consultation exercise (from 1.8 metre fence and concrete posts to 1.5 close boarded and 300mm trellis). The applicant has confirmed that a robust 1.8 metre fence between the development and adjoining gardens is proposed and this can be controlled by planning condition.

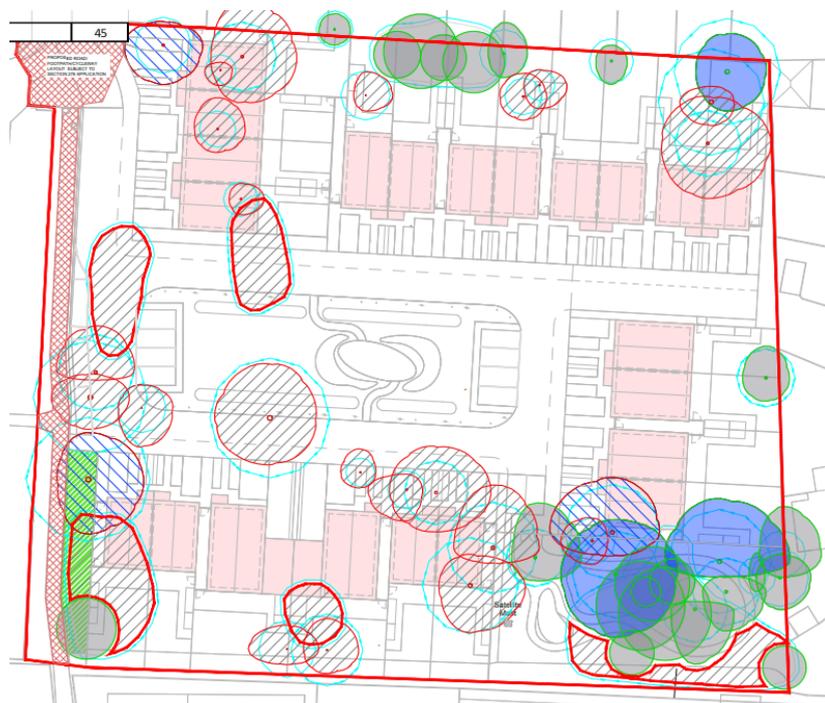
The applicant has prepared a shadow study which demonstrates that the development does not have a detrimental effect upon the neighbouring dwellings in terms of overshadowing adjoining rear gardens.

Regarding the proposed residents, as indicated previously, the development has been designed to meet nationally described space standards. In addition, rear gardens exceed the external space standards set out in the Councils Development Management Standard No 1 and all dwellings would have access to bin and storage facilities. The design of dwellings has also had full regard to overheating issues (particularly relevant given the exceptional temperatures experienced this summer). The DAS states that,

*'Facade modelling has allowed the testing of a multitude of options to develop the design to allow for optimum levels of daylighting within key spaces and ensure dwellings are welcoming and comfortable. Glazing ratios have been analysed to balance the desire for natural lighting with the need to ensure the houses are protected against overheating and excess solar gains.'*

#### iv) Tree loss, ecology and biodiversity

The previous school on the site was a low single storey structure with a limited footprint as a result there was plenty of space for trees to grow within the site. As the school closed nearly 10 years ago and the buildings were demolished some time ago the site has been left to re-wild and its biodiversity and ecological value has increased. The site constraints are significant and as stated earlier, it has resulted in a relatively low density scheme. Nevertheless, the submitted tree removal plan identifies the extent of tree loss required to bring this site forward to deliver much needed housing.



The submitted tree survey and arboricultural report identifies that there are 37 existing individual trees and 6 groups of trees. Of the trees identified, 13 individual trees and 1 group of trees are to be retained along with the partial retention of 2 groups. The proposed development would result in the removal of 24 individual trees and 3 groups of trees plus the partial removal of 2 groups would be required as part of the proposal. The applicant submits that the majority of trees to be removed are categorised as 'C' and are assessed to be of *little intrinsic value*. Category c trees are assessed as those that are, '*of low quality and value which might remain for a minimum of 10 years or young trees with stems of less than 150mm diameter.*' The tree survey identified 31 individual trees and 6 groups of trees classified as low 'C' grade category at the time of surveying.

Whilst many of the trees are of lower quality they do contribute to carbon capture and the overall biodiversity of the site. In recognition of this impact, the applicant proposes planting 45 new trees as part of the development. It is submitted that the development '*will increase the overall number of trees, the range of species (and associated ecological benefits) and improve the age-structure of the tree stock.*' Whilst new planting will take time to deliver the same biodiversity benefits compared to the trees to be felled, the submitted ecological report does provide a number of significant ecological enhancements which are considered below. The loss of some of the visitor parking adjacent to the cyclepath provides a further opportunity to provide additional tree and hedge replacement along this well used public route. The applicant has agreed to amend the submitted layout plan to increase soft landscaping and lose the 3 parking spaces adjacent to the cyclepath.

The loss of a number of trees on site is regrettable and has to be balanced with the extent of new tree planting and the overall benefits of providing much needed new housing. Given the condition of a number of trees being felled and the proposed tree replacement, it is considered that the tree loss can be justified. It would be important to ensure that necessary steps are taken to retain important boundary trees and it is considered that a Tree Preservation Order on trees to be retained should be served. The arboriculture assessment makes recommendations on how to provide adequate protection for those retained during the development process and this can be controlled by planning conditions.

The retention of the pond and mature trees in the south-east corner of the site will enable an ecologically important part of the site to be enhanced and maintained as part of the development.

The application includes an ecological report and this included a phase 1 survey to assess the current condition of the habitats present on the site and their potential to support protected and notable species. In addition, the report recommends measures to enhance habitats to support wildlife. The following table sets out the results of the assessment.

<b>Species</b>	<b>Sites potential to support</b>	<b>Justification</b>
Bat roosts - mature trees	Low	A number of the semi- mature trees on site are of an age and structure that have potential to support bat roosts.
Bat foraging / commuting areas	Low	The habitats on site provide some suitable habitats for bats. There is limited connectivity across the local landscape.
Badgers	High	Evidence of active of an outlier sett on site.
Dormice	Negligible	No evidence of dormouse seen. Habitats not considered optimal for this species. No records of Dormouse in the local area.
Small mammals	Moderate	The habitats on the site provide potential to support small mammals.
Reptiles	Low	Some of the habitats on site provide potential to support reptiles. Limited connectivity to wider areas.
Common Amphibians	Low	Small pond on site with some areas of suitable terrestrial habitats.
Great Crested Newts	Negligible	Pond on site considered a 'poor' habitat for GCN. Some suitable terrestrial habitats with limited connectivity to wider landscape.
Breeding birds	Moderate	The scrub and trees all provide suitable nesting opportunities for birds.
Plants	Low	The site provides some limited suitability for notable plant species.
Invertebrates	Low	The habitats on site have some potential to support notable invertebrates.

A local resident has questioned the validity of the ecological report as part of the site was cleared/cut before the survey took place and reference has been made to the presence of slow worms on the site. The fact that some scrub was cut was referred to in the ecological report but the overall assessment that the habitat provides only negligible support for reptiles is supported. In addition, your Officers are content that the report highlights appropriate mitigation measures in terms of scrub clearance and

relocation of any reptiles if any are found and this can be controlled through a condition requiring an ecological protection and enhancement plan.

The presence of badgers in the south east corner of the site is significant and prompted a further survey by a recognised expert and the ecological assessment states that,

*'A full report, including records from Sussex Badger Group, has been produced confirming that both fox (*Vulpes vulpes*) and badger are present on the site. Figure 2 below gives an indication of the locations of the tunnel entrances; and also shows where evidence was found of either fox or badger going through the site fencing. The survey showed that there is badger activity in the south east of the site with a small number of entrances with badger hairs and signs of activity (TN2). Fox activity was recorded on the west (TN1) and east of the site (TN3). The badger sett is likely to only contain one or possibly two badgers. It fits the description of an outlier sett. The evidence also suggests that fox and badger move to and from the site via the southern fence line. A full report will be prepared summarising the badger activity on site. The potential for the site to support badgers is considered **high**.'*

The existence of badgers albeit an outlier sett will require a separate licence from Natural England following the grant of any planning permission. The intention is to close down the outlier sett and the following sets out how this would be secured,

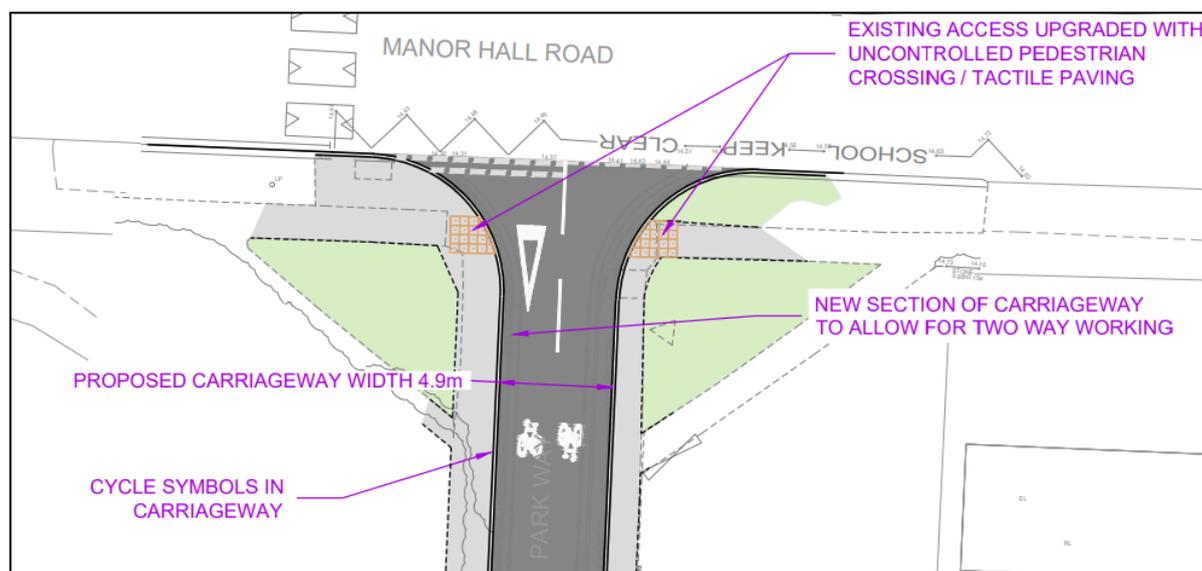
*'Closing down a badger sett can only be done in the period between the end of June and the end of November. It involves covering all areas surrounding the sett with chain link and affixing one way badger gates to the entrances; then monitoring every three days until there has been no activity inside the sett for 21 consecutive days. At this point the sett can be destroyed under ecological supervision. Connectivity corridors will be maintained across the site. This will be achieved by retaining the habitats in the south east corner of the site and inclusion of hedgerows along the boundaries of the site.'*

The ecological reports also highlight what precautions will be undertaken during construction to avoid any potential disturbance/injury to badgers and other species. In terms of enhancements the ecological report provides a list of enhancement opportunities including: the provision of bat boxes on houses (10) and within the ecological area on retained trees (5); each house would have swift/starling nest boxes; areas of retained scrub habitats would have log piles created; addition of hedgehog shelters/homes on the boundary of the site and holes in garden fences to facilitate hedgehog access; native tree, shrub and hedge planting and enhancement of the existing pond with native aquatic plants.

Overall it is considered that the submitted ecological report provides a comprehensive list of protective measures to limit the impact on biodiversity and any protected species as well as an effective list of ecological enhancements post development. It will be important that all these recommendations are fully implemented and the site is monitored by a qualified ecologist throughout the works and to oversee implementation of the ecological management and enhancement plan.

v) Accessibility and Parking

The Highway Authority has no objection to the application and does not consider that the increase in vehicular traffic along Park Way (13 - 14 two way movements in the am and pm peak periods) would have any wider transport impacts or conflict with the various school movements (car, pedestrian or cycle). The improvements to the width of Park Way, new pedestrian crossing point and the wider footway on the school side of the access road would be an improvement and enhance accessibility of the site. The improvements are shown on the plan below.



Cyclists seeking to travel south to the Recreation ground would continue to use Park Way but the entrance to the dedicated cyclepath would be upgraded by removing the staggered railings and provide a landscape feature as suggested in the supporting Transport Statement. These improvements would need to be secured by a planning condition as suggested by the Highway Authority.



The WSCC car parking standards for the development would require 32 car parking spaces to be provided. The proposed development would provide 37 car parking spaces in total including visitor spaces and two garages associated with two four bed houses (which counts for 1 space as a garage is classified as being 0.5 spaces). Of these, 25 spaces are on-plot and are therefore allocated. The remaining spaces are allocated for the use of visitors and residents.

The applicant has now agreed, in principle, to lose the 3 visitor spaces to enhance soft landscaping adjacent to the cyclepath. However, this would still mean that the

34 spaces exceeds WSCC standards and would still provide 9 spaces which could be unallocated for residents and visitors. WSCC has indicated that it would not raise any objection to the loss of these spaces.

The scheme incorporates dedicated covered cycle parking for each property linked to external bin storage. This is a positive aspect of the scheme as so often cycle parking is a secondary consideration and often left to homeowners to provide in sheds and other structures.

vi) Flood Risk

The application proposes a sustainable urban drainage solution to attenuate surface water runoff. The scheme proposes surface water would be routed to a 'cascaded' network of swales and a cellular soakaway in the central open space.

The site is in a low flood risk category, however, the Head of Technical Services and LLFA have indicated that there are areas of the site at higher risk. The Council's lead Drainage Engineer has also raised concerns about the level of groundwater monitoring and the calculations used for assessing climate change allowances. The Flood Risk Assessment has been revised following discussions with our engineers and now includes the higher climate change allowance of 1 in a 100 year event + 45%. The revised FRA now states that,

*'The development's surface water will be routed to a cascaded network of 2 swales and cellular soakaway in the centre of this site. Refer to the drainage strategy layout in Appendix E. The cellular soakaway will be Geolite 600, which is an SDS tank. These have a layer of coarse granular fill along their bases, providing a second treatment stage. The soakaway has been sized to hold the volume in the critical 1 in 100 years + 45% climate change event. This calculation sheets (MicroDrainage Network) are shown in Appendix E. The soakaway's dimensions are 33m x 8m x 1.5m, making the volume  $396 \times 0.95$  voids ratio = 376.2m<sup>3</sup>*

*The calc shows that 282.6m<sup>3</sup> is needed in the critical storm event. A 100mm thick infiltration blanket has been added to the base, extending horizontally by 2.25m. This brings the half drain time down to 1413 minutes in the critical 1 in 10 years + 45% CC storm – and thus complies with Building Regulations.*

*The main roads will be impermeable and constructed to an adoptable standard. These will drain into this network. ICOSA will adopt both the foul and surface water networks.'*

The further comments of our drainage engineers are awaited and will be reported at the meeting.

vii) Sustainability

The applicant has stressed that they are committed to delivering a highly sustainable development incorporating a number of measures to reduce the environmental impact of the scheme. The submitted Energy Strategy states that,

*'The proposed strategy for the scheme delivers an exceptional 'fabric first' approach utilising highly efficient U-Values which surpass incoming Part L 2021 standards. In addition to this, all dwellings on site will be 'gas free' and supply energy efficiently through a renewable energy source - Air Source Heat Pump (ASHP). The scheme demonstrates a carbon emission reduction (CO2) of 45.28% over the Part L 2013 baseline which surpasses relevant planning policy requirements.'*

*The use of the SAP 10.0 emission factors through the 'GLA Carbon Emissions Reporting Spreadsheet' has been provided to demonstrate performance against future targets. This suggests the scheme will achieve a reduction in carbon emissions of 60%, however, more accurate figures are provided through SAP10 BETA Software outputs which outline a figure of 70.58% against future Part L 2021 requirements. This has been included as for developers to build to Part L 2013, submission of a building/initial notice/plans need to be deposited by June 2022, so the development is likely to be built to incoming Part L 2021 regulations.'*

The DAS also lists the key sustainability features of the development including energy efficient light fittings and water saving features:

- The scheme will surpass the 2021 Part L standards – upwards of 50% which will be outlined in the detailed energy assessment. The 2021 standards are already recognised by the government as emitting 31% less CO2 than one built to current standards (2013 Part L).
- An 'exemplar' development which takes the initiative by including high levels of energy efficiency alongside a low carbon heating system (ASHP) which will be integral to the specification of the Future Homes Standard (2025).
- 'Fabric First' approach as per the energy hierarchy. Highly efficient U-Values which surpass the Notional building specification for Part L 2021.
- Water Use – Dwellings will achieve a water efficiency standard of no more than 110 litres/person/day (lpd).
- Low energy light fittings will be provided throughout.
- Homes include passive design measures to ensure the proposal meets the Approved Document Part O regarding overheating.

All these measures and the provision of electric charging points will ensure that a sustainable development can be delivered, exceeding current policy requirements for the site.

#### viii) *Affordable Housing and Development Contributions*

The development complies with the Local Plan in that it delivers slightly over the 30% affordable housing required. Whilst the housing mix falls slightly below the preferred mix (75% rent and 25% shared ownership), however, the applicant has agreed to deliver affordable rent based on Local Housing Allowance (LHA) rather than the Government definition of affordable rent which is 80% of market rent. Setting rent levels below 80% does ensure that it is far more likely that the affordable rent houses will be occupied by Adur residents on our housing waiting list. A draft Section 106 Agreement has been prepared and will ensure the delivery of the affordable units and the other development contributions set out below.

The County Council has set out its requirements for education, libraries, transport and fire and rescue. The transport contribution of approximately £66k has been questioned given that the scheme incorporates accessibility improvements to Park Way and an improved pedestrian crossing at the junction with Manor Hall Road. Members will be updated on any revised figures for Highway contributions at the meeting.

As indicated earlier in the report, the development includes more on site amenity and natural green space than required by our Open Space Standards. As a result, the level of off-site contribution towards formal play and allotments has been reduced accordingly and a contribution of £28k as indicated in the extract from the Council's Open Space Calculator below has been agreed with the applicant. The Parks Manager supports this approach and has highlighted that the funding would enhance facilities within the adjoining recreation ground.

	A	B	C	E	F	G	H	I	J	L	M	N	O	P
	Number of dwellings	Enter number	Equivalent people	Open Space requirement	Required msq per person	Cost per msq	Total requirement (msq)	Cost of provision (£)	On site required?	Required quantity on site (msq)	Enter actual provision on site (msq)	Difference between required quantity on site and actual provision	Value of provision	Contribution required
2	1 bed	0	0	Allotments	2	22.34	96.80	£2,163	0	None	0	#VALUE!	0	£2,163
3	2 bed	11	20.9	Amenity Green Space	6	20.24	290.40	£5,878	Y	290	649.5	-359	13,146	-£7,268
4	3 bed	9	22.5	Parks & Recreation Grounds	8	92.94	387.20	£35,986	0	None	0	#VALUE!	0	£35,986
5	4 bed	2	5.8	Play Space (Children)	0.6	168.76	29.04	£4,901	0	None	0	#VALUE!	0	£4,901
6	5 bed	0	0	Play Space (Youth)	0.6	114.34	29.04	£3,320	0	None	0	#VALUE!	0	£3,320
7	Elderley 1 bed	0	0	Natural Green Space	10	20.24	484.00	£9,796	0	None	994.5	#VALUE!	20,129	-£10,333
8	Elderley 2 bed	0	0											
9														
10	<b>TOTAL</b>	<b>22</b>	<b>48.4</b>		<b>27.20</b>		<b>1,316</b>	<b>£62,044</b>		<b>290</b>			<b>33,275</b>	<b>£28,769</b>

The scheme incorporates a central seating area and this together with the ecological area is to be managed by a management company. The s106 can require that a management company is retained at all times and that management is undertaken in accordance with an agreed management plan.

The Council's Development Contributions Supplementary Planning Document (SPD) and Local Plan both refer to developments providing either on-site public art or a contribution to off-site provision. The "Percent for Art" scheme provides some basis for calculating the extent of contributions and the Council has also assessed an appropriate contribution for the delivery of public art to be £30k. The seating area would be an appropriate location for a piece of public art, alternatively, the off-site public art could be used in connection with a proposed public realm improvement scheme for Southwick Square. The following table summarises the key development contributions required by the development:

## Summary Table of s106 Contributions

<b>S106 type</b>	<b>Monies Due or On Site Provision</b>
<b>Education - Primary</b>	£77,910
<b>Education - Secondary</b>	£83,850
<b>Education - 6th Form</b>	£19,642
<b>Libraries</b>	£8,154
<b>Waste</b>	No contribution required
<b>Fire &amp; Rescue</b>	£590
<b>No. of Hydrants</b>	To be secured under Condition
<b>TAD</b>	£66,898
<b>Affordable Housing</b>	Provision of 9 affordable homes (7 affordable rent and 2 shared ownership)
<b>Public Art</b>	On site provision or off site contribution of £30,000
<b>Open Space</b>	£35
<b>Total Contribution</b>	<b>£257,045</b>

### *Conclusion*

This is a site with significant ecological and landscape constraints, however, the applicant has provided a scheme which provides an appropriate balance between delivering a viable housing scheme and still ensuring appropriate environmental safeguards including: significant replacement planting within the site; retention of boundary trees and a comprehensive list of ecological protection and enhancement measures. The proposed development makes the most efficient use of brownfield land and would produce a high quality sustainable development for future residents whilst ensuring that the proposed development protects the amenities of adjoining residents.

Given the housing pressures on the District and the advice in NPPF it is considered that the benefits of the scheme outweigh the initial landscape and biodiversity loss resulting from the felling of trees within the site. In the medium to long term the significant replacement planting and ecological enhancements proposed for the site would enhance the character and appearance of the area.

## **Recommendation**

**To delegate authority to the Head of Planning and Development to grant planning permission subject to:**

- i) The receipt of amended plans deleting 3 visitor parking spaces on the western boundary and replacing these with replacement tree and shrub planting.**
- ii) The receipt of satisfactory comments from Technical Services regarding the revised Flood Risk Assessment**
- iii) The completion of a s106 agreement securing affordable housing and the development contributions set out in the report other than minor variations agreed in consultation with the Chair of Planning Committee and,**
- iv) Subject to the following planning conditions:**
  1. Amended Plans
  2. Materials and Samples to be submitted
  3. Landscaping - first planting season following occupation
  4. Surface and foul water drainage details
  5. Access - No part of the development shall be first occupied until such time as the alterations to Park Way have been constructed in accordance with the details shown on the drawing titled General Arrangement of Proposed Access Improvements Option 2 (Park Way) and numbered 2106061-08-PD02 Revision B as included in the approved Transport Statement. Reason: In the interests of road safety.
  6. Provision of parking and visitor parking before occupation
  7. Provision of cycle parking for each dwelling
  8. Tree Felling to be undertaken outside of the bird nesting season and in line with the recommendations of the ecological and arboricultural reports
  9. Tree Protection measures
  10. Submission of an Ecological Management Plan (including enhancement and protection measures prior to commencement of development
  11. Construction Management Plan (including hours of construction and engagement with local residents).
  12. Fencing and boundary treatment to be installed prior to occupation
  13. Provision of Fire Hydrants prior to the occupation of the development
  14. Submission of an Ecological Protection and Enhancement Plan
  15. Removal of permitted development rights for roof alterations and additional windows at first floor level.
  16. Provision of obscure glazing (as opposed to an applied finish) for bathroom windows on the north and east elevations of Plots 5 - 16 inclusive).

5 September 2022

**Local Government Act 1972**

**Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
  - to promote a clean, green and sustainable environment
  - to support and improve the local economy
  - to work in partnerships to promote health and wellbeing in our communities
  - to ensure value for money and low Council Tax

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

## **7.0 Reputation**

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

## **8.0 Consultations**

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

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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