



ADUR DISTRICT
COUNCIL

Planning Committee
28th September 2022

Agenda Item 5

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: **AWDM/1473/21** Recommendation – to delegate to Head of Planning and Development to approve subject to satisfactory consultee comments, completion of s106 and imposition of conditions.

Site: **69 - 75 Brighton Road, Shoreham-By-Sea, West Sussex**

Proposal: **Demolition of existing buildings, construction of 80no. 1 bedroom and 103no. 2 bedroom residential apartments and commercial development over 4 blocks between 5 and 9 levels, basement parking and raised deck, new highway access, flood defences, drainage infrastructure, landscaping and ancillary development.**

Proposal, Site and Surroundings

This application for a five to nine storey development of 183 new apartments and ground floor commercial space, relates to a roadside and riverside site of approximately 0.62ha, which lies between the south side of Brighton Road and the river-wall.



Fig. 1: Proposed Roadside (above) and Riverside Elevations (below)

The site is roughly T-shaped, containing the roadside showrooms and forecourts of Frosts Motors, which occupies a length of 120m along the Brighton Road frontage; this excludes the Montgomery Motors building at the corner of the road and a service street. It also excludes Riverside Business Park, a U-shaped, two-storey complex immediately behind it. The southern, narrower 'foot' of the site comprises an open-surface car park used by Frosts, which extends southward to the river wall.

Buildings on the site are largely single storey, with some two storey elements set well-back from the roadside. They date from the mid-late C20th comprising commercial and industrial flat roofed and pitched-roof forms, and a roadside sales-area canopy, none of which appear to have any particular architectural merit.

The eastern end of the site abuts the blank side-wall of the recently constructed four/five storey block of flats at 63-67 Brighton Road, on the corner of Humphreys Gap and traffic light junction with Brighton Road and Eastern Avenue. The site is also opposite the former Civic Centre site in Brighton Road, the Duke of Wellington Public House and terrace the two-three storey shops, flats houses. To the south it is also visible from Shoreham Beach and Adur Ferry Footbridge 400m away.

The site is within the Western Arm of the Shoreham Harbour Regeneration Area, which extends along the riverside westward to the footbridge and eastwards to Kingston Beach. This includes the large Free Wharf site, which lies partly to the rear of the eastern part of the application site and which has a road frontage further to the east. A first phase of 5-9

storey redevelopment at Free Wharf is underway along the site frontage following planning permission granted in 2018; an approved riverside phase up to nine storeys will follow (Free Wharf when completed will contain 548 flats and 2700sqm commercial space).



Fig. 2: Proposed Layout (also showing approved Free Wharf development)

The site also lies approximately approx 370m east of Shoreham High Street and St Mary De Haura Church, although the edge of the defined town centre in the Local Plan passes along the north side of Brighton Road opposite the site. The Shoreham Conservation Area lies 75m to the west in New Road, including listed buildings at 53/55 New Road, and 140m to the west in Brighton Road, roughly corresponding to the edge of the yacht club.

Proposal – detailed

The proposals are to clear the site, including any below ground structures and tanks, to repair the river-wall and to construct four apartment blocks, partly on a new podium with basement parking beneath, accessed by a descending ramp from Brighton Road and from lifts within new buildings. Proposed buildings range from four and five storeys at the road frontage and six at the riverside, stepping up to a maximum height of nine storeys towards the site interior.

At the riverside, a new shared public pedestrian/cycle path would form part of the continuous path required under the Joint Area Action Plan (JAPP) for the Regeneration Area; part of this will be provided by Free Wharf phase 2. The current application proposes to link this path to Brighton Road via a new shared, public space threaded between the proposed blocks. In Brighton Road, the new building line would be set back to allow space for a roadside cycle path, roadside landscaping and access ramps & steps up to new ground floor commercial spaces.



Fig. 3: Proposed Internal courtyard / public route from riverside

The proposed 183 apartments comprise 80no. one-bedroom & 103no. two-bedroom units. Seven commercial spaces would total approximately 500sqm, providing wide-ranging Class E uses (retail, financial/professional services, café/restaurant, office, light industrial, medical/health services, crèche, day centre, indoor fitness).

Relevant Planning History

None relevant

Consultations

West Sussex County Council - Fire and Rescue Service (FRA) Comment

Recommends planning condition and informative for approval and provision of fire hydrants and ensuring access for emergency vehicles

West Sussex County Council - Local Lead Flood Authority (LLFA):

- Further Information required

Flood Risk: Surface water risk is low for the majority of the site although higher risk exists to the north. Moderate risk from groundwater. No records of historic surface water flooding although other locations in close proximity

Drainage: The proposed sustainable drainage techniques ('over the wall' drainage, permeable paving, attenuation with a discharge to the River Adur/main sewer) would be used to control the surface water from this development. We would support the District Drainage Engineer's [September 2021] request for further information to ensure this drainage strategy can be achieved. (**Officer Note:** These comments pre-date the recent Technical Services Drainage comments below, in relation to further technical information submitted. The LLFA's updated comments are awaited)

West Sussex County Council - Highways Authority

- Further Information Requested

Trip Generation

The existing trip generation potential of the site is calculated to generate 17 AM peak and 13 PM peak two way trips. WSCC estimates commercial two-way trips of 16 AM peak and 7 PM and residential 46 AM peak and 42 PM (i.e Total 62 AM peak 49 PM peak). Junction modeling indicates that this would operate well within capacity. Vehicle tracking has been provided for access by fire tender and refuse vehicles and is acceptable

Policy & Contributions

The application is within the Shoreham Harbour Joint Area Action Plan area and would be expected to make proportional contributions towards the infrastructure requirements of the Plan.

The indicative total Highway contribution figure is **£580,294** comprising:

- Joint Area Action Plan Measures of £437,574 &
- Adur Local Plan Measures £142,720

Parking

A total 81no. parking spaces are proposed (of which 12 are for wheelchair users and 1 is for the commercial provision). Should parking be provided in line with WSCC guidance then

206 spaces for the residential use would be required. The applicant's assessment for Parking Behaviour Zone 5 would produce a requirement of 186 spaces (including commercial).

The lower provision is based upon: location with access to public transport and services; commitments to promotion and support to car clubs and alternative modes, including a travel plan. The commitment to car clubs should be strengthened with a minimum of two publicly accessible vehicles. The 388 residential cycle parking spaces, 8 commercial and 24 visitor spaces are to be provided in excess of County guidance.

Accordingly no highway safety concern would be raised to the level of parking provision, although development may increase pressure on on-street parking availability in the vicinity which would be a consideration for the Planning Authority. Previous appeal decisions based on sub-standard parking provisions in Arun District were allowed (including award of costs), including the following Inspector's comment:

At times the occupiers of the scheme may find it somewhat aggravating that, if they are car users, they have to walk a distance between car and home, however this procedure is not out of the ordinary for town centre living. Furthermore the occupiers would be aware of the situation before moving in to the scheme.

Active electric vehicle charging spaces are proposed (27no / 33% in line with existing WSCC guidance) The remaining spaces would benefit from ducting to enable EV retrofitting.

Further information requested

- Stage 1 Road Safety Audit required for proposed design.
- Cycle route - applicant to confirm widths of carriageway, footway & cycleway before and after future provision of cycle route. Also need further consideration of proposed layby in relation to cycle route and future pedestrian/cycle priority at the vehicular access.
- Details of car parking management - noted that these would not be allocated to individual apartments in order to allow the spaces to be used as efficiently as possible. Details of what the car parking management plan are awaited.
- Car clubs spaces/vehicles. It is understood that these will be provided the number is to be agreed. It is currently unclear whether the developer has an obligation to establish a car club at the site, or whether this is simply to be investigated through the Travel Plan. Would there be scope to secure vehicles and parking spaces through a specific planning obligation, would these be provided from the outset?
- Travel plan revisions are required, although this requirement could be secured via S106 agreement, WSCC requires that each unit is offered a £150 sustainable travel voucher upon occupation, with a a second (and final) round of £150 vouchers should in the

event of the 5 year travel plan targets not being achieved. A Travel Plan monitoring fee of £3,500 should also be paid prior to occupation of the development

West Sussex County Council - Planning - Comments

The figures below are financial contributions for provision of additional County Council service infrastructure in mitigation of the impact of development:

Primary Education	£128,423
Secondary Education	£138,218
6th Form Education	£32,378
Libraries	£58,090
Fire & Rescue	£4,487
Traffic Reg' Order	£7,500
Travel Plan Audit/Promote	£3,500
Total	£372,596

With the highways contribution of £580,294 above this gives £952,890. There is some minor addition for monitoring at around £200 per trigger (payment events), per year of monitoring. Value of these contributions will be reviewed if the legal agreement is completed after 31st December 2022.

The education and libraries contributions respectively would be spent on: the expansion of existing primary schools, or innovative solutions to address primary education needs; additional facilities at Shoreham Academy and its sixth form and additional facilities at the new library for Shoreham.

Fire and Rescue Service contribution would 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.

Adur Council Responses:

Parking Services Comment

No objection. Whilst there is no controlled parking zone in the area, there is limited available unrestricted on-street parking around the area. A Traffic Regulation Order (TRO) would require adjustment of the double yellow lines in Brighton Road. A car club which is available to the public in Pond Road Car Park (Shoreham Centre Car park) which could be beneficial for residents to sign up to.

Environmental Health - Public Health Further Information Required

Noise & Ventilation

Very informative acoustic report, methodology and conclusions. No concerns regarding

entertainment noise from the Duke of Wellington PH/venue, given the proposed noise mitigation.

However, further confirmation is needed of the ventilation strategy, particularly for apartments facing the A259, which are the most noise-affected homes. Mechanical ventilation would be my preference, which replaces any extracted air with fresh air, without the need to weaken the acoustic robustness of the facades by installing vents. The overheating model may then need to be re-run. Planning conditions can be used.

There are no Environmental Health objections in principle. Planning conditions regarding any future commercial new plant or kitchen extract can be applied here.

Ground Contamination & Remediation

The applicant has confirmed that further ground investigations will be undertaken following the removal of above ground structures, below ground tanks and associated infrastructure. This will include leachate testing in landscaped areas. This should be a subject of a pre-construction commencement condition.

With reference to the risk posed by ground gas, the suggestion of using an upgraded membrane below the proposed basement is agreed.

Air Quality

Requested that the air quality impact cost be checked although the commitment to car clubs is welcome, especially working with other developments nearby. Will review further air quality information recently received and comment further

A construction phase management plan (CEMP) should be required by condition.

Environmental Health - Private Sector Housing Comment

No objections on public sector housing grounds.

Technical Services - Drainage Comments

Following receipt of applicants further technical note (June 2022), if you are minded to approve this application please apply conditions for details of:

- surface water drainage including SuDS. Winter groundwater monitoring to establish highest annual ground water levels will be required to support the design of any Infiltration drainage
- Future management & maintenance
- Provision of as-built drawings and verification following construction

Previous Technical Services advice includes: The surface water drainage proposals include; over the wall drainage, through the wall drainage, infiltration and discharge to

surface water sewer. We broadly agree with the principles of the strategy

Flood risk - highlighted the need to ensure access and egress escape route plan and evidence that safe access for emergency services is provided at all times.

English Heritage: Comment

We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Environment Agency Comment

Satisfied that our previous objection can be removed, subject to conditions:

- Floor levels to be 6.2 mAOD for residential and 4.4 mAOD for commercial
- Specification for the demountable flood defence barrier/flood gate for the basement car park
- Completion of river wall repairs
- Management of contamination risks

Further advice:

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise Local Planning Authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to ['Flood risk emergency plans for new development'](#) and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the Planning Policy Guidance.

The Applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding would not jeopardise its structural stability, including protection of sensitive infrastructure such as gas and water pipes or electrical cabling

A Marine licence is required from the Marine Management Organisation (MMO) for works below the mean high water. A Flood Risk Activity Permit required within 8m of the river

The proposal does not encroach into the harbour so there is no loss of intertidal habitat.

Health & Safety Executive (HSE) Further Information required

A Fire Statement is required of amended plans for HSE consideration and comment.

Natural England Comment

No objection, the development will not have significant adverse impacts on statutorily protected nature conservation sites (SSSIs) or landscapes.

National Highways Comment

The proposals will generate minimal additional traffic on the strategic network in peak hours, nor materially affect its safety, reliability and / or operation.

South Downs National Park (SDNPA) Comment

The development would be seen from key vantage points within the National Park albeit the boundary is some 1.5-2km away and the proposal is viewed against the surrounding urban character of Shoreham-by-Sea. SDNPA recommends that consideration be given to the materials proposed, on account of the height of the building and its visibility from the National Park, and to lighting, given the International Dark Night Skies Reserve status.

Southern Gas Networks (SGN) Comment

Gas pipe locations are now available online, applicants can register for our online service and view our gas pipe locations.

Southern Water Services Comment

Foul Drainage & Water Supply

The submitted drainage assessment shows no flows greater than existing levels and indicates betterment of the foul sewer system which is acceptable by Southern Water. Investigations indicate that Southern Water can also facilitate water supply. Separate, formal applications for connection to the public foul and surface water sewer to be made. 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.

Surface Water

Where surface water flow uses sustainable 'SuDS' techniques it is critical that the effectiveness of these systems is maintained in perpetuity in order to avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding. Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors

Sussex Police Comment

Clear segregation of the commercial and residential elements will be needed. Ref:

www.securedbydesign.com Secured by Design (SBD) Commercial Development 2015 Version 2. The residential design and layout should ensure control of entry is for authorised persons only, including internal compartmentalisation via dedicated door sets within residential blocks to reduce free access around buildings and controlled lift access - e.g. proximity reader, swipe card or key. Postal arrangements for the apartments is through-the-wall or externally mounted secure post boxes and balcony balustrades sufficiently high to avoid climbing-over.

Ref: www.securedbydesign.com where the SBD Homes 2019 Version 2

Proposed cycle routes and footpaths should conform to the requirements as indicated within the SBD paras 8.8 - 8.12. Robust cycle stands should allow for locking of both wheels and not more than 30 stands per secure communal cycle shed.

Basement parking: thought should be given to the siting of CCTV as a visual deterrent to deflect offending behaviour and offer protection. Equipment must be commensurate with lighting conditions. Details regarding CCTV and Data Protection can be found at the Information Commissioners Office website; Counter terrorism advice also recommended via Police Security Advisors

Landscaping should allow for good light penetration (avoid light restriction by vegetation. Shrubs no higher than 1 metre, and trees with no foliage below 2 metres will maintain a field of view

Lighting throughout the development will be important, including bollard lights for wayfinding; but other lighting for security.

Please note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

Network Rail Comment

We confirm that Network Rail have no objections

Marine Management Organisation (MMO) Comment

Works within the Marine area require a license from the MMO. The East Inshore & Offshore marine plans of April 2014 are a material consideration for public authorities with decision making functions. The MMO is currently developing marine plans for the South Inshore

Representations

28 comments on amended plans - July 2022 (objections)
125 comments on original plans - September 2021 (objections).

Amended Plans

- The height of the development shown on the application plans exceeds the height of the St Mary de Haura Tower by 10m (33 feet). St Mary's Church is Grade I (one) listed by Historic England and therefore has Statutory Recognition (Protection).
- Views from the north of Shoreham and the South Downs National Park, and other directions, towards the historic core would be adversely impacted by the intrusive height and mass of the proposed tower blocks on the skyline.
- Learning from nearby Mariners Point - it is likely that the developer would not be capable of achieving the landscaping scheme submitted with the planning application
- The proposed eight commercial units will be left empty and be boarded up, those at Mariners Point still unlet after 3 years. Ground floor needs rethinking.
- The A259 is a primary arterial road and the proposed access to and egress from the development is clearly a highway safety issue. The New Road, Surrey Street, A259 junction relative to the proposal presents a hazard spot.
- Seawater flood protection satisfactory (assuming the Stows Gap matter is resolved and the sea wall section is completed at the Sussex Yacht Club), but what about groundwater and surface water from inland
- No provision for local fishermen's access to the river or leisure anglers on the quay

Shoreham Beach Residents Association

Whilst welcoming the consultation that the developer has arranged for this scheme, the minor amendments in design and for the late provision of 30% affordable housing has the following concerns:-

1. The development is much too tall. The height of the buildings interferes with the view of the listed church 'St Mary de Haura' in the middle of the conservation area. Nine storeys will limit cherished views of the Norman church
2. The design of the flats is too corporate - they look like office blocks. The change in brick colour is an improvement but the design is still out of proportion with the environment.
4. The landscape designer on the scheme seemed to imply that we needed to ensure that mature trees were one of the planning conditions. Could you confirm that this will be the case?
5. There is insufficient green space in this development for the residents' enjoyment and wellbeing.

Original Plans

Scale and design of development

- Adur District Council's document 'Shoreham by Sea Conservation Area- Character Appraisal and Management Strategy' - talks about the prominence of St Mary's Church being the primary landmark in the town and states that "The height and mass of new development on the edge of the conservation area should not upset the balance of these key views towards the historic core of the town
- Design is uninspiring and unsuited to the maritime characteristics of the area so close to the town centre
- Loss of Daylight due to size of proposed buildings
- Free Wharf seems to offer an architecture more suitable to its nautical setting, whereas this proposal could just as well be located in an inner city.
- The detailing & choice of materials is weak, including their choice in brick.
- It should reflect its historic setting as a port, and perhaps consider a more creative choice of brick, there are some awesome grey / black / brown bricks out there
- The Tall Buildings Capacity study written on behalf of Shoreham Harbour Regeneration Partnership: Adur and Worthing Councils September 2017 states that The character of views from Shoreham beach should be protected and if tall buildings are to be developed across the site consideration should be given to stepping up of height to create a soft undulating skyline.
- In consideration of height and density this development goes against the Shoreham by Sea Conservation Area Character and goes against the Local Plan's aim to enhance and maintain Adur's character and local distinctiveness through protection and enhancement of its landscape, townscape and cultural heritage.
- Given the position and size of the Civic Centre and Frost developments they must be looked at together when deciding on planning permission. They cannot be looked at in isolation.

Noise and disturbance

- Concerns that the noise mitigation assessment mentioned in the document 'Noise Duke of Wellington Public house was carried out as a desktop modeling exercise over lockdown and does not adequately reflect the real sound levels of the music venue e.g. on a busy weekend night when musicians are performing.
- Long term commitment from WSCC that no action could be taken against the Duke of Wellington's noise levels, assuming it complies with its existing license.

- A full noise mitigation assessment should be made relating to the Duke of Wellington as a long standing music venue, the public house is an important community asset and music venue and needs to be retained.Noise complaints from future residents will make future complaints more of a challenge and may result in the loss and/or restrictions being imposed on the pub's trading/music license.
- The principle of 'Agent of Change' in NPPF should apply and a written commitment in terms of how they will deal with such complaints
- The noise survey is not representative - undertaken in March 2021 and not in a representative location. Actual existing noise will be louder
- The underlying assumption that traffic noise will dominate the noise climate has not been sufficiently tested without a live assessment based on the correct criteria for music and amenity noise.

Highways

- The planned proposals show insufficient parking spaces for the number of dwellings on site and lack of parking nearby.
- Increased traffic from this proposal and the proposal at the Civic site needs to be considered as this will contribute significantly to traffic congestion and pollution along the High Street and A259.
- The railway crossing near this development causes road blockages, the added traffic caused by this development will make matters worse.
- The proposed 81 car parking spaces plus the disabled parking space at road frontage is below WSCC current guidance.

Affordable Housing:

- Lack of social/affordable housing. There are currently 850 people on the local housing lists

Other matters

- Provision for school places, doctors' surgeries, dental practices, open space, leisure access are required.
- Concern regarding sewer capacity and run-off for all applications in the pipeline, now and possible future sites between Brighton Rd and the river
- Details of the flood barrier to protect the underground parking at this very low site, included in the design drawings before planning is approved. It is not clear who will be responsible for flood protection to the adjoining Riverside Business Park.
- Insufficient public consultation, including local business at the pre application stage.

- Little/no provision for environmental factors such as cycle lanes, trees and landscaping and air pollution caused by the canyon effect of the towers.

Shoreham Society (Original Plans)

Positives:

- We are very grateful the architects have produced over 20 3D-views of the scheme, providing excellent package information.
- The scale/massing of the development is a hard one to dispute as it ties in with all other new proposals along that area.
- The proposed landscaping and open areas between the buildings seems appropriate in scale, and if well designed could be great spaces.
- The stepping/breaking up of the buildings to introduce some landscaping to Brighton Road would assist in softening the proposals.#

Negatives

- We find the architecture uninspiring and unsuited to the maritime characteristics of the area so close to the town centre.
- Free Wharf seems to offer an architecture more suitable to its nautical setting, whereas this proposal could just as well be located in an inner city.
- The detailing & choice of materials is weak, including their choice in brick. We like the white brick but the buff and red are bland, it feels like an easy way out.
- It should reflect its historic setting as a port, and perhaps consider a more creative choice of brick; there are some awesome grey/black/brown bricks out there.
- Material Detailing feels unresolved, almost as if the computer software was leading the design rather than the architects.
- A development of this size must provide affordable housing. Without this development what does development bring to Shoreham apart from housing those presently living outside the area to relocate?
- Whilst appreciating the aim for a more sustainable, car-free future, 81 parking spaces for 181 flats is below WSCC current guidance and could be regarded as a step too far.
- Hard to believe that there will be just one (disabled) parking space for 7 commercial properties. Who will realistically be interested in setting up or moving a business to this area under those circumstances?
- Flooding: We would like details of the flood barrier to protect the underground parking at this very low site, included in the design drawings before planning approval. It is not clear who will be responsible for flood protection to the adjoining Riverside Business

Park.

- Lack of public engagement is unjustified. A reasonable consultation could have been held on-line, before we already arrived at this late stage of planning submission.
- The development must be looked at together with that for the Civic Centre not in isolation.
- How will Western Harbour arm developments look together? A 3D model would allow a review of the impact of developments on the town and on each other, to create a more cohesive addition to Shoreham.

Friends of the Church of St Mary de Haura. (Original Plans)

- Supportive of development in principle but concerned at height which we understand may rise to 11 or 12 storeys, affecting the view and architectural prominence of the tower of St Mary's as a haven of calm and a striking landmark, with its clock on all four sides, is rarely out of sight.

Adur Residents Environmental Action: (Original Plans)

- Parking is already in short supply and in conjunction with other developments the situation will lead to unsafe and unsuitable on street parking.
- Noise - Concern at noise impacts, the assessment is understated, undertaken during COVID times.
- Air pollution and traffic - At what point will the local authority consider insignificant pollution reports from development cumulatively impacting the area? The survey does not take into account users of the nearby skate park.
- Viability - Affordable housing should be provided. Shoreham does not need second homeowners
- Infrastructure - where are the plans to improve infrastructure?
- Water Resources - Lack of sewage capacity was flagged at the Free Wharf development, how can network capability be ensured?

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)*
- *Shoreham Harbour Heat Network Study (2015)*
- *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 4 seeks the provision of 41,000m² of new employment generating floor space of which 16000m² should be provided with the Shoreham Harbour Regeneration Area falling (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 11 is an area-specific policy for development in the town of Shoreham-by-Sea that seeks to ensure that the role of Shoreham town centre is maintained and enhanced by new development proposals. It seeks to improve public access to and along the River Adur Policies 15 & 16 also refer to the importance of well designed buildings, public realm and new places, with consideration of impacts on heritage. Policies 21 and 29 to the requirements for the delivery of affordable housing and infrastructure to mitigate development impacts, policies also refer to the requirement for green infrastructure and provisions for recreation/ open spaces. Policy 36 requires flood risk mitigation and drainage including sustainable surface water techniques

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.

Under CA7 a minimum of 12,000sqm of new employment generating floor space should be

provided in WHA as part of mixed use schemes. This should be predominantly high quality office space (use class B1a). A range of smaller format commercial units is encouraged. Shops, cafes and restaurants, are also said to play an important role in harbour-side regeneration, provided that these are ancillary to the primary residential and employment generating floor-space. 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 wealth of local maritime history could be better interpreted in this location

The site is part of land parcel WH7, where development is expected to come forward towards the middle of the plan period. Unlike other WHA land parcels, there is no indicative layout in the JAPP

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 titled 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).

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).

Local Plan Review

The Local Plan is required to be reviewed within 5 years of adoption. The review is underway and Members will be aware that there is a desire to undertake an early review of the Western Harbour Arm as development has been approved at higher densities than envisaged and there has been concern from the local community about the lack of supporting infrastructure. A report is to be presented to the next Planning Committee

setting out the scope of the Western Harbour Arm review.

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 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."

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.

An extended period for public responses to the amended plans has been provided during July to September, this has enabled those who wish to comment following the applicant's public exhibition of plans at the Shoreham Centre, to do so. The applicant undertook three public consultation events at the Shoreham Centre during August and September, based upon the current amended plans. Comments received by the Council are summarised in the Representations section in this report, above.

Environmental Screening

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 represented by the proposals for more than 150 dwellings (183 are proposed) by comparison with the existing relatively low rise commercial development and extensive hard-standings, also to the need for remediation of ground contamination as part of the development. The proposals are unlikely to cause

significant effects on environmental factors, including water-based pollution affecting the River Adur SSSI and are likely to provide local biodiversity improvements.

Other localised effects, including visual impact, heritage and pollution are unlikely to have wider significant impacts, although landscape assessment covers a wider area. Whilst the development is not considered to constitute "EIA development" and therefore an Environmental Statement is not 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. Nor does this prejudge the determination of the application in relation to such matters, which are relevant considerations in the assessment of this application as discussed in this report

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Planning Assessment

The main points for consideration in this application are:

Principle of Development
Housing: Need, Mix & Affordability
Character & Appearance & Visual Impact
Heritage
Landscaped Public Realm & Biodiversity
Residential & Neighbouring Amenities
Highways, Access & Parking
Flood Risk & Drainage
Other Matters
Infrastructure & S106

Principle of Development

Sustainable Development

The site is located within the Western Harbour Arm of the Shoreham Harbour Joint Area Action Plan, where mixed-use commercial and residential developments are accepted in principle by policy CH7. In accordance with the NPPF requirements for sustainable forms of developments, , the proposals may provide benefits in terms of *economic, social and environmental factors*.

These benefits include a range of commercial spaces for a range of retail, employment and service uses at the site frontage and riverside; new 1 & 2 bedroom new homes close to town centre services and transport links, including 30 percent of affordable homes, and a new area of accessible public realm along the road and riverside and through the site, through well-landscaped, tree-lined space, including provisions for wildlife to bring greater biodiversity to the site.

Policy SH1 of the Joint Area Action Plan (JAAP) for the regeneration Area and policy 18 of the Local Plan combine to *resource efficient buildings which possess* good thermal performance and air tightness to prevent heat loss, at least 10 percent of energy need provided by renewable sources and support for greater low and zero carbon energy in the more recent Energy SPD, also efficient forms of ventilation and heat management. Development should also be connection-ready for the future Shoreham District Heat network, using a wet heating system, suitable plant spaces and pipe runs. Designs should provide for a water usage rate of up to 110litres/person/day. Commercial spaces should be constructed to the BREEAM 'Very Good' standard according to the Local Plan and 'Excellent' in the JAAP.

Sustainable Energy

In response to the policy requirements SH1 & 18 aforementioned, the applicant proposes

the following:

- 'Fabric first' energy efficient thermal mass construction (with stated heat transfer values for walls, floors, roofs, glazing);
- Air Source Heat Pumps (ASHP), providing renewable energy for water and air space heating for each building;
- Low temperature underfloor heating using ASHP energy;
- Communal wet heating systems throughout each building and plant space providing for future connection to the Shoreham Heat Network;
- Largely natural ventilation by openable windows other than where mechanical ventilation may be required on noise-exposed areas;
- 'G value' specified glazing to minimise overheating from solar gain;
- Slatted screens / brise soleil also to minimise overheating, particular south and west-facing windows and balconies;
- LED low energy lighting;
- Water efficient fixtures targeted to less than 110L / day / person;
- BREEAM 'very good' standard for commercial spaces.

The sustainability statement accompanying the application indicates that these measures will achieve CO2 savings of 39% above Building Regulations; a higher figure is also mentioned in the statement although clarification is needed. The commercial spaces are estimated to save 17% CO2, based on a shell and core condition (e.g concrete floors and walls, but with no lighting or facilities), with potential for other efficiencies in fit-outs when future users are identified.

In consideration of these findings, the proposals appear to accord well with the SPD aims for CO2 savings. The stated percentage is assumed to represent at least the 10% policy target for renewable energy target of the local plan and may well be more, subject to the awaited confirmation. If so this may also assist in counterbalancing the under-performance of the pre-fit out commercial spaces, which are deemed to be BREEAM Very good rather than 'excellent'; the higher target being that of the JAAP, which post-dates the lower target of the earlier Local Plan.

Helpfully, the sustainability statement itemises the specific elements of efficient building mass with target values. Measurable values are also stated for glazing (0.4 - 0.45), where needed to mitigate overheating risks. Whilst further detailed design work would be undertaken before construction, these targets will assist in later verification of the CO2 efficiencies, which can be required by planning condition. It is noted that the potential need for a further heat assessment of mechanical ventilation in noise-exposed apartments, via the recommended Environmental Health planning condition may affect these calculations.

The proposed heating system (a separate AHSP system per building) is also intended to allow for monitoring, each apartment having its own meter and a communal Building Energy Management System for building wide monitoring and adjustment. The wet piped heating system throughout each building and individual heat exchanges for each apartment are designed for connection to the Shoreham Heat Network via the on-site plant room in block 2, without need for individual adaptations. This appears to meet requirements for a connection-ready system, subject to confirmation of the provision of connection piping between the plant room and each block and to the roadside location of the potential future heat main. In common with previously-approved harbourside developments Obligations in the s.106 agreement can require reasonable endeavours to connect into the district network main in the future.

Other aspects of sustainable development are found in the proposals for a car club and electric vehicle charging, which is discussed in the Parking section of this report; also provisions for biodiversity in the proposed landscaping. Also discussed later is sustainable surface water drainage. These augment the proposed energy efficiency provisions described above, and are considered to provide a good range of sustainability attributes.

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 have received planning permission at two sites (Free Wharf and Kingston Wharf) and development works are underway. The proposal would bring the total for three sites to 986, which represents ninety percent of the minimum target, with proposals for three or four further sites in the regeneration area yet to come forward.

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 was sufficient to only 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 across the 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, 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.***

This is assessed in the Planning Balance section of the report but this tilted balance, as it is often described, is an important consideration for this development in a highly sustainable location on brownfield land.

Density and Mix

The JAAP policy SH4 requires that Shoreham Harbour regeneration should contain a mix of dwelling types, sizes and tenures. Accompanying text alongside Policies SH4 & CA7 envisages that the majority of new dwellings will comprise flatted development at high densities of a minimum 100 dwellings per hectare. Smaller dwellings should be focussed in and around the harbour and town centre.

The proposal for 183 homes on 0.68ha gives a density of 269 dwellings per hectare (d/ha). This compares with 186/ha at Free Wharf and 159/ha at Kingston Wharf. The proposal well-exceeds the minimum target of 100/ha in Policy CA7 and has the potential to make particularly efficient use of this site in the supply of new homes.

There are other recent nearby examples of high density development approved within the town centre boundary, although outside the regeneration area. These are at The Mannings, Surry Street at 264/ha and the recent resolution to approve redevelopment of the former Civic Centre site at a density of 256/ha.

It is considered that there is no in-principle objection to the proposed density, but as highlighted in the revised NPPF, it is important to consider how this higher density development would produce a high quality, beautiful and safe environment in its context and secure the delivery of appropriate infrastructure.

Size of Homes

Based on needs which were assessed in 2015, the JAAP considers the following size mix to be suitable: 35% - 1 bed; 60% - 2 bed & 5% - 3 bed.

Table 1: Proposed Flat Sizes and Need*

Size	Proposal	Need*	
1 bed	80 (44%)	35%	* Need is based on Assessed Needs in 2015, cited in the Shoreham Harbour Joint Area Action Plan, 2019
2 bed	103 (56%)	60%	
3 bed	0	5%	
Total	183 (100%)		

In Table 1, the proposed proportion of 1-bed homes proposed by the current application is above the need range by 9%, this is partly due to the absence of three bedroom units. The proportion of 2-bed homes is also slightly (4%) above need

Table 2 below examines the total of 803 flats already approved at Shoreham Harbour, at Free Wharf and Kingston Wharf. It shows the percentages of one, two and three bedroom units.

Table 2: Overall Sizes at Shoreham Harbour

Approved Flats				With Proposal
	Kingston Wharf	Free Wharf	Combined (%)	
1 bed	87	188	275 (34%)	355 (36%)
2 bed	149	324	473 (59%)	576 (58%)
3 bed	19	36	55 (7%)	55 (6%)
Total	255	548	803	986

In Table 2 the combined approved developments give percentages which are very close to the assessed size needs for the regeneration area, (for instance 34% for one bedroom homes compared with 35% need; 59% for two-bedrooms against a 60% need). The effect of the proposed development is shown in the right hand column. It makes negligible difference to the percentage size mix, which remains within 1-2% of need in each case.

Accordingly, although the current proposal includes a rather high proportion of two-bedroom flats and no three bedroom homes, the overall mix of housing sizes in Shoreham Harbour, would remain in-step with the 2015 assessed needs.

It is noted that the Council's Strategic Housing Market Assessment (SHMA) for the Adur District was updated in 2020. This indicates a greater need for three bedroom homes on a district-wide basis (around 25% - 30%), and a correspondingly lower proportion of two bedroom homes. However, these more recent District-based figures do not affect the more specific strategy of the 2019 Area Action Plan, which focuses on higher density, smaller units for the Harbour area.

Although many (70) of the two bedroom flats are sufficiently large to accommodate four person households, the absence of three bedroom units produces a less mixed form of housing development than at both the approved Free Wharf and Kingston Wharf schemes. This factor is partly a consequence of the 2019 strategy and perhaps also a consequence of the more limited size of the application site; it is less than half the size of Kingston Wharf

and one quarter the size of Free Wharf. As such there is less space to include larger homes and the corresponding extent of open space and play spaces to serve larger households and families (a small play area is included - see the Landscaped Public Realm & Biodiversity section below).

Accessible Homes

Local Plan Policy 20 also requires that all new homes should accord with the optional higher Building Regulations Standard M4 (2) for Accessible and Adaptable dwellings and an amount should meet Standard M4 (3) Category 3: Wheelchair Accessible Standards, dependent on identified need. JAAP Policy SH9 also requires developments to be accessible and inclusive.

In response to this the Housing officer has identified the range of current accessibility needs from the housing register. These range from those who need ground floor living, to those who need outdoor wheelchair access only or those who need full wheelchair accessible homes.

The application documents state that all apartments would be designed to meet building regulation requirements with regard to disabled access. Floor plans and sections show consistent levels on each floor and at internal doorways. The applicant is currently examining the range of proposed apartments and the extent to which these may match with the Housing officer's request for varying degrees of wheelchair accessibility for affordable homes which are to be secured under a legal agreement (see Affordable Housing below). An update will be given

Externally, it is noted that each of the blocks would be accessed by ramps, with internal lifts to all floors. Blocks 2-4 also have lifts which descend to the basement car park, with wheel-chair parking spaces located close to these Assurance has been sought that short flights of internal stairs in the entrance lobbies, are accompanied by means to allow wheelchair users to access these spaces where the lifts are located. In Block 1 (23 flats) basement access appears to be indirectly via the entrance lobbies of the other blocks, as explained further in the Access section of this report.

Affordable Housing

Local Plan Policy 21 and SH4 of the JAAP require the provision of a proportion of affordable homes, including social rented/affordable rented and intermediate (shared ownership) housing. Policy 21 requires thirty percent of all homes in major developments to be affordable housing, with a preferred tenure mix of 75% social/affordable rented housing and 25% intermediate.

The applicant originally indicated that the scheme could not afford any on site affordable housing. The Council engaged a viability Consultant to seek an independent view on the applicants financial appraisal and this supported the view that the development did not generate sufficient value to enable the delivery of affordable housing or some of the development contributions being sought. However, the applicant has subsequently secured a Registered Provider, Vivid to deliver a policy compliment level of affordable

housing. Vivid has indicated that they are a Strategic partner with Homes England and the use of the Affordable Housing Grant will ensure the 30% affordable housing requirement can be met. The applicant has also indicated that the reduced risk involved with the involvement of a Registered Provider has resulted in a more viable development and all development contributions can also be secured.

Vivid has also indicated that it is keen to deliver 75% social rent albeit it would like some flexibility in the s106 agreement to deliver at Local Housing Allowance (LHA) rent levels which would still ensure the apartments would be occupied by Adur residents currently on the Councils housing waiting list. In this case the s.106 agreement required would secure the Councils nomination rights for occupiers of the rented

The development would now provide for a total of 55 affordable homes on site and the required s106 agreement would ensure that the mix of unit sizes reflects that of the market apartments.

The provision of affordable housing and in particular social rented apartments is a significant benefit when weighed with the other housing benefits given the need that exists across the District.

Commercial Use

The proposed commercial space comprises eight Class E units for Commercial, Business and Service purposes. These may include offices, retail, food & drink, financial and professional services, light industry, medical services and indoor sport and recreation. This totals 552sqm, with unit sizes of 42sqm - 112sqm. Seven of these ground floor units would front onto Brighton Road, several of them behind the arcaded frontages of blocks 2 & 3, with apartments at first floor and above and to the rear. One commercial unit would front onto the riverside in the ground floor of block 4, also with apartments above and to its rear.

The JAAP promotes the inclusion of employment generating uses, principally the former B1 class (office and light industry), which has been subsumed into the new Use Class E and of small scale, ancillary former Class A uses such as retail and food and drink, also now in Class E. Given the modest unit sizes of the proposal and their concentration along Brighton Road, these may serve as a potential complement to this outer edge of the town centre (as defined in the Local plan) and the new harbourside environment.

In light of the vacancy of the new commercial spaces at Mariner's Point, as mentioned among the public representations, the breadth of the Class E use proposed here would cater for a broad range of commercial activities and services and potential uptake. It is recommended that conditions to manage the characteristics of some of these uses would be prudent in ensuring harmonious coexistence with future residents above and alongside them. For instance, noise impacts from creches, nurseries and indoor recreation & fitness and catering noise & odours from food and drink uses, along with hours of use. Recommended conditions are included at the end of this report.

Character, Appearance & Visual Impact

In response to the T-shaped layout of the site, the proposals comprise a range of built forms to reflect the context of each part of the site. Of the four proposed blocks, the three frontage blocks facing Brighton Road (Figure 4) are evenly-spaced and straight-sided with tiering of their upper floors. The westernmost of these, opposite existing two-three storey buildings, is lower than the larger eastern pair, which will face towards the future three-nine storey development of the former Civic Centre site.

The single block proposed at the riverside (Figure 5) uses a series of heavily staged and staggered vertical profiles and chamfered edges, in common with the approved Free Wharf riverside development immediately to the east. Its alignment, with its short ends facing north and south and long sides facing east-west, continues the pattern of the seven approved riverside blocks Free Wharf, albeit with a slightly smaller interval of space than is typical between the Free Wharf blocks.

The overall design and layout has been subject of two Regional Design Panel reviews in 2019 & March 2021 **Appendix 1** shows the proposals as they stood at the time of the most recent review. In response to the Panel's recommendations for architectural simplification and greater coherence, previous areas of panelling have been removed from facades, with more consistent use of brickwork in white and buff (Figure 1) to echo those of the Free Wharf riverside and buildings at the Brighton Road/New Road junction.

Windows are more numerous and evenly spaced, including side elevations, to reduce the number of flats with north-only aspects and add greater architectural interest





Fig. 4: Brighton Road - Blocks 1-3

t.



Fig. 5: Block 4

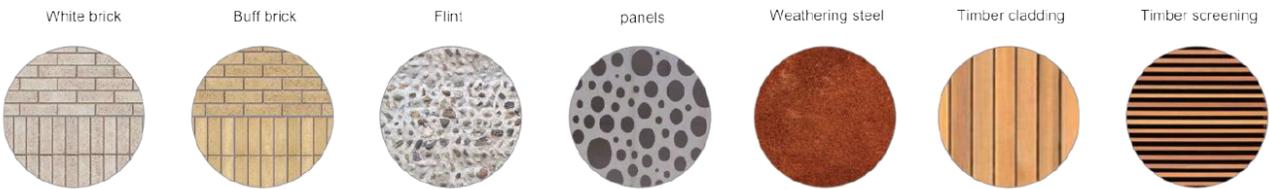


Fig. 6: Materials

Materials also include areas of vertical timber for the recessed back-walls of proposed balconies, seen beyond glass balustrades on front and side elevations and with horizontal brise-soleil side screens to south facing balconies at the rear. Slatted timber is also used to screen the roof-mounted air source heat pump (ASHP) compounds, which are deeply recessed from building facades, and now have cylindrical profiles, in reference to the profiles of the Free Wharf upper-most floors. Weathered steel shown above, is for landscape planted boxes at ground level (see Landscaping section below in this report) Buff coloured brickwork for two of the roadside blocks is also intended to complement the buff and pale grey tones of the future Civic Centre redevelopment opposite.

In order to promote distinctiveness at eye level, as sought by the Design Panel, the latest amended plans have introduced arched, arcaded frontages, as shown in Figure 7 below. This is evocative of wharfside buildings and provides a sense of a plinth to the base of the buildings, it also includes inset cobbles in the ground floor walls, taking influence from cobbled walls and older flint buildings in the town. The rounded arch motif has been carried around other sides of each proposed block in the form of large round-headed windows and door openings, as can also be seen in the lower image of figure x.



Fig. 7: Arcaded Frontages Blocks 2 & 3 (upper) & arch feature at Block 4 (lower)

These amended designs and the revised palette materials are considered to be successful in creating distinctiveness, particularly at ground level in accordance with policy 16 of the local plan and CH7 of the JAAP. Window and door-frames are stated to be dark grey, although materials are not specified and confirmation has been sought.

Subject to careful selection and approval of specific bricks via a planning condition, the proposed white and buff colours indicated in these images may appear harmonious with existing and approved neighbouring buildings. In accordance with NPPF para 135 large scale plans of detailed elements would also be required by planning conditions, in order to ensure that design quality is maintained and not materially diminished between permission and completion.

Scale, Height and Visual Impact

Figure 8 below illustrates the appearance of the proposed development from road and riverside vantages close to the site. The roadside image shows the set-back position of the proposed facades from the road, with new tree and shrub planting. The riverside walkway continuing eastwards from the site shows the similarity between the position of the jettied riverisee balconies of the proposed block 4 and the projected southern ends of the riverside block A at Free Wharf beyond.

The series of images in figures 9 & 10 show a series of close and middle distance views of the proposals in relation to existing and approved buildings.



Fig. 8: Street View & Riverside Detail



Fig. 9: Brighton Road: Street View East (upper) West (lower)



Fig. 10: Riverside Views (From top: South, East & West)

In consideration of the height and scale of proposed buildings, the Design Panel commented:

“The development will take its place among other schemes of comparable height and scale, and will not be prominent among them. Equally, we think the scheme is at the upper limit of what height could be accepted here. There should be no easing of the LPA’s application of the policies of the Joint Area Action Plan. We suspect there has been some height and density inflation since the JAAP was adopted. This scheme should not set a

precedent for the height of a scheme on the adjacent site to the west – a reduction in height towards the town centre is policy”

Whilst the Panel's final statement regarding a policy for reduction of height towards the town centre is incorrect, it is important that the relationship with the wider town is assessed. In considering the height, mass and architectural response of the proposals, the Panel recommended visualisations of both near and mid-range views. The applicant has submitted a townscape and visual impact assessment (TVIA) of the proposals in order to assist in this consideration. Within this are also included longer distant views to examine impacts from Shoreham Beach, the river environs and the South Downs National Park.

Alongside the following consideration of the applicant’s TVIA, Table 3 below compares the height of the tallest part of the proposal (Block 4 - nine storeys incl. roof compound), with the tallest other buildings in the area. The table includes distances from St Mary De Haura Church, which is also important in assessing the proposal in terms of any impact on the setting of the listed Church and the Shoreham Conservation Area within which it is located, and which extends to approx 65 from the site, containing other listed buildings including no.s 53-55 New Street.

Table 1 shows that the tallest part of the proposed development, the nine storey riverside block 4 at 35.2m is of similar height to the future nine-storey block at the Civic Centre site. It is 1.1m lower than the tallest nine storey block at Free Wharf, although at 375m from St Mary De Haura, it is 85m and 190m closer to the town centre and Church than both these future buildings. This is discussed in the TVIA assessment below (distanceTVIA/heritage)

Table 3: Comparative Heights and distances.

*Height AOD = Above Ordnance Datum

	Height (AOD*)	Distance
St Mary de Haura	32.3m	0m
Mariners Point (7 storey)	24.7m	220m
The Mannings (6 storey)	24m	220m
69/75 Brighton Road (9 storey)	35.2m	375m
Civic Centre Site (9 storey)	35.3m	460m
Free Wharf (9 storey)	36.3	565m

Other height comparisons not shown in the table are: the five storey facades of blocks 2 & 3 are 0.4m taller than the future facade of the Civic Centre opposite. The four storey facade of block 1 is approx 2.2m taller than the 3 storey house facades opposite and 6.7m taller than the eaves of the two storey existing shops. Each of the proposed blocks step up in height away from each of their facades.

Townscape/Landscape Visual Impact Assessment (TVIA)

The following images **TVIA (A - I)** are taken from the applicant's TVIA document. Some of these are similar to figures already seen (e.g. figure 9). The heights and positions of the proposed buildings and of the future Free Wharf and Civic Centre developments have been verified with use of positioning software. In some cases whole montages are shown, in other cases coloured 'wire' lines only are used, which represent the proposed development as a green outline, Free Wharf in red and the Civic Centre, purple.

Importantly these images pre-date the revision of the Civic Centre development, which was reduced by two storeys (from 11 to 9), when resolved for approval by Planning Committee in March 2022. Images should be viewed mindful of this difference. They also show an earlier palette of materials for the proposed development (red & yellow), not the buff and white of the amended plans, however this does not affect their value in showing their height, mass and visibility.

TVIA A: Brighton Road (east). In Brighton Road the proposed five storey main facades of proposed blocks 2 & 3 at 16.9m in height, are one storey taller than the recently constructed four storey facade of 63-67 Brighton Road in the foreground at the corner of Humphrey's Gap. This recent building rises to an inset fifth floor just visible in the image.



TVIA A: Brighton Road (east)

On the north side of Brighton Road, the proposed facade of the future Civic Centre development is also five storeys, although a little lower (0.4m) than the proposal. **TVIA B** shows this relationship (the five storey facade comprising the left-most of the Civic Centre image). The assessment categorises the townscape impact of the development as 'minor beneficial' due to the design qualities of the new built form, the facades of which are generally perceived as five storeys from street level, with the inset upper floors only visible over longer distances, as seen in TVIA B.



TVIA B: Eastern Avenue (NB Civic Centre was lowered from 11 storeys shown to 9)

TVIA C (below): To the west of the site, from the junction of New Road and Brighton Road, the view from the edge of the Conservation area and listed buildings (53/55 New Road) is transformed from that of the existing one-two storey car showrooms. The proposed block 1 is closest to the foreground, with its four storey facade at 2.2m above the officer-estimated height of the three storey houses opposite.

The horizontal balconies on the proposed facade and recent introduction of ground floor runs of arch-topped windows (not shown) help to divide the horizontal mass, along with the series of inset shoulders seen above the existing Montgomery Motors Building. The TVIA assessed impact is 'substantial beneficial'. Whilst this degree of benefit is debatable, the replacement of functional showroom buildings by the more-considered, varied architectural forms, together with streetside trees and landscaping (not shown), is considered to be positive, and an enhancement to the setting of the conservation area and listed buildings.



TVIA C: Brighton Road (west)



TVIA D: Riverside and Free Wharf (Civic Centre 11 storeys)

TVIA D This view from the environs of Emerald Quay shows the proposed riverside block 4 with the approved Free Wharf development in the foreground, including the seven storey block A, closest to the boundary with blocks B & C rising to eight and nine storeys respectively to the right of the image. The assessment categorises the impact of the proposed building as 'moderate beneficial', being part of the wider series of similar scale buildings, with minor impacts on glimpses of the Downs beyond.

The Council's Tall Buildings Capacity Study of 2017 recommends an arrangement of buildings in which stepping up of height will create a soft undulating skyline, to integrate with the existing horizontal nature of the landscape. The proposed building as a continuation of the series of five to nine storey forms of the Free Wharf development conforms to the emerging pattern of riverside development, and from this vantage the lowering of the Civic Centre building in the background by two storeys, makes little difference to the riverside impact.

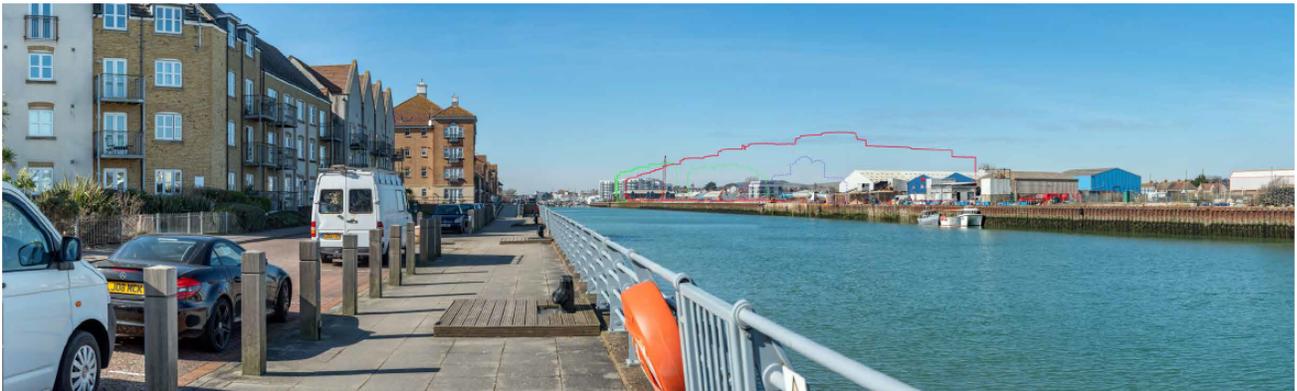
This is also apparent in the longer distance view at Harbour Way in **TVIA E** in which the green outline of the proposed building makes only a minor difference to the south-western end of the approved Free Wharf profile, shown in red.

Some observable differences between the proposed block and the neighbouring Free Wharf Block A in the closer view of **TVIA D**, are the six storey height southern end of the proposed block at the river-front, by comparison with the five storeys at Free Wharf; also the slightly smaller intervening space between these two blocks 22m compared with the typical 24-25m at Free Wharf, lastly the partially- steeper rake of the proposed upper floors.

The last of these differences is produced by the lesser set-back of the proposed seventh floor from the riverfront (2m compared with 7.6m at Free Wharf). However, this last point is somewhat offset by the shallower rake of successive levels which are inset by 11m each floor by comparison with the approved 9.3m & 7.6m at the Free Wharf equivalents.

The additional storey at the riverside edge of the proposed building compares with the approach in Policy CH7 (8) of the JAAP, which states that generally up to five storeys is acceptable at road and river frontages, where greater heights may be acceptable away from the frontages. However, the policy does not preclude occasional incidence of taller

frontages; a similar approach was adopted in the development currently under construction at Kingston Wharf in which six and eight storey blocks form part of the river frontage.



TVIA E: Riverside from Harbour Way, Shoreham Beach

TVIA F (below): In the view from Ferry Bridge the green outline of the proposed development shows the proposal merging into the larger mass of Free Wharf. Notably, from this vantage, Mariners Point, in the closer foreground appears of broadly-similar height and scale to the proposal, although it is some 9m lower than the tallest part of the proposal. The tallest point is the 2m high proposed roof compound, which is seen as a slight high-spot in the centre of the green outline (note: the Civic Centre profile would be 2 storeys lower than shown in purple here).

The southern end of the proposed riverside block 4, discussed at TVIA E above, is also observable here as a slight shoulder rising above the nearest part (block A) of the red-outlined Free Wharf. This steeper form than its approved neighbour is unlikely to affect the overall skyline. The assessed impact of 'moderate beneficial' is considered more likely to be minor or neutral from this vantage.



TVIA F: Riverside from Ferry Bridge (Civic Centre 11 storeys)

An important consideration from this perspective is that of the relationship of the proposal to the listed St Mary De Haura Church in the town centre. The photograph **F(1)** below (not part of the TVIA document) shows the Church from Ferry Bridge with the recently constructed Yacht Club building in the foreground to the east; the cottages immediately to its east are

those seen to the west of Mariners Point in the TVIA F image.



F1 - St Mary De Haura from Ferry Bridge

From this vantage the seven storey Mariners Point in the foreground is 7.6m lower than the Church and 9m lower than the proposal but as already mentioned

is similar in mass to the proposal, with only the nine storey roof creating a new slight high spot.

Within this emerging future context, the high spot of the proposal is unlikely to appear as a sudden or dramatic vertical element to rival the predominance and singular verticality of the Church tower in the tight group of older buildings in the historic centre to the west. Provided that the Free Wharf development is constructed as approved, the impact is not considered to be substantial in terms of the heritage value of the Church and the historic centre.



TVIA G: From Emerald Quay, Riverside Rd Shoreham Beach (Civic Centre 11 storeys)

TVIA G: This viewpoint shows a localised view of the site which also provides some representation of the views from homes along the northern edge of Shoreham Beach, although this view is further from the river-edge.

The assessment observes that views are sensitive to impacts upon glimpse of the Downs, which can be seen on the far horizon. However, as the red outline of Free Wharf shows, this glimpse is already much reduced by the scheme already approved. By comparison the green outline of the proposal shows a development of a similar scale but slightly greater height. It is noted that the glimpse of the Downs is occluded by the lower third of the proposed outline; this equates to the first 3-4 storeys and indicates that this effect would result even from significantly lower buildings than those proposed.

The assessment concludes that the impact, due to the stepped profiles of the proposed buildings, would be characterised as ‘moderate beneficial’ as a contribution to the wider large-scale development. Although this characterisation is also debatable, it is agreed that the harm from this vantage is unlikely to be significant relative to the wider harbourside development.



TVIA H: From East of Norfolk Bridge (Civic Centre 11 storeys)

TVIA H: (above) This more distant view beyond Norfolk Bridge (mindful of the two-storey reduction of the purple Civic Centre line seen here), this view also shows the slight new highspot formed by the tallest part of the green-lined proposal. However, the backdrop of Free Wharf in red and with Mariners Point in the foreground serve to contain most of the new form within their combined silhouette. The assessment conclusion of ‘minor beneficial’ is also considered more likely to be regarded as neutral here.



TVIA I: From Lancing College

TVIA I: provides a limited representation of the impact from the higher ground of the South Downs. From here the proposal in green outline is seen as part of the wider cluster of existing and approved buildings, although very slightly proud of these. It is noted that the rectangular forms of St Mary De Haura and the recent Ropetackle North are discernible on the coastal horizon and are unlikely to be challenged by the roofline proposal. The TVIA assessment of minor-neutral impact is considered to be reasonable.

In summary, the TVIA demonstrates that the largest visual impacts of the proposal are in locations closest to it, in Brighton Road and Eastern Avenue. Here, the proposed facade heights are similar to (+0.4m taller than) those of the Civic Centre development, and conform with JAAP policy for general frontage heights of up to five storeys. From New Road to the east, the proposed four storey facade of block 1 is substantially taller than existing buildings opposite and at Montgomery motors and relies upon its design qualities (including horizontal balcony runs and ground floor arches to soften the vertical mass and add provide interest)

From longer distances the proposed buildings would be seen among the cluster of new and future buildings at Free Wharf, Mariners Point and the lowered Civic Centre development. These are well separated from the town centre and St Mary De Haura such that the proposal, including the slight high spot of its nine storey block, does not rival the singular predominance of the Church tower.

At the riverside the additional storey slightly tighter spacing compared with Free Wharf creates a more vertical mass, but one which then rakes-back more substantially at upper-most floors than Free Wharf, which helps to counterbalance this. Across the river the loss of distant horizon view in Riverside Road/Emerald Quay would be a consequence of even substantially lower buildings, well within the heights contemplated in the JAPP. Impacts from further away including Harbour Way and the South Downs are likely to be very minor.

Heritage

The heritage assessment submitted with the application has examined the historic evolution of Shoreham and notes that:

“...historically the land [application site] was occupied by timber ponds with some warehousing fronting the road to the north and giving way to sand and mud banks forming the shore to the channel”.

This lay outside the historic town, which is contained within the conservation area.

For reasons similar to those set out under the consideration of TVIA F above (distance of the site from the town centre and St Mary De Haura and visual separation from it within the new and emerging developments at Mariners Point and westwards), the assessment concludes that the proposed development would not harm the heritage significance of the conservation area and Grade i listed Church.

It is noted that outward views from the conservation area are constrained by the close knit nature of buildings and narrow street widths, as stated in the Council’s 2009 Conservation Area appraisal. Aside from the vantage of the site and older town in TVIAs F & H, the other view between the conservation area and the site is from New Road, approximately 65m to the west, which also contains the Grade ii listed Regency villas at nos 53/55 New Road. The outward views, vista and skyline seen from the environs of these listed buildings and

Conservation Area will appear more built up due to the size of the new building frontages and western elevation of block 1.

However, the degree of change is unlikely to be substantial in heritage terms. The site is separated from the conservation area by distance, which includes the A259 Brighton Road. Closer to the conservation area, the existing two-three storey at 384 & 388 Brighton Road, remain as an intervening buffer of traditional, varied and characterful buildings, with later C20th infill development also of traditional styling at the corner of New Road and Surry Street. The proposed landscaping at the site frontage, including new roadside trees would, in time, provide a green vista from this vantage.

At the rear of the listed buildings 53/55 New Road the image **TVIA J** below, taken from the TVIA document, shows the skyline of the proposed buildings as a green outline. The heritage assessment comments that this view is incidental to an appreciation of the heritage value of the listed buildings, the character of which is mainly formed by the rendered architectural forms of their frontages and sides, including front canopies; although the rear flintwork walls also have considerable character.

This assessment is considered reasonable. The filtering effect of the intervening tree and the character of the intervening C20th buildings at the corner of Surry Street, partly visible here, also provide a buffer between the proposals and setting of the listed buildings and conservation area.



TVIA J: Westward view, rear of 53/55 New Road (Civic Centre in purple as 11 storeys)

In consideration of other heritage assets, the two Ancient Monuments at The Marlipins in High Street and Shoreham Fort on the east side of Shoreham Beach, and visually separated by distance and intervening buildings. The development is unlikely to affect their settings

The Duke of Wellington Public House seen in TVIA C has distinctive, prominent paired bays, stone and brickwork detailing and decorative glazing, which provides a notable focal point at the slight bend of Brighton Road. This appears to be an inter-war or early C20th building, and although it has no formal or informal heritage designation it might be

considered to have some heritage value.

The location of the significantly taller proposed buildings opposite this existing building will provide a more architecturally considered setting, by comparison with the functional design of the existing showroom buildings. The arched windows and arcade of the ground floor will add interest at street level. The proposed design does not attempt to replicate any of the features of the Public House but the use of traditional window proportions provides some sense of harmony. The development is not considered to be harmful to its setting.



Fig. 11: Rear of existing showroom

Figure 11 is a photograph of the rear of an existing showroom within the western part of the site, adjoining Montgomery Motors. This appears to be consistent with maps of 1875, which indicate a lengthy, linear building on the site (constructed after 1809 according to maps) In the 1880s records describe the site consisting of *'a yard, offices and eastern loft, lower yard, two workshops, a further loft and three ponds.'*

The building has blocked openings and a corrugated roof. The heritage assessment suggests that it may be a remnant of the engineering works originally occupying the site. This is not a designated heritage asset but in accordance with para 203 NPPF there is merit in further investigation and recording of the building prior to redevelopment of the site.

In consideration of archaeological significance, the assessment notes that proximity to the Medieval origins of the historic core of the Shoreham is considered to have archaeological value. Whilst the site is outside the archeological notification area of the County Historic Environment Record, and despite the likely presence of made ground, as indicated in the Ge-Investigation of the site, the approach taken at Free Wharf, is considered a reasonable one to repeat here. Accordingly, an archaeological investigation prior to other works, can be required by planning condition. This can include recording of the remnant flint building prior to demolition works

In summary, mindful of policies 16 & 17 of the Local Plan and NPPF paras 199-205 the proposal is not considered to harm the setting of the listed St Mary De Haura Church, nor listed and unlisted historic buildings or the Conservation Area. The benefits of the proposal

in terms of providing mixed use development and new homes, in accordance with the Local Plan and JAPP are also relevant in weighing up the overall merits of the scheme alongside heritage interests. Archaeological investigation in conjunction with recording of the remanent flint building are considered an important in the development (and supported by NPPF paras 204-205); subject to a planning condition

Landscaped Public Realm & Biodiversity

Policy 15 and NPPF 130 highlight the importance of effective hard and soft landscaping as part of cohesive designs. A particular challenge of this application, is to ensure that the new route through the site between the Brighton Road and the river, will be suitable outdoor space both for residents and the wider public, as an inviting and safe route. The design Panel advised:

“The scheme is critical to the development of the wider area and it is imperative that it acts as a seamless piece of townscape. The landscape design will be important in unifying and integrating the proposal with its wider context, in particular the proposed north-south route. The landscape is also a key opportunity for the scheme to present and celebrate its distinctiveness...the design team should ensure this element of the proposal is fully resolved, whilst also considering frontages, materials palette and the internal layout.”

In response to this advice the application includes a landscape strategy with particularly detailed accompanying descriptive material based on the layout shown in Fig 12 below. A series of landscape character areas are proposed:

- the street frontage with roadside trees and shrub planters alongside shallow access ramps to building entrances, this merges into...
- ...the central courtyard, a tree-planted pedestrian avenue lined by most of the proposed 30 trees with species transitioning from alder, holm oak and ornamental varieties, towards hardy pines towards the riverside,
- a central outdoor activity area with equipped play court to one side of the avenue for, natural play aimed at ages up to 10 years; clambering boulders and timber lattice frames and 'boule court' to the other side for older ages.
- a riverside area comprising the southern courtyard area and the new pedestrian -cycle riverside route and shingle / pebble beach reflected in natural aggregate paving and gravel mulch, supporting mixed, hardy planting and maritime grasses.
- A more intimate and tranquil lawn space between blocks 1 & 2
- roof gardens to individual upper apartments, with planters located close to edges for visibility in mid-distances views of the site.

Design distinctiveness references the former use of the site which is reflected by use of long bands of contrasted block paving with street furniture monolithic furniture, long benches (as shown in figure 3) and untreated metal planters to evoke timber ponds,

landing areas and dockside engineering history. Logias provide shade to seating near the play area along with the cooling effect of the tree canopy.

The recent amended plans also provide wider, more prominent entrances to buildings around the courtyard entrances, with larger associated windows for inter-visibility between internal and external spaces. This includes finessing of entrances ramp designs and their edges for better integration with the wider hard landscape



Fig. 12: Landscape Strategy Layout

Biodiversity enhancements are proposed in the form of wildlife-friendly planting in planters and liner planting beds. Bird and bat boxes would be mounted on buildings and there is no loss of tidal mud at the riverside. Timber cladding of the river wall is proposed with timber ledges to create wildlife opportunities. These measures accord with policies for the enhancement of biodiversity: SH7 of the JAAP and NPPF paras 179 - 180

Figure 13 shows day and night time images of these landscaped spaces at day, illustrating the importance of a well lit thoroughfare to the river. Lighting details would be required by planning condition.

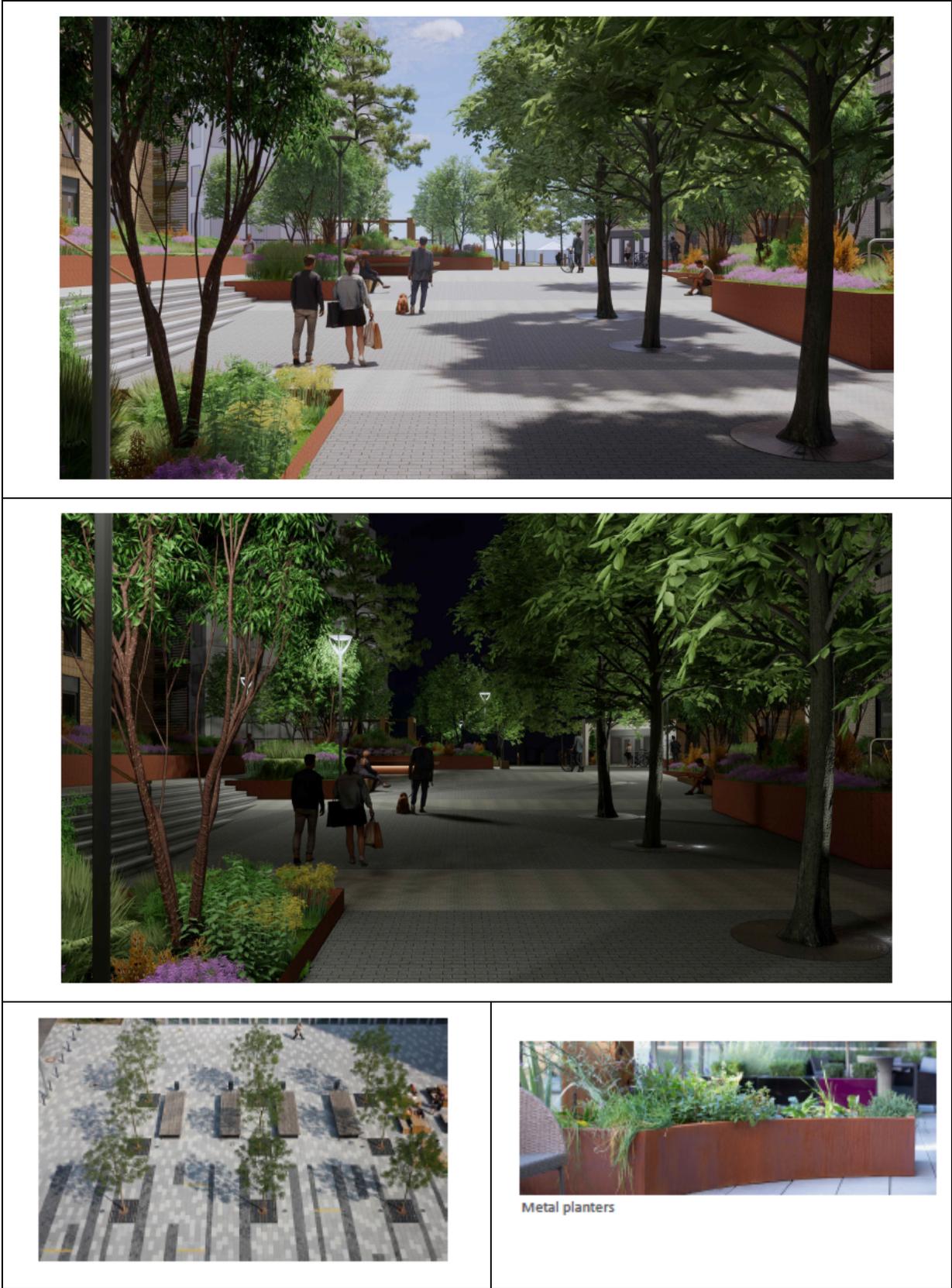


Fig. 13: Landscape Images

The images in figure 14 below show the level differences between the internal site boundaries with the approved Free Wharf development. The left hand image is towards the southern end of the application site where, following the advice of the Design Panel, an upper pathway has been proposed along the site boundary of the raised Free Wharf site, to integrate the two site edges. This is also intended to assist as a safe walkway in the event of extreme flood events in which the riverside walkway and southern part of the landscaped public route through the site, may be affected by floodwater (buildings and their entrances are at a higher level).

The right hand image of figure 14. shows the higher level of the proposed development alongside the play area at its eastern boundary of internal pathways within the Free Wharf site. The level difference of 1.5m here may only be reconciled by mutual revisions of path levels and gradients within the application site and at Free Wharf. The task is made more complex by the presence of the proposed basement parking shown in the image.

Discussions with the Free Wharf owner (Southern Housing Group), who have also applied for amendments of their approved scheme, present an opportunity for exploration of any possible path connection here. Legal agreement obligations may assist in ensuring reasonable endeavours between the owners in seeking to make a connection, if both the current application and that recently made by Southern Housing are approved.

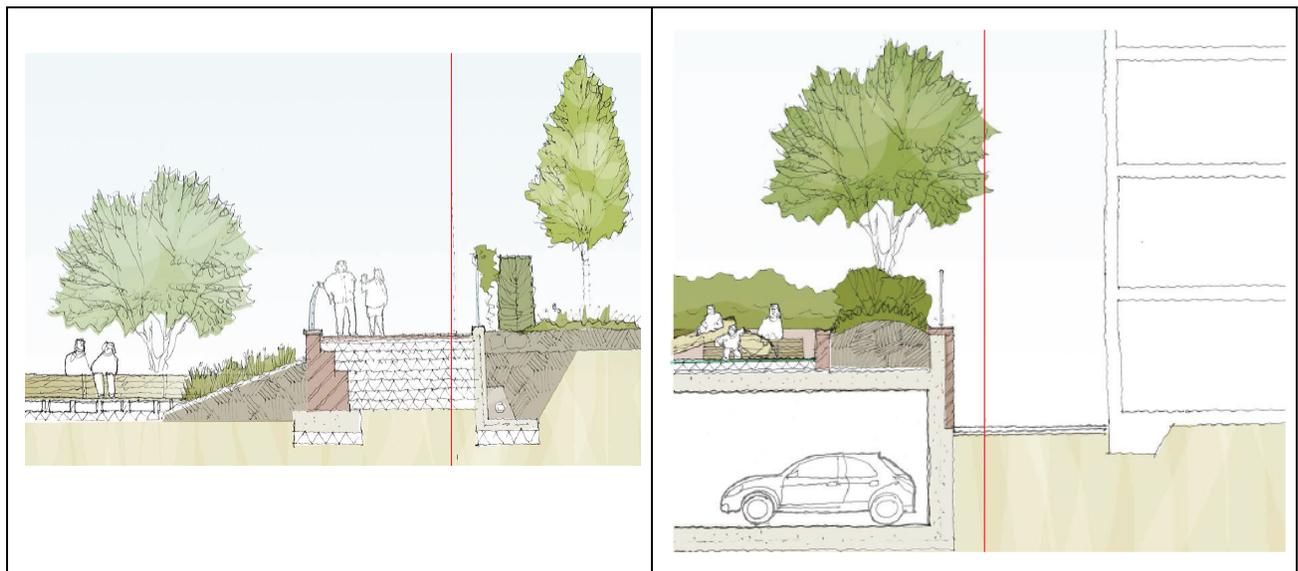


Fig. 14: Adjoining Levels with Free Wharf

Residential & Neighbouring Amenities

Noise

The submitted assessment of noise describes surveys undertaken over three 24-hour periods in October, covering a Tuesday, Friday and Saturday. These demonstrate that the existing noise climate in the front part of the site is well in excess of recommended daytime

levels of 35dB for sitting/living rooms and nighttime levels of 30dB for bedrooms at night. This is largely due to road traffic noise with daytime levels reaching up to 71dB and 68dB at night, those in the environs of block 1 (west), being among the highest.

A survey of noise from the Duke of Wellington Public House (Friday 22nd October), during a live performance, recorded 62dB outside the front of the venue. Although this equates to lower levels (35 - 46dB) at the application site 22m away, it would be audible in lulls in nighttime traffic noise.

The assessment concludes that windows in front facades and a small number of side elevations, will require acoustic glazing to a range of specifications greater than that of standard double glazing (specifications reduce progressively away from the road but are also required in parts of block 4 where noise levels are also up to 49dB at night.

An overheating assessment has been undertaken which assesses the potential for overheating where windows would need to be closed against external noise. This indicates that parts of the east and west facades, which are exposed to both solar gain and high outdoor noise levels, will be susceptible to overheating with windows closed. The report observes that other ventilation will therefore be needed. It also appears that this will be needed on the front elevation, where noise levels are greatest, notwithstanding their orientation away from direct sunshine.

The Environmental Health officer recommends that the extent and specification for acoustic glazing and ventilation, preferably a mechanical ventilation and heat recovery system, be made subject of a planning condition, including post installation verification to ensure effectiveness. A s.106 obligation can also require ongoing maintenance and upkeep of these mitigation measures. It is also noted that the design of these details will need to ensure that energy assumptions and CO2 savings remain within the requirements of policies, as this will also require verification by a separate planning condition.

Light

An assessment of the impact of the proposals upon natural light at neighbouring properties considered two types of light impact as recommended by the Building Research Establishment (BRE). Firstly diffuse light, (expressed as the vertical sky component of VSC). This test looks for impacts resulting from any reduction of light to an existing window such that the amount falls below either 0.8 of the existing, or 27% of potential light which would fall upon the window in a hypothetical unobstructed plane.

The assessment found that the range of percentage differences at The Mariners were slight (1-2%), with values also 0.91 and better. Buildings opposite (flats at 372-376 Brighton Road. The Duke of Wellington Public House) and the recently constructed flats at 63-67 Brighton Road were affected to a greater degree, with percentage differences of 3% - 6.5%, and in one instance 8.2% at one of the seven upper windows of the public house, although this remained above the 27% level. One other window at the Duke of Wellington fell below both the 0.8 and 27% levels, but it is agreed that the degree of loss (0.04 and 1.13%) is

unlikely to be significant, the BRE method observes that this is in part due to the greater susceptibility of this window to light changes due to its position between two projected bays, which already create a degree of light limitation.

The test also considered the impact on the future Civic Centre development, the whole five storey facade was considered rather than individual windows. This concluded that a great majority of the face would be unaffected, as shown in figure 15 but that small areas on the first floor of the two Civic Centre blocks would receive less than the target 27% of available light as a result of the proposal. However, these shortfalls were each above 24% and whilst slightly more significant than at the existing public house, are considered.

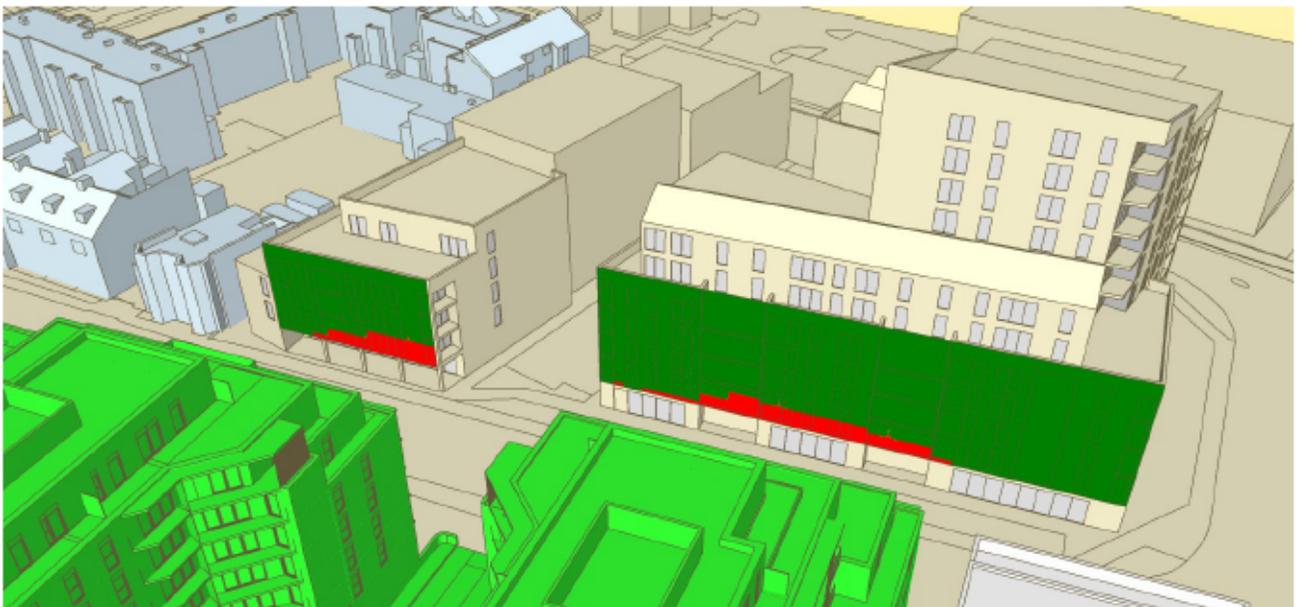


Fig.15: VSC Light Test applied to Civic Centre Development

Tests for impact upon direct sunlight (as distinct from diffuse VSC light) consider the percentages of sunlight hours reaching existing windows, (a 5% winter test and 25% 12 month test). This test found that impacts upon neighbours during summer time would be marginal and well above acceptable percentages. Winter impacts were more pronounced, in some cases sunlight percentages would reduce from 28% to 16% and from 22% to 12% but these lower values are above the BRE recommended 5% level for winter-months.

A qualitative assessment of the relationship between the proposed block 4 and the approved block A at Free Wharf noted that the spacing of these blocks at 22.5m, although less than the typical 24.5 m interval between other blocks facing one another, is unlikely to lead to a significant difference given the west and south facing faces of the approved block.

Likewise, light penetration to the riverside block is considered to be similar to that of the approved Free Wharf development, both developments use chamfered and angled facades with riverward views. The frontage blocks, which contain 147 include 13no. one and two bedroom flats which have north-only aspect, although balconies provide some degree of east or west view, most notably the angled balconies serving 5no north facing flats in block

1. By comparison with the remainder of the development, which achieves either dual or south, east or west aspects, the single-north aspects, which are hard to avoid due to building widths, are relatively few.

Privacy

The proposed block 1 would be situated opposite four existing shops with first floor flats and the Duke of Wellington public house. Its windows and balconies would be approximately 22m - 24m from these existing frontages. Although these distances are below typical distances of 28m sought between buildings of three storeys or more, it is noted that the proposed frontage heights are in accordance with the approach taken in policy CH7 and as such this closer relationship would be hard to avoid, even with the setting back of buildings, as is required to provide wider pavements and cycle-lane space. The distance between the proposed blocks 2 & 3 and the future civic centre buildings is slightly greater, approximately 24m - 27m.

The separation between the proposed blocks 2 & 3 within the site ranges between 22m - 25m, which is also similar to Free Wharf buildings, although these facades lack the angled window arrangements found in the proposed riverside block 4 and its future Free Wharf -neighbour, block A, where many windows are orientated riverward. However, the landscape scheme offers some mitigation in the form of the proposed tree avenue between these buildings, which in time, has the potential to filter lines of sight up to the first three to four storeys, possibly slightly higher.

Space

The proposed flats meet and in several cases exceed, nationally described space standards, particularly those in block 4. Internal layouts are acceptable to the Council's Private Sector Housing officer, whose review encompasses all proposed units.

Externally, each apartment has a balcony or ground floor terrace. These range in size between 4.6sqm to around 15sqm, the largest of these at block 4. Minimum or average depths are around 1.2 m, which allows for outdoor sitting. Those at ground floor are generally set behind planted strips, which afford some separation from the main pedestrian thoroughfare. Communal roof terraces are indicated at the top for blocks 2 & 3, although these comprise quite irregular and constrained spaces, the benefit of which may be more successful for the proposed planting which is shown in the proposed landscape strategy. A roof terrace to block 1 appears to be larger and may be more readily used, subject to clarification as to its accessibility from stairs of lift.

The series of landscaped spaces between the buildings will provide for outdoor use both by residents and the public. The modest lawn area, edged with shrubs between blocks 1 & 2 is described as a tranquil space away from the main thoroughfare of the proposed central pathway can provide an opportunity for relatively quiet enjoyment.

In common with other recent redevelopment schemes in Wester Harbour and nearby at the Mannings and Civic Centre site, it is recognised that the range of outdoor and recreational

needs generated by the proposal, cannot be met on site. The nearest area of public space off-site is at the Ham offers some opportunities and is due to receive enhancements resulting from the Mannings and Civic Centre developments. However, the nearest other recreation grounds are at Middle Road, Park Avenue and beyond these, Buckingham Park.

The Adur & Worthing Open Space Study provides a method for assessing open space and recreation needs, and the cost of providing these. An initial estimate indicates needs for natural and amenity greenspaces, outdoor recreation (e.g sports) child and you play and allotment, which may equate to around contributions of around £330,000 and a £60,000 maintenance. Subject to checking of this, these can be sought as part of a s.106 agreement.

Highways, Access & Parking

Traffic impact

As agreed in the County Highway Authority response, the proposal is estimated to create a total of 62 morning peak and 49 evening peak trips, which represents an average increase of 270% above the existing use of the site. Traffic modeling indicates that the proposed access would operate at a factor of 0.01 to 0.09 'flow-to-capacity' ratio (where 0.85 is a generally accepted maximum for new access junctions). Accordingly the Highway Authority proposal would operate well within capacity, despite the high percentage of additional peak trips.

The increased trip figures have been used to calculate the impact and mitigation cost of wider network improvements in accordance with Policies 28 & 29. These support schemes identified in the Strategic Transport Assessment, which were part of the wider strategic impact assessment used in the allocation of sites and development quantum in the Local Plan and JAAP.

The resulting impact contributions for this proposal give a total of £580,294 comprising:

- Joint Area Action Plan (JAAP) Measures	=	£437,574
- Adur Local Plan Measures	=	£142,720

The Local Plan Measures figure would be used for network improvements such as at the A27 Steyning and Hangleton junctions. The JAAP Measures figure is likely to be used for sustainable transport improvements closer to the site. Current discussions between the applicant and highway authority concern the extent to which highway improvement works at the site frontage, such as provisions for the wider pavement to accommodate the future segregated pedestrian and cycle path, would comprise part of the contribution.

It is noted that roadside kerb re-alignment in Brighton Road, required for the future cycle path is unlikely to form part of works to be undertaken by the developer. This is due to the need for a simultaneous re-alignment of the kerb on the northern side of the road; such works are more likely to require direct execution by the Highway Authority, using financial contributions. Any further information on this point will be reported to the Committee.

Access

Access for pedestrians to the commercial uses of each frontage building would be directly from the wider footpath, which is achieved by setting back of buildings to allow for a 2m footway. The future segregated cycle path would then be achieved by later kerb realignment. Behind the footpath are planted verges, (some with trees) and shallow, parallel (east-west) pedestrian ramps serving the front entrances to proposed blocks 2-3. The doorway to block 1 requires no similar ramps as it is close to pavement level.

The main pedestrian access into the interior of the site is in the central gap between blocks 2 & 3, comprising a long, shallow landscaped (north-south) ramp. This serves the residential doorways to blocks 2, 3 & 4 (in the case of block 1 the off-street access is shared between commercial and residential users) - all residential doorways are shown by red stars in figure 16



Fig 16. Layout & Accesses - Blocks 1-4

As such each building is accessible to pedestrians, wheelchair users, prams and pushchairs. It is noted that other paths within the gap between buildings 1 & 2 include steps

rather than ramps, which are necessary to accommodate the raised site levels. Therefore wheelchair access to the central courtyard of the site from block 1 would be by use of the footway in front of building 2 towards the central gap.

Inside the buildings lift cores and stairs rise to upper residential floors. Those of the blocks 2, 3 & 4 also descend to the basement car park, but not in the case of block 1, since the limitations of the T-shaped site preclude the construction of a basement car park beneath it. Block 1 residents would therefore need to access the basement indirectly through the entrance lobbies of blocks 2, 3 & 4. Confirmation has also been sought as to wheelchair accessibility within the lobbies of buildings 2, 3 & 4, which include short flights of stairs between their lobbies and the internal lifts beyond. (**Postscript:** It is now confirmed that an automated wheelchair platform in each case will lower & raise wheelchair users)

Throughout the courtyard area of the site, pedestrians and cyclists would access the riverside walk via the gently sloping path through the site. This provides the significant benefit of a direct public connection between Brighton Road and the new riverside walk, which will eventually extend along the Western Harbour Arm to Kingston Beach. Permanent public access rights and connection of the Riverside path to neighbouring sites as these are developed, would be secured through a legal agreement as part of planning permission. The application describes the use of a pedestrian priority over cyclists through the courtyard areas, details of which, such as signage and management, have been requested.

As explained in the Landscape & Public Realm section of this report, a pathway connection between the courtyard area and Free Wharf is proposed as part of the flood evacuation route. A second connection alongside the children's play area may also be possible subject to endeavours between the applicants and Free Wharf owners to overcome level differences at the boundary.

Vehicular access to the basement car park, providing 81 spaces, is via a ramp between blocks 1 & 2. It is anticipated that an entry-control mechanism would be provided here, details of which would be required by planning condition. Vehicular access to the central courtyard would be available only to refuse collection, emergency and maintenance vehicles. The Highway Authority confirms that vehicle tracking tests have demonstrated suitable manoeuvring space. Bollards would be used to preclude other vehicles. Details of an entrance control mechanism, and how this would be operated by appropriate vehicles, would also be required by planning condition.

A roadside delivery layby is proposed in front of block 2. Discussions between the applicant and Highway Authority may result in amendment of this arrangement following an awaited road safety audit. This is in order to minimise risk of conflict with the future cycle path, which would be crossed by delivery vehicles in order to reach the bay.

The applicant explains that in order to minimise the risk of delivery vehicles waiting in front of other proposed blocks (affecting traffic flow in Brighton Road), one of the proposed commercial units would become a dedicated delivery space for the collection of goods by residents and businesses. This would also solve the issue of deliveries to block 4, which is

located well away from the road.

Parking

The total of 81 car parking spaces proposed by the development would be located in the basement. These include 12 wheelchair user spaces, located close to the lift and stair core for each of blocks 2, 3 & 4. A total of 242 cycle spaces are indicated, 136 in the basement and 36 in a ground floor internal store; the remainder are distributed around the site as cycle stands, close to building entrances.

By comparison, the County Parking Guidance document, 2019 indicates a total demand of 206 vehicle parking spaces, according to the parking rates applied in Parking Behaviour Zone (PBZ) 3 within which the site is located. However, the applicant advocates the use of lower rates, as used in PBZ 5 (found in central Worthing, Horsham, Chichester and Crawley), due to proximity to the railway station, buses and central services, which is more akin to these other town centres. The Highway Authority has not rejected this approach in its response.

Table 4 below shows parking demand according to the PBZ 5 parking rates. This produces a lower number of vehicle spaces, 181no. The total of 97 cycle spaces is constant for all zones.

Table 4: Parking Demand according to PBZ rates.

Land Use	Expected parking demand	Disabled parking	EV parking	Medium cycle parking
1 bedroom apartments (×80)	48	2	16	40
2 bedroom apartments (×103)	113	6	37	52
Commercial space (586m ²)	20	1	N/A	5
Total	181	9	53	97

By comparison with the PBZ-based figures, the proposed 81no. vehicle parking spaces represent an under-provision of between 100 and 125no. (against PBZ 5 & 3 rates respectively). Conversely, the number of wheelchair spaces (12) represents 15% of spaces, which is well in advance of the 5% (4no.) minimum recommended in the Guidance. Cycle parking (242 spaces) are also well in advance of the recommended 97no.

Another method for the calculation of demand, which is stated in the County Guidance, is by the use of local data and forecast changes. This approach was considered in the recent assessment of parking proposals for the Civic Centre site (AWDM/1450/21), opposite the current application site. In this instance the use of 2011 Census data for central parts of Shoreham indicated that car ownership rates in the existing population vary between

dwelling size, location and tenure. These 2011 rates had barely changed in the decade up to 2011. Ownership rates in town centre flats were 0.7 per dwelling but 0.52 per dwelling for flats which are rented or in shared ownership.

If these rates are applied to the proposed development, using the respective private ownership (0.7/dwelling) for 128no. of the proposed flats and shared ownership/rented (0.52/dwelling) for the proposed 55no. affordable homes, the following result is produced:

128 market homes	x 0.7 =	89.6 vehicles
55 rented/shared ownership	x 0.52 =	28.6 vehicles
Total		118.2 vehicles

The difference between this evidence-based method and the proposal gives a lesser shortfall of 37 spaces (118 - 81) by comparison with the 100 and 125no. shortfalls of the PBZ methods. Whilst noting the wide divergence between the results of these different demand calculation methods, the conclusion in each case is that there is a significant underprovision in the current proposal.

The proposed provision represents a rate of 0.44 vehicle spaces per dwelling. By comparison other new residential developments in the vicinity show a range of rates: 0.36 at the Civic Centre, 0.79 at Free Wharf and 0.31 at the Mannings in Surry Street. The proposal falls within the range of these rates.

There is no provision for commercial parking, which it is assumed would be provided by town centre and roadside car parking, in common with many existing town centre shops and businesses.

in common with those other developments, the applicant advocates the 0.44 rate of parking spaces on the basis of:

- the accessibility of the site to public transport and local services, which facilitates lesser car reliance
- the opportunity to provide car club presence in the development, along with a period of paid membership
- A travel plan to promote the use of public transport, to which the Highway Authority also recommended the provision of £150 sustainable travel vouchers, and provision for a second round of these depending on the degree of transport behaviour change revealed by a five year period of monitoring
- the significant amount of additional cycle parking space.

It is also relevant that JAPP Objective 5 and Policy CH4 state the expectation that developments should: *'promote sustainable transport choices through ensuring that new developments are well served by high quality, integrated and interconnected networks, improved pedestrian, cycling and public transport routes and seeking to reduce demand for travel by private car in innovative ways'*. Local Plan Policy 28 also views the provision of

levels of car and cycle parking as complementary to the promotion and provision of new sustainable transport alternatives or mitigation of impacts, including consideration of impact on-street parking.

The proposal adopts a similar approach to other nearby high density residential schemes, which rely upon proximity to the town centre and existing car ownership rates to support lower vehicle parking provision. Part of this approach is also in the provision of sustainable alternatives. A key part of this is the inclusion of a car club. Details of the number of spaces and vehicles are awaited; it is noted that a minimum of two is acceptable to the Highway Authority, but a greater number would increase the prospects of uptake, both by future residents of the development, and existing residents in the area or other future neighbouring developments can be arranged.

The question of access for existing and other residents to the basement car club spaces will need to be addressed in a way which does not affect site security, for example, the large number of cycles which are to be parked on stands in the basement (and which may be more sensibly contained in their own enclosed space therein).

Furthermore, it is noted that car club spaces will further reduce the number of spaces available for private cars, the number of which is already impacted by the 12no. additional parking spaces which are proposed above the minimum 4no. recommended by County Guidance. Some reassignment may be required in order to achieve a suitable balance for all users. A planning condition can be required to determine this balance and the location of both wheel-chair user and car club spaces.

In summary, it is considered that the proposal is consistent with other schemes which have used a mixture of lower parking provision rates alongside car clubs and sustainable travel plans, to promote lower reliance upon private cars in accordance with policies. As such the proposal builds upon the strength of the accessible location at the intersection of town centre and harbour area.

Finally, it is noted that charging for electric vehicles is included; 27 would be live and all others would be provided with ducting/cabling to allow for later provision. Whilst the amount of live provision may be increased due to the effect of recent Building Regulation changes, the number of live charging points should be increased to at least 30no, in order to meet with the target 37% sought in County Guidances for development approved in 2022.

Flood Risk & Drainage

Flood Risk

The site lies within Flood Zone 3, which equates to a risk factor of a 1 in 200 year risk of tidal flooding from the river or 1:100 year risk from other sources, although tidal is the principal risk factor here. In accordance with NPPF, the allocation of the site for development, including commercial and residential uses via the Local Plan and Area Action Plan formulation and adoption processes, has undergone a sequential flood risk. This has identified the suitability of the site for development, subject to certain ('exceptions tests')

requirements.

These include a requirement for development to be flood defended, with floor levels set at heights appropriate to each type of use, as identified by the Environment Agency. Escape routes are also required and building resilient design is recommended, particularly at ground floor. The current planning application is accompanied by a Flood Risk Assessment which describes how these exception test requirements are met.

This explains that based on predicted flood water levels of 5.08m, residential floor levels are to be 6.2 mAOB for residential and 4.4 mAOB for commercial, as required by the Environment Agency. Public realm and paths at the northern half of the site would be set at 5.60mAOB in order to provide safe means of escape, this would extend to the doorway of the southern riverside block (located on its northern end).

By comparison with the existing levels of the site, which are 3.7m AOB in Brighton Road and slightly higher at the River edge (4.4m), this means that new ground level within the site will be between 1.2m - 1.9m above existing ground level. This is achieved by the use of a two stage shallow ramp at the central pedestrian access, (which is also available as access for emergency vehicles). Figure 17 shows this arrangement, the raised counters shown in black (Brighton Road is to the right of the image, the proposed buildings are not shown)

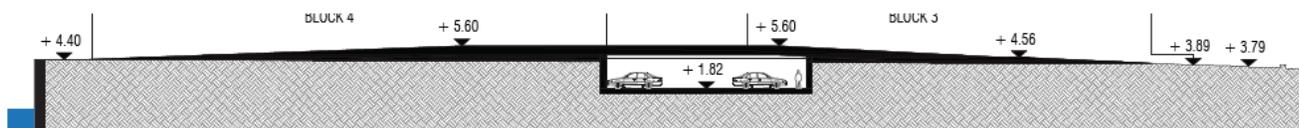


Fig. 17: Flood Defended Ground Contouring

These arrangements provide for safe refuge in proposed homes. Commercial premises, set at a lower floor level are less defended, but in accordance with National Policy are regarded as less vulnerable, this arrangement is agreed by the Environment Agency but mitigation in the form of demountable flood defences may be accommodated within Flood Management & Escape Plan, as a condition of planning permission. Other measures include flood resilient air vents and drainage valves, solid floods at ground floor level and raised electrical sockets.

In the basement car park escape stairs and signage are proposed. A flood door at the street entrance to the basement is also proposed, details of which have been requested, and can be subject of a planning condition mindful of the recommendation of the Environment Agency to ensure suitable water pressure resistance and, in visual terms, the potentially conspicuous position this would occupy in the street frontage.

Evacuation of the site through the adjoining Free Wharf is also provided by the eastern footpath at figure 14, confirmation has been sought that this is acceptable to the adjoining owner.

Surface Water - sustainable drainage

Surface Water drainage is proposed to discharge mainly directly to the river via three outfall pipes set at heights which are variously at or below existing ground level. This accords with the Over-The-Wall sustainable drainage (SuDS) approach encouraged by the County Lead Local Flood Authority. The SuDS approach meets requirements of Local Plan policy 36 and SH6 of the JAAP .

Following requests of the Council's Drainage Engineer, the availability of on-site surface water storage capacity has been clarified. This comprises an extensive area of permeable surface and base material in the central courtyard and site entrance, where raised site levels are above predicted floodwater height. This allows stored water to flow into the surface water system and eventually the river as floodwaters retreat from the less defended southern part of the site.

Forecourt drainage at the site frontage is indicated to connect into the existing surface water system. A modest underground storage tank is also proposed to store and attenuate the outflow, in accordance with SuDS principles.

The basement parking area would be membrane-lined as part of the proposed ground remediation strategy, in order to minimise risk of any residual contaminants passing into surface water drainage. Also mindful of pollution risks to marine waters, as highlighted in the adopted marine plan referred to in the MMO consultation response, petrol interceptors and trapped gullies within the drainage system would also form part of the water pollution management.

Foul Water

Foul drainage currently passes to the public combined sewer in Brighton Road, to the north east of the site. The proposal for the separation of much of the surface water outflow reduces the degree of impact of the development on this system and Southern Water has confirmed its acceptance of the drainage assessment which shows no flows greater than existing levels.

It is noted that foul water drainage from Block 4 may either be pumped or routed through pipework in the basement, although this second option presents a risk that pipework would be exposed and potentially vulnerable to damage. Confirmation has been sought as to future management of any pumped system, with assurance that this will be either the responsibility of the owner / management company, or would be transferred to a statutory undertaker.

Other Matters

Ground Remediation

The application is accompanied by a first stage 1 ground investigation report. The

Environmental Health officer agrees with its findings concerning the presence of ground contamination. Planning conditions are recommended akin to those used and executed at the neighbouring Free Wharf site, for further investigation and remediation, followed by verification of completed remediation. This dovetails with conditions recommended by the Environment Agency, for protection of groundwater during construction, including details of any piling works to be approved.

Fire Safety

The Health and Safety Executive (HSE) has requested a Fire Statement, based on the amended plans. This is due to be submitted imminently. Consultation with the HSE to ensure it is satisfied, can be undertaken under delegated authority.

Air Quality - new info received

The site is within 30m of the Shoreham Town Centre Air Quality Management Area to the west. An air quality assessment has been received, which identifies the degree of additional air impact arising from the increased vehicle trips (those of the peak periods referred to in the Traffic Impact section of this report, and estimated vehicle movements throughout the remainder of the day).

The transport consultant has advised that the daily amount has been revised. Consequently the air quality impact calculations, which identify the need for and quantum of counter balancing air quality impact mitigations, or payment for these to be undertaken, is being revised for resubmission. An update will be given.

According to very recent further information, It is noted that levels for particulate matter (PM 2.5 &) are currently predicted to be within National Air Quality Objective levels. Changes in NO₂ levels are said to be negligible or slight at 3 sample locations in New Road and moderate at one location in Brighton Road, close to Humphreys Gap, although this is said to be due primarily with the combined effect of other developments with the proposal.

This further information is currently with the Environmental Health officer for comment and will also require the revised impact calculations. An update will be given.

Employment & Skills

As a major new development, the proposals are an opportunity for liaison with local colleges for the provision of training opportunities during the construction period, and with local employment services to encourage uptake of local labour and skills as well as local procurement of services where possible. In common with other development in and close to the regeneration area, an employment, the applicant has agreed to the inclusion of an employment and skills plan, to encapsulate these measures as part of a s.106 agreement

Art

In accordance with the Council's Infrastructure Guidance document of 2013, the development would include provision for art. This can be secured through the s.106 agreement, with a parallel planning application to require details to be agreed. This may further enhance the public realm at the site or other locations nearby

Infrastructure & S106

As stated earlier the introduction of a Registered Provider has enabled the developer to offer all the requested development contributions as set out in the table below. The only element still being negotiated is a reduction in the highways contribution to reflect the loss of land being offered for the segregated cyclepath. Although development is coming forward at a higher density than originally anticipated in the JAAP, at the present time the overall numbers approved for the Western Harbour Arm remain within the minimum set - 1,100 and as the developer is meeting all contribution requirements there can be no objection on the grounds of a lack of supporting infrastructure.

Whilst, a number of residents and community groups have questioned the lack of infrastructure coming forward in parallel with recent developments that are being built along the Western Harbour Arm, it should be noted that the adopted JAAP and supporting studies recognised that there would be a time delay with any supporting infrastructure as sufficient funds would need to be accumulated over time to undertake significant improvements.

In terms of transport, the mitigation measures identified in the 2017 Transport Study (which supported the Local Plan allocations) included works to 6 junctions to improve capacity and a variety of sustainable transport improvements. Three of these junctions are on the A27 and the only junctions to be directly improved as a result of Shoreham Harbour developments were the Norfolk Bridge and Hangleton/A27. The County Council is currently pursuing detailed designs for the Norfolk Bridge junction and further public consultation is planned. National Highways have been asked to provide an update on the A27 junctions but these are likely to be delayed pending final plans for the Worthing to Lancing improvement scheme for the A27.

The biggest single intervention being proposed is the segregated cyclepath along the A259. However, this can only be delivered once all sites have been built out and frontage land secured. The segregated cyclepath would also require additional funding to ensure its delivery and current Active Travel funding might be an option to address the shortfall. Again public consultation on the more detailed design for this route is expected later in the year.

In terms of other infrastructure projects the County Council has indicated that current pupil numbers would not require an additional primary school but that funds are still being collected to increase primary provision in the future if required. In terms of Secondary provision there are plans to expand Sir Robert Woodard to meet increased demand for Secondary schools places within the District.

Contributions for health and libraries are being collected to improve facilities at Pond Road. Members will be aware that improvements to the library and medical centre here are long overdue but are still hampered by viability issues. Further s106 contributions from major developments approved recently will improve the viability situation but other options rather than complete redevelopment are currently being investigated.

A contribution is also required for open space and recreation needs which cannot be met on site; an initial figure of around £330,000 and a £60,000 maintenance has been estimated but further checking is necessary to verify or amend this.

The key issue here is that key infrastructure providers including Southern Water Services are not raising any objections to the proposed development and in all instances the relevant contributions to mitigate the impact of the development are being met. Whilst the concerns of the local community are appreciated, it is important to stress that new development cannot address existing infrastructure deficiencies but can only mitigate any additional impacts. Furthermore it is not within the developers gift to deliver off site infrastructure improvements.

Nevertheless, the Local Plan review will be reassessing some of the JAAP policies having regard to the density of development already approved along the Western Harbour Arm given that there is still approximately 40% of the allocation still to be developed. At the same time it would be important to review the previous mitigation measures proposed in light of current NPPF advice and determine whether there is scope to accelerate any infrastructure provision. A summary of s106 requirements is in Table 4 below.

Table 4: s.106 Obligations

	Obligation	Terms
	Highways, Access & Parking	
1	Highway Improvements Contribution	<ul style="list-style-type: none"> • £580k contribution towards measures included within the Local Plan and JAPP
2.	Highway Improvements A259 Cyclepath	<ul style="list-style-type: none"> • Either dedicate Cycle-Footpath land along A259 Brighton Road frontage on receipt of request from WSCC and/or • Uninterrupted public access pending transfer

3.	Car club	<ul style="list-style-type: none"> • Space for [x] cars • Procurement of a supplier to provide [x] cars • Paid membership per household for 2 years • £50 drive time per household
4	Car Park	<ul style="list-style-type: none"> • Car Park Management Plan to be agreed under planning condition prior to occupation • (Note: This is to ensure most effective practical uptake of all spaces if allocated and to minimise risk of 'locking-up' of unused spaces. It will include identification and maintenance of visitor parking, Car Club Spaces, and of EV charging points and ducting).
5	Travel Plan	<ul style="list-style-type: none"> • Appointment of Travel plan coordinator for five years • Liaison with County Council • Fees for County Council liaison (£3,500)
6.	Riverside Access	<ul style="list-style-type: none"> • Uninterrupted public access to riverside walk including interior of site from Brighton Road to riverside • Connection of Riverside Path to adjoining sections of Riverside Path
	Housing	
7	Affordable Housing	<ul style="list-style-type: none"> • Provision of at least 30% / 55no. Affordable Homes, comprising 75:25 Affordable Rented: Intermediate Tenures. • Affordable size mix : To reflect market housing mix. • Affordable Rented Definition [social rent or rent set at LhA levels] • Nominations for Affordable Rented according to using Council's Standard Nominations agreement
	Other Obligations	

8.	County Infrastructure* (non-highway)	<ul style="list-style-type: none"> • Education (primary) £128,423 • Education (secondary) £138,218 • Education (six form) £32,378 • Libraries £58,090 • Fire and Rescue £4487 <ul style="list-style-type: none"> • Sums to be reviewed and updated after 3 months of Committee resolution
9.	Health	<ul style="list-style-type: none"> • Financial Contribution £214,517
10	OpenSpace & Recreation	<ul style="list-style-type: none"> • Financial contribution [£x] for provision of public open space or Improvements and recreation works within []
11	AirQuality Mitigation	<ul style="list-style-type: none"> • Payment of [£xx.] prior to occupation unless it is first agreed that air quality mitigation measures have reached or exceeded that value.
12	Public Art	<ul style="list-style-type: none"> • TBC
13	District Heating	<ul style="list-style-type: none"> • Provisions for connection to Shoreham Harbour District Heating System.
Site Management		
14	Site Management	<ul style="list-style-type: none"> • Car Park Management and Servicing Plan • Secure cycle stores to be maintained • Implementation of Travel Plan • All common areas to be maintained, including watering and pruning; • Sustainable drainage, including arrangements for maintenance and end-of-life replacement. • Maintenance of acoustic glazing and associated ventilation/ventilation systems • Green roofs and other landscaped areas on buildings • On-site heating system • Footpaths, including Riverside path • Bin stores and litter bins

15	Local Procurement and Skills	<ul style="list-style-type: none"> ● Employment & Skills Plan to be agreed pre-commencement ● To include provisions for working with local learning, skills and employment group (s) and/or colleges and/or training establishments, in order to procure local labour and arrange apprenticeship(s) and skills training during the construction phase. ● Implementation in liaison with Council's Economy & Skills Officer
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Conclusions

The application provides mixed use development and a range of new dwellings, including the policy compliant affordable housing element, as required by JAPP and Local Plan policies, it is also with the minimum target for the number of new dwellings in the Western Harbour Arm and the size mix is reasonably close to identified needs.

The scale of development is generally consistent with developments already approved, and with the slight exception for the riverside block, the frontage heights are in keeping with the general policy aim for up to five storeys, which does not preclude occasional additional height, as approved at Kingston Wharf. The wider landscape impact is also considered acceptable in the context of other harbourside developments and sufficiently remote from the town centre such as not to harm the setting and predominance of the grade I listed St Mary De Haura.

In design terms the riverside element is very similar to the approved neighbouring Free Wharf development, with spacings which are close to those already seen. The Brighton Road frontages, with their distinctive ground floor arcades and tired upper floors, will add to the emerging character of Brighton Road. The new public realm within the site, comprising the imaginatively landscaped and historically referenced design and tree lined route, will provide a valuable link and a new urban space to the intersection of the town centre and the new riverside environment.

Traffic and parking impacts are acceptable in highway terms, subject to important sustainable transport provisions, including a car club offer which may serve both the future residents of the site and the wider population, potentially including existing residents.

Noise impacts can be adequately managed via glazing and suitable ventilation; the applicant has confirmed that this can include mechanical ventilation, as this report is being concluded. Whilst there are some impacts on neighbouring daylight and privacy, these are considered to be relatively minor and some degree of unavoidable in the new harbourside developments promoted by the Area Action Plan.

Whilst there are some remaining detailed matters to settle, such as the fire safety response,

air quality update, open space contribution and the outcome of the current highway Authority discussions, these are capable of resolution under delegated authority.

In summary, the planning balance, considering the merits and impacts of the development, including the provision of housing to assist in realisation of provision for identified needs, which has added weight under the NPPF, is considered to support a grant of approval.

Recommendation

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

- i) The receipt of satisfactory comments from the Highway Authority, HSE and Environmental Health;**
- ii) 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:**

Subject to conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

[Insert drawing numbers]

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

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

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

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 repair 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 any 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.*

Commercial Units - Uses and limitations

9.
 - i) The commercial spaces hereby approved shall not (with the exception of the unit to be used for deliveries under condition [x] of this permission) be used other than for purposes within Class E Town and Country Planning (Use Classes) Order 1987, (as amended) 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 they shall not be used for any other purposes whatsoever.
 - ii) Prior to the commencement of any use within Class E for any indoor sport, recreation or fitness or any creche, day nursery or day centre, details shall be submitted to and approved in writing by the Local Planning Authority including hours of use, measures to minimise risk of noise and disturbance to neighbours or occurrence of odours, measures to minimise and control traffic and deliveries and anticipated numbers of staff and visitor and customers. These uses shall only operate in accordance with the details approved by the Local Planning Authority

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

Commercial Units - Hours

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

Monday – Saturday 07:30 – 23:00

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

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

Commercial Units - 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 commercial spaces has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors.
- b) Before the residential units are occupied a test shall be undertaken to demonstrate compliance with this level and submitted to and approved in writing by the Local Planning Authority.

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

12. Commercial Units - Ventilation & Amplified sound

- i) No kitchen for the preparation of hot food shall be installed in any commercial space unless details of means, plant or equipment for the extraction and disposal of cooking odours have been submitted to and approved in writing by the Local Planning Authority.
- ii) No external fixed plant serving 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 or outside the commercial spaces terrace shall

be used until details have been submitted to and approved in writing by the Local Planning Authority, including proposed hours of its use and to ensure that any sound level measured 1m from any speaker or equipment shall not exceed 75dB(A) LAeq 1 min.

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

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

Commercial Units - Advertisements

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

Reason: *In the interests of visual amenity and in consideration of the site prominence, the setting of the nearby conservation area and listed buildings, 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 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.*

Car-Park Barrier

16. 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

17. 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

18. No part of the development shall be first occupied until Electric Vehicle Charging spaces and ducting/cablings 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

19. 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

20. 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.*

Access only for Service & Emergency Vehicles

21. Other than vehicular access to the basement car park, no vehicles or deliveries, other than service and emergency vehicles, shall access into other parts of the site. Details of physical obstructions and /or barriers and signage to prevent unauthorised vehicular access shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the site and shall be implemented and permanently maintained and adhered to thereafter.

Reason: *To manage vehicular access in the interests of highway and pedestrian safety and amenity to avoid traffic within the interior of the site, other than emergency and service vehicles in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Deliveries

22. Details of arrangements for the use of one of the commercial units at the front of the site to receive deliveries to the site, for the benefit of site occupiers, shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the site. Thereafter the unit shall only be used for this delivery purpose and for no other use.

Reason: *To manage deliveries to in the interests of the safety and free flow of vehicular traffic and due to the need to avoid other traffic within the interior of the site,*

other than emergency and service vehicles in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.

Wheelchair access – apartments and all external areas

23. 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

24. 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

25. The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment ('FRA') (entitled 'Flood Risk and Drainage Strategy', Project Ref: 332510124/4001, Revision C, dated July 2021, by Stantec) and Technical Note (Technical Note, Job No: 332510124/4001, Note No: TN006, dated March 2022, by Stantec) and the following mitigation measures detailed therein:

- i. Finished floor levels of the residential properties must be set no lower than 6.2 mAOD (Sections 6.2.8 and 10.2.1 of the FRA).
- ii. Finished floor levels of the commercial units must be set no lower than 4.4 mAOD (Item 5 of the Technical Note, pages 5 and 6).
- iii. New flood defences for this site (Appendix F of the FRA) must be built at the height of 5.6 mAOD or higher (Section 6.2.4 of the FRA).
- iv. There must be at least 5 metres of unobstructed space between the river wall and the development to provide access for emergency and maintenance purposes (Item 3 of the Technical Note, pages 3 and 4).

- v. The footpath connecting the development to the neighbouring Free Wharf development site to the east shall be set no lower than 5.6 mAOD (Sections 6.3.4 and 10.2.1 of the FRA).

These mitigation measures shall be fully implemented prior to occupation of the development and subsequently in accordance with the scheme's timing/phasing arrangements. They shall be 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, in accordance 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.*

Repairs to existing steel sheet pile wall

- 26. The development hereby permitted shall not be occupied until such time as the identified repair works in the Technical Note (Technical Note, Job No: 332510124/4001, Note No: TN006, dated March 2022, by Stantec) item 2, page 2 to Steel Sheet Piles (SSP) wall along the river frontage have been completed.

Reason *Repairs must be undertaken to make river walls fit for purpose prior to any occupation of the site to protect future residents from flood risk in accordance 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*

Demountable flood defence barrier/flood gate for basement car park

- 27. The development hereby permitted must not be commenced until such time as a specification for the demountable (or other type of) flood defence barrier/flood gate for the basement car park, details of the level of protection it will provide and a schedule for maintenance and inspection of the demountable flood defence barrier/flood gate once installed has been submitted to, and approved in writing by, the Local Planning Authority.

Reason. *Further details of the type of barrier/flood gate are required, including the expected level of protection it will provide before installation to ensure it will be adequate in accordance 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

- 28. Prior to the occupation of any phase or part of the development, a Flood Risk

Management Plan for each phase or part of the development 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, including the provision of any escape routes contained in the Flood Risk Management Plan and shall be permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.

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

Temporary Floodrisk Management

29. 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

30. 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

31. 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 and intercept 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, were 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

32. 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

33. 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

34. 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

35. 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

36. 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 para 174 of the National Planning Policy Framework 2021, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Piling Works & Contamination

37. 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

38. 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

39. a) The development hereby approved shall incorporate the following sustainable energy and heat management measures, in accordance with the details in Energy & Sustainability Statement by Daedalus, dated July 2022, submitted with the current application:
- Energy efficient building fabric,
 - LED internal & external lighting,
 - Provision of Air Source Heat Pumps and associated space and water heating systems, including a wet heating system
 - Mechanical Ventilation with Heat Recovery System (MVHR), with summer bypass
 - Building Energy Management Systems,
 - Efficient water goods and fixtures to achieve <110L/Person/day.

Prior to development above ground level, updated calculations, including any updating of overheating and ventilation calculations and information, shall be submitted to and

approved in writing by the Local Planning Authority, in order to demonstrate the CO2 and Energy efficiencies of the Energy & Sustainability Statement.

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

b) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target CO2 reduction below the baseline model including renewable energy, as identified in the submitted Energy & Sustainability 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

40. Prior to the commencement of development above slab level, details of noise and vibration mitigation, including acoustic glazing, mechanical ventilation and heat recovery systems together with an updated overheating assessment, 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.*

41. Noise Mitigation and Ventilation - Verification

No development shall be occupied until all noise mitigation and ventilation approved under condition [x] above has been completed and details of the post implementation independent verification have been submitted to and 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

42. 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 [x] 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

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

[insert drawing number]

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

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

Aerials / Antennae

44. Prior to the occupation of each individual building, details of any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to

and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas which are visible from outside the site, unless details have first been submitted to and approved by the Local Planning Authority.

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

Obscure Glazing

45. *To bathroom and other windows as necessary detailed wording to be provided*

Fire Hydrants & Water Supply

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

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

Construction Environment Management Plan - Development

47. 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

- i) 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

48. 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*

Archaeology

49. Prior to commencement of enabling works an archaeological investigation of the area subject to those works, including below ground and investigation and recording of the existing flint building on the site, shall be carried out at the expense of the developer in

accordance with a specification (written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing before the commencement of building works, excluding demolition.

Reason: *To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works. Policy: National Planning Policy Framework paragraphs 204-205; Adur Local Plan 2017 Policy 16.*

50. Any other appropriate conditions



Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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

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.