

<b>Application Number:</b>	AWDM/1315/22	<b>Recommendation - Approve subject to completion of a Deed of Variation to the original s106 Legal Agreement.</b>
<b>Site:</b>	Free Wharf, Brighton Road, Shoreham-by-Sea	
<b>Proposal:</b>	<p>Application to vary condition 1, 23, 26 and 34 of previously approved AWDM/1497/17 to incorporate:</p> <ul style="list-style-type: none"> <li>i) 39 additional homes (together with 8no subject of previous application AWDM/2037/20) to give a new total of 587 homes</li> <li>ii) associated changes to profiles of riverside blocks A-F (heights unchanged);</li> <li>iii) reduce commercial space (Class E a, b, c and g) to 2,163sqm;</li> <li>iv) reduce the level of car parking to 381 residential spaces and 24 commercial spaces, with provision of car club</li> <li>v) reuse of existing sheet piling to support riverside walkway (omitting need for approved posts)</li> <li>vi) revised energy strategy.</li> </ul> <p>Also, design amendments to blocks G and H, increasing overall height of block G by 1.08m (previously subject of applications AWDM/2037/20 and AWDM/1952/20). The application is accompanied by an Environmental Statement.</p>	
<b>Applicant:</b>	Southern Housing Group	Ward: St Mary's
<b>Agent:</b>	Davies Murch	
<b>Case Officer:</b>	Stephen Cantwell	

The Officers presented the report explaining that this was an application that sought to make some amendments to a previously approved application and then clarified those amendments.

Members had questions for the Officers regarding -

- Humphreys Gap, rights of way and mooring points.
- Car parking and car club spaces.
- Rational behind the colour choices for the exterior of the proposed development.
- Census data.
- Street Piling.

There was one registered speaker who gave a representation, on behalf of AREA, objecting to the application. He raised concerns regarding -

- Increase air pollution at the northern end of Humphreys Gap
- Drainage
- Infrastructure
- Southern Water's ability to discharge waste water from these new dwellings.

There was one registered speaker, the agent, who gave a representation in support of the application.

Members had questions for the agent and applicant regarding -

- The letting of the commercial spaces.
- Viability of the development.
- The estimated timescale of the development.

During debate Members commented on

- The favourable change in energy source plans.
- The favourable increase in car club spaces and the need for a condition to specify a minimum amount of spaces to be provided
- The need for a condition specifying that the riverside access to be provided at the southern end of Humphreys Gap be suitable for all river users.
- Concerns that the affordable housing was not sacrificed if the development became unviable.
- Density and drainage issues.

**Decision** - Revised recommendation **AGREED** subject to additional conditions requiring the minimum provision of 6 vehicles by the nominated car club operator upon occupation of the 287th dwelling and the provision of the pontoons prior to the occupation of the last dwelling. Condition relating to the access to the water from Humphries gap to be amended to ensure access for a variety of water sport users.

Following the completion of the DoFV planning permission to be granted subject to the following conditions

### **Approved Plans**

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 plans]

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

### **Approved Documents**

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

[Insert documents previously approved under discharges of condition to AWDM/1497/17, including drainage, remediation, archaeology, etc.]

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

### **Quantum of Development**

3. The development hereby approved shall not exceed to following total development:

- i) 587 residential units;
- ii) 2,163sqm of commercial floorspace (Class E);
- iii) 381 residential car parking spaces;
- iv) 26 commercial car parking spaces
- v) Up to 12 car club spaces; and
- v) 596 cycle parking spaces.

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

### **Riverside Path**

4. Prior to construction of the riverside walkway, details including engineering specifications, shall be submitted to and approved in writing to the Local Planning Authority to demonstrate that it is structurally sound and has an unimpeded width of at least 4m throughout; also to provide for any access and mooring opportunity at the public viewing deck to the south of Humphrey's Gap. The development shall only be implemented in accordance with these details.

**Reason:** *In order to ensure a suitable standard and resilience of development and to enhance access and recreation value of the river and riverside.*

5. Prior to commencement of works on phases 2 & 3 of the development an updated Construction Management Plan in respect of these works 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 storage of plant and materials used in construction of the development,
- f) the erection and maintenance of security hoarding,
- g) 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),
- h) 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.*

### **Phasing Programme**

6. Prior to commencement of phases 2 & 3 of the development, a more detailed phasing programme shall be submitted to and agreed by the Local Planning Authority, setting out a list of planning conditions which shall be submitted in accordance with that phasing programme.

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

### **Construction Management Plan**

7. Prior to the construction of phase 2 & 3 development an updated Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
  - the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - details of public engagement both prior to and during construction works.

**Reason:** *In the interests of highway safety and the amenities of the area.*

### **Drainage As Built Details**

8. Immediately following implementation of the approved surface water drainage system and prior to occupation of each phase of the development, as-built drawings of the implemented scheme together with a completion report prepared by an independent 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 maintained in perpetuity.

**Reason:** *To ensure adequate foul and surface water drainage,*

### **Remediation Verification**

9. Following completion of site remediation measures identified in the

approved remediation scheme [reference] a verification report must be submitted to and approved in writing of the Local Planning Authority.

**Reason:** *To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 34 of the Adur Local Plan. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.*

### **Water Efficiency**

10. The development will be required to meet the optional water efficiency requirement of 110 litres per person per day as set out in Part G2 of the Building Regulations. No above ground works, excluding Enabling Works, shall commence until details of the developers approach to meeting this requirement have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** *To comply with Policy 18 of the Adur Local Plan and Policy SH1 of the Shoreham Harbour Joint Area Action Plan 2019.*

### **Materials and Details**

11. No above ground works, excluding Enabling Works for phases 2 & 3, shall take place until the following details shall be 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 approved details:
  - a) particulars and samples of the materials to be used on all external faces of the building;
  - b) details of all elevations to show typical details of all external components including details of drainage;
  - c) details of the balconies and wind mitigation measures including details of drainage;
  - d) details of ground floor elevations including entrances;
  - e) details of escape doors, gates, doors bin storage entrance and bicycle storage entrance;
  - f) details of soffits, hand rails and balustrades;
  - g) details of ground level surfaces including materials to be used;
  - h) details of external lighting attached to the building including anti-collision lights, lighting to the soffits and lighting to pedestrian routes;
  - i) details of plant and ductwork to serve the commercial uses;
  - j) details of ventilation and air-conditioning for the commercial uses;

**Reason:** *To ensure that the Local Planning Authority may be satisfied with*

*the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the policy 19 of the Adur Local Plan 2017*

### **Landscape, Public Realm and Play**

12. Prior to the commencement of any development in phases 2 & 3 above ground level, excluding Enabling Works, until details of the landscaping and recreation shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- a) Details of materials
  - b) Street furniture and lighting
  - c) Planters, tree pits and planting
  - d) A timetable for the implementation of the hard and soft landscaping,
  - e) A maintenance plan to ensure establishment of the soft landscaping.
  - f) Play area locations and play equipment

Development shall thereafter be carried out, and the planting maintained, in accordance with the approved details and timetable.

**Reason:** *To protect and enhance the character of the site and the area and to ensure that its appearance is satisfactory*

### **Travel Plan update**

13. No part of the development shall be first occupied until an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

**Reason:** *To encourage and promote sustainable transport*

### **Site Management, including Parking**

14. No part of the development shall be first occupied until such time as until
- i) a Servicing Management Plan and
  - ii) a Car Parks Management Plan

has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries associated with the residential and commercial uses. Once occupied servicing shall be carried out only in accordance with these approved plans.

**Reason:** *To safeguard the operation of the public highway.*

### **Low Emission Vehicle Charging**

15. Prior to the basement car parking being brought into use, a plan shall be submitted to and approved by the Local Planning Authority detailing measures to incorporate facilities for charging plug-in and other ultra-low emission vehicles that will be provided in the public and private parking areas. The approved plans shall be implemented thereafter.

**Reason:** *In accordance with Paragraph xx of the National Planning Policy Framework.*

### **Access - Detailed Implementation**

16. No part of the development shall be first occupied until such time as the vehicular accesses, including the provision of advanced stop lines at the A259 Eastern Avenue traffic signals, has been constructed in accordance with the details indicatively shown on drawing number 5910-GA-002 revision I.

**Reason:** *In the interests of road safety.*

### **Car Parking Provision**

17. No part of the development shall be first occupied until the car parking spaces serving that respective part of the development have been constructed in accordance with the approved plans, including phasing plans. These spaces shall thereafter be retained at all times for their designated use.

**Reason:** *To provide car-parking space for the use.*

### **Trade & Service Vehicles**

18. No part of the development shall be first occupied until details of accommodation arrangements for the parking of all trade and service vehicles relating to both residents, commercial businesses and property maintenance activities within the site have been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be adhered to in perpetuity.

**Reason:** *In the interests of road safety.*

### **Cycle Parking Provision**

19. No part of the development shall be first occupied until cycle parking serving that respective part of the development has been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

**Reason:** *To provide alternative travel options to the use of the car in*

*accordance with current sustainable transport policies.*

### **Noise - Attenuation**

20. The proposed commercial units sharing a party element with residential premises shall be designed and constructed to provide resistance to the transmission of sound. The sound insulation shall be sufficient to ensure that NR25 is not exceeded in the proposed residential premises due to noise from the neighbouring commercial premises and shall be permanently maintained thereafter.

A test shall be carried out after completion but prior to occupation of the commercial units to show the criterion above have been met and the results shall be submitted to and approved in writing by the Local Planning Authority

**Reason:** *To protect the amenities of occupiers of the building in accordance with the following policy of the Local Plan Policy 16.*

### **Waste & Recycling**

21. Prior to any of part of the development coming into use the communal waste and recycling areas as shown on the approved plans will be available for use by residents and arrangements made for waste collection and clearance.

**Reason:** *In the interests of Highway safety and neighbour amenity.*

### **Flood Risk Management**

22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than the above Ordnance Datum (AOD) identified within the FRA and approved drawings.

Basement car park flood defence and resilience measures, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/ phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

**Reason:** *The site is located partially within Flood Zones 3 and 2, according to our Flood Map. These indicate a high (0.5% AEP1) and medium (0.1% AEP) probability of tidal flooding, respectively. The 0.5% AEP (1 in 200 year) tidal flood level, including an allowance for climate change, is shown as 5.25m AOD. Furthermore, due to the close proximity of the site to the foreshore the*

*site in a severe storm scenario will be vulnerable to overtopping, white water flooding and windblown debris. The above condition is therefore required in order to reduce the risk of flooding to the proposed development and future occupants.*

### **External Lighting**

23. External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

**Reason:** *To safeguard the residential amenities of the local area in accordance with Policy 19 of the Adur Local Plan.*

### **Commercial Uses, including transport and parking requirements**

24 i) The commercial spaces hereby approved shall not be used other than for purposes within Class E Town and Country Planning (Use Classes) Order 1987, (as amended) 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 parking and access interests and 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.*

### **Retail Floorspace**

25 No more than a total of 553sqm of the commercial spaces hereby approved shall be used for retail purposes , and this condition shall apply notwithstanding the provisions of the 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

**Reason:** *To avoid an excess of retail use to minimise risk of conflict with parking and access interests, in accordance with policies 8 & 28 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

#### **Hours of Use** [amend to Class E Equivalents]

26. The commercial units shall only be open for trade in accordance with the following:

[A1/ A2] use class between the hours of 07.00 and 23.00 Monday to Saturday and 09:00 to 23:00 on Sunday. Any unit greater than 280 sq.m will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays

[A3/ A4] use class between the hours of 07.00 and 23.00 Monday to Thursday, 07.00 to 00.00 Friday and Saturday and 09:00 to 23:00 on Sunday. Any unit greater than 280 sq.m will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays.

[B1] use class between the hours of 07.00 and 23.00 Monday to Saturday and 09:00 to 18:00 on Sunday. Any unit greater than 280 sq.m will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays.

[D1] use class between the hours of 07.00 and 23.00 Monday to Saturday and 09:00 to 21:00 on Sundays

**Reason:** *To comply with Adur Local Plan Policy 16, and in accordance with the National Planning Policy Framework.*

#### **Delivery Hours**

27. Deliveries to the commercial units shall only be made between the hours of 07.00 and 20.00 Monday to Saturday and 09.00 to 18.00 on Sundays.

**Reason:** *To safeguard the residential amenity of the area in accordance with the Adur Local Plan.*

#### **Hours of Development Works**

28. Demolition and construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 09.00 hours to 14.030 hours on Saturday. There will be no construction on Sundays or Bank Holidays.

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 residential amenity of the area in accordance with Policy 19 of the Adur Local Plan.*

## **Energy**

29. The commitments in the approved Energy Strategy and Sustainability Statement Revision 1 *[insert]* shall be installed prior to the first occupation of the development and shall be implemented in accordance with the approved strategy and retained as operational thereafter.

**Reason:** *To ensure that the development incorporates renewable energy and contributes to meeting targets to reduce carbon dioxide emissions as set out in the approved Energy and Renewables Statement.*

## **Sustainable Energy - Verification**

30. a) The development hereby approved shall incorporate the following sustainable energy and heat management measures, in accordance with the details in [reference] submitted with the current application

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

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

b) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target CO<sub>2</sub> reduction below the baseline model including renewable energy, as identified in the submitted Energy Statement and confirming the installation of water goods and fixtures to achieve a target of <110L/Person usage/day. The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

**Reason:** *In accordance with the submitted application, to ensure that the development is sustainable and makes efficient use of energy, water and materials to achieve CO<sub>2</sub> 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*

## District Heating

31. No below ground work in phases 2 & 3, apart from the Enabling Works shall take place until the following details shall be 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 approved details:
- Details which identify the supply of all space heating and hot water in the buildings by a centralised, communal wet system
  - 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
  - Details of a safeguarded pipe run into, through, and out of the site to connect the plant rooms with the proposed heat network
  - A strategy to facilitate the connection of the network to the development; and
  - 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

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

32. The provision of a minimum of 6 vehicles by the nominated car club operator upon occupation of the 287th dwelling.
33. The provision of the pontoons prior to the occupation of the last dwelling. Condition relating to the access to the water from Humphries gap to be amended to ensure access for a variety of water sport users.