Adur District Council

Development Management

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London
TW7 6DH

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/1497/17

Details of Development
REDEVELOPMENT OF THE SITE TO PROVIDE TEN BUILDINGS, CONTAINING 540 NEW HOMES (OF WHICH TWO WILL BE STUDIOS, 179 X ONE BED, 323 X TWO BED AND 38 X THREE BED), 2,707SQM OF COMMERCIAL FLOORSPACE AT GROUND FLOOR LEVEL WITHIN USE CLASSES, A1 (RETAIL), A3 (CAFES AND RESTAURANTS), B1 (BUSINESS) AND D1 (NON-RESIDENTIAL INSTITUTIONS). THE DEVELOPMENT ALSO INCLUDES 512 PARKING SPACES, OF WHICH 438 WILL BE FOR RESIDENTS AND 74 WILL BE FOR THE COMMERCIAL SPACE/VISITORS, RECONSTRUCTION OF THE RIVER WALL, CONSTRUCTION OF MOORING PONTOONS AND OBSERVATION PLATFORM AT THE END OF HUMPHREY'S GAP, PROVISION OF A RIVERSIDE PEDESTRIAN/CYCLE ROUTE, AREAS OF SEMI-PRIVATE AND PUBLICLY ACCESSIBLE OPEN SPACE, INTERNAL ACCESS ROADS, 596 CYCLE PARKING SPACES AND ASSOCIATED ANCILLARY AREAS. THE APPLICATION IS A DEPARTURE FROM THE DEVELOPMENT PLAN. THE APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT.

Location of Development
FREE WHARF BRIGHTON ROAD SHOREHAM-BY-SEA WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 2nd October 2017.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

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Ref: AWDM/1497/17



Gary Peck
Planning Services Manager
09/08/2018

SCHEDULE

Conditions

01. 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.

Reference/Drawing Number		Version	Date Rec
Site Wide Drawings			
2052-00-DR-0001-P02	Existing Site Location Plan		
2052-00-DR-0002-P02	Existing Site Application Boundary		
2052-00-DR-0003-P03	Site Wide Block Plan		
2052-00-DR-0109-P03	Site Wide Lower Ground Floor GA Plan		
2052-00-DR-0110-P03	Site Wide Ground Floor GA Plan		
2052-00-DR-0111-P03	Site Wide Level 01 GA Plan		
2052-00-DR-0112-P03	Site Wide Level 02 GA Plan		
2052-00-DR-0113-P03	Site Wide Level 03 GA Plan		
2052-00-DR-0114-P03	Site Wide Level 04 GA Plan		
2052-00-DR-0115-P03	Site Wide Level 05 GA Plan		
2052-00-DR-0116-P03	Site Wide Level 06 GA Plan		
2052-00-DR-0117-P03	Site Wide Level 07 GA Plan		
2052-00-DR-0118-P03	Site Wide Level 08 GA Plan		
2052-00-DR-0119-P03	Site Wide Roof Plan		
2052-00-DR-0600-P02	Site Wide Elevations Riverfront and Roadside		
2052-00-DR-0601-P02	Site Wide Elevations Mid Site		
2052-00-DR-0602-P02	Site Wide Elevations Building A		
2052-00-DR-0603-P02	Site Wide Elevations B & H		
2052-00-DR-0604-P02	Site Wide Elevations D & H		
2052-00-DR-0605-P02	Site Wide Elevations E & G1		
2052-00-DR-0606-P02	Site Wide Elevations F & G		
Site Wide Bay Studies			
2052-00-DR-1600-P01	Building B Part North Elevation Bay Study 01		
2052-00-DR-1601-P01	Building B Part North Elevation Bay Study 02		
2052-00-DR-1602-P01	Building B Part West Elevation Bay Study 03		
2052-00-DR-1603-P01	Building B Part West Elevation Bay Study 04		
2052-00-DR-1604-P01	Building C Part South Elevation Bay Study 05		
2052-00-DR-1605-P01	Building D Part East Elevation Bay Study 06		
2052-00-DR-1606-P01	Building D Part East Elevation Bay Study 07		
2052-00-DR-1607-P01	Building D Part East Elevation Bay Study 08		
2052-00-DR-1608-P01	Building D Part East Elevation Bay Study 09		
2052-00-DR-1609-P01	Building E Part West Elevation Bay Study 10		
2052-00-DR-1610-P01	Building E Part South Elevation Bay Study 11		
2052-00-DR-1611-P01	Building F Part East Elevation Bay Study 12		
2052-00-DR-1612-P01	Building G Part West Elevation Bay Study 13		
2052-00-DR-1613-P01	Building G Part West Elevation Bay Study 14		
2052-00-DR-1614-P02	Building G Part North Elevation Bay Study 15		
2052-00-DR-1615-P02	Building H Part West Elevation Bay Study 16		

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Building A

2052-10-DR-0110-P01	Building A Ground Floor GA Plan
2052-10-DR-0111-P01	Building A Level 01 GA Plan (02-03 Similar)
2052-10-DR-0114-P01	Building A Level 04 GA Plan
2052-10-DR-0115-P01	Building A Level 05 GA Plan
2052-10-DR-0116-P01	Building A Level 06 Penthouse GA Plan
2052-10-DR-0117-P01	Building A Roof GA Plan
2052-10-DR-0600-P01	Building A GA Elevations

Building B

2052-21-DR-0109-P01	Building B Lower Ground Floor GA Plan
2052-21-DR-0110-P01	Building B Ground Floor GA Plan
2052-21-DR-0111-P01	Building B Level 01 GA Plan
2052-21-DR-0112-P01	Building B Level 02 GA Plan (03-05 Similar)
2052-21-DR-0116-P01	Building B Level 06 GA Plan
2052-21-DR-0117-P01	Building B Level 07 Penthouse GA Plan
2052-21-DR-0118-P01	Building B Roof GA Plan
2052-21-DR-0600-P01	Building B GA Elevations

Building C

2052-22-DR-0109-P01	Building C Lower Ground Floor GA Plan
2052-22-DR-0110-P01	Building C Ground Floor GA Plan
2052-22-DR-0111-P01	Building C Level 01 GA Plan
2052-22-DR-0112-P01	Building C Level 02 GA Plan (03-04 Similar)
2052-22-DR-0115-P01	Building C Level 05 GA Plan
2052-22-DR-0116-P01	Building C Level 06 GA Plan
2052-22-DR-0117-P01	Building C Level 07 GA Plan
2052-22-DR-0118-P01	Building C Level 08 Penthouse GA Plan
2052-22-DR-0119-P01	Building C Roof GA Plan
2052-22-DR-0600-P01	Building C GA Elevations

Building C1

2052-23-DR-0109-P01	Building C1 Lower Ground Floor GA Plan
2052-23-DR-0110-P01	Building C1 Ground Floor GA Plan
2052-23-DR-0111-P01	Building C1 Level 01 GA Plan
2052-23-DR-0112-P01	Building C1 Level 02 GA Plan (03-04 Similar)
2052-23-DR-0115-P01	Building C1 Level 05 Penthouse GA Plan
2052-23-DR-0116-P01	Building C1 Roof GA Plan
2052-23-DR-0600-P01	Building C1 GA Elevations

Building D

2052-24-DR-0109-P01	Building D Lower Ground Floor GA Plan
2052-24-DR-0110-P01	Building D Ground Floor GA Plan
2052-24-DR-0111-P01	Building D Level 01 GA Plan
2052-24-DR-0112-P01	Building D Level 02 GA Plan (03-04 Similar)
2052-24-DR-0115-P01	Building D Level 05 GA Plan
2052-24-DR-0116-P01	Building D Level 06 GA Plan
2052-24-DR-0117-P01	Building D Level 07 GA Plan
2052-24-DR-0118-P01	Building D Level 08 Penthouse GA Plan
2052-24-DR-0119-P01	Building D Roof GA Plan`
2052-24-DR-0600-P01	Building D GA Elevations

Building E

2052-31-DR-0109-P01	Building E Lower Ground Floor GA Plan
2052-31-DR-0110-P01	Building E Ground Floor GA Plan
2052-31-DR-0111-P01	Building E Level 01 GA Plan
2052-31-DR-0112-P01	Building E Level 02 GA Plan (03-05 Similar)
2052-31-DR-0116-P01	Building E Level 06 GA Plan
2052-31-DR-0117-P01	Building E Level 07 GA Plan
2052-31-DR-0118-P01	Building E Level 08 Penthouse GA Plan
2052-31-DR-0119-P01	Building E Roof GA Plan
2052-31-DR-0600-P01	Building E GA Elevations

Building F

2052-32-DR-0109-P01	Building F Lower Ground Floor GA Plan
2052-32-DR-0110-P01	Building F Ground Floor GA Plan
2052-32-DR-0111-P01	Building F Level 01 GA Plan
2052-32-DR-0112-P01	Building F Level 02 GA Plan (03-04 Similar)
2052-32-DR-0115-P01	Building F Level 05 GA Plan
2052-32-DR-0116-P01	Building F Level 06 GA Plan
2052-32-DR-0117-P01	Building F Level 07 Penthouse GA Plan
2052-32-DR-0118-P01	Building F Roof GA Plan
2052-32-DR-0600-P01	Building F GA Elevations

Building G & G1

2052-41-DR-0110-P02	Building G & G1 Ground Floor GA Plan
2052-41-DR-0111-P02	Building G & G1 Level 01 GA Plan
2052-41-DR-0112-P01	Building G & G1 Level 02 GA Plan (03-05 Similar)
2052-41-DR-0116-P01	Building G & G1 Level 06 GA Plan
2052-41-DR-0117-P01	Building G & G1 Level 07 GA Plan
2052-41-DR-0118-P02	Building G & G1 Roof GA Plan
2052-41-DR-0600-P02	Building G & G1 North & South GA Elevations
2052-41-DR-0601-P02	Building G & G1 East & West GA Elevations

Building H

2052-42-DR-0110-P02	Building H Ground Floor GA Plan
2052-42-DR-0111-P02	Building H Level 01 GA Plan
2052-42-DR-0112-P01	Building H Level 02 GA Plan (03-04 Similar)
2052-42-DR-0115-P01	Building H Level 05 GA Plan
2052-42-DR-0116-P01	Building H Level 06 GA Plan
2052-42-DR-0117-P02	Building H Roof GA Plan
2052-42-DR-0600-P02	Building H GA Elevations

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

02. The development hereby permitted shall begin before the expiration of five 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.*

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03. Prior to commencement of enabling works, full details shall be submitted to and approved in writing by the Local Planning Authority, which includes the following:

- Replacement of river wall sheet piling and construction of new permanent concrete river wall including associated permanent piling;
- Marine piling for river moorings and jetty;
- Boundary retaining walls and associated fencing / barriers;
- Excavation; remediation of possible contamination (including watching brief) and re-profiling of ground levels and piling mat;
- Diversion and laying of primary services, ducting and primary drainage; and
- Base layers of spine roads to assist with provision of clean access during main construction phase.

Reason: *To ensure that the proposed development is satisfactorily provided with required infrastructure in accordance with paragraph 156 of the National Planning Policy Framework.*

04. Prior to commencement of enabling works an archaeological investigation of the area subject to those works 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 135, 141; Adur Local Plan 2017 Policy 16.*

05. 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 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.

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

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Phasing Programme

06. Prior to commencement of any works on site, save for those identified as Enabling Works in Condition 03. to 05., a phasing programme shall be submitted to and agreed by the Local Planning Authority. The planning conditions 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 and Submission Version Joint Area Action Plan.*

Pre-Commencement Main Site Works Excluding Enabling Works

07. No development shall take place, excluding Enabling Works, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

08. No work except Enabling Works shall take place 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, the recommendations of the National Planning Policy Framework and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason: *To ensure that the proposed development is satisfactorily drained in accordance with Policy 36 of the Adur Local Plan 2017.*

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09. No works except Enabling Works shall take place until details of the proposed means of foul and surface water sewerage disposal 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 scheme.

Reason: *To ensure that the proposed development is satisfactorily drained.*

10. No works except Enabling Works shall take place until an investigation and risk assessment has been undertaken to establish if the site is contaminated and to determine the potential for pollution in accordance with the requirements of DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme 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.*

11. No work except Enabling Works shall take place until details of any foundation design using penetrative methods shall be provided to the Local Planning Authority to show that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: *To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the National Planning Policy Framework. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.*

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12. No below ground work, 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, though, 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 Proposed Submission Shoreham Harbour Joint Area Action Plan.*

13. An archaeological investigation of 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 135, 141; Adur Local Plan 2017 Policy 16.*

14. 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 Proposed Submission Shoreham Harbour Joint Area Action Plan.*

15. No above ground works, excluding 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:

a) particulars and samples of the materials to be used on all external faces of the building;

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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.*

16. Prior to the commencement of any development above ground level, excluding Enabling Works, details of the landscaping 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.

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.*

17. No 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 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.*

18. No part of the development shall be first occupied until such time as until a Servicing Management Plan for 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.

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Once occupied servicing shall be carried out only in accordance with the approved plan.

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

19. 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 34 of the National Planning Policy Framework.*

20. 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.*

21. 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. These spaces shall thereafter be retained at all times for their designated use.

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

22. 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.*

23. No part of the development shall be first occupied until details of a cycle route to Shoreham town centre as indicatively shown on drawing number 5910-GA-005B revision C have been submitted to and approved in writing by the Local Planning Authority.

    Reason: *In the interests of road safety.*

24. No part of the development shall be first occupied until cycle parking serving that respective part of the development have 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.*

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25. 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.*

26. The commitments in the approved Energy Strategy and Sustainability Statement Revision 1 dated 29th September 2017 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.*

27. 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.*

28. 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.

    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.*

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29. 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.*

30. Notwithstanding the provision of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any change of use of the following components of the scheme:

Building D - Restaurant (A3) 281 m² GIA
Building E - Restaurant (A3) 365 m² GIA
Building F - Restaurant (A3) 105 m² GIA; Yacht Facility (D1) 88 m² GIA
Building G&G1 - Office (B1) 1,326 m² GIA
Building H - Retail (A1/A2/A3/A4) 541 m² GIA

to any use other than Use Classes as detailed in the Town & Country Planning (Use Classes) Order 2010 (or any Order revoking or re- enacting that Order with or without modification).

Reason: *In order that the Local Planning Authority can retain control over further uses which it considers could be harmful to the vitality and viability of the designated centres in accordance with adopted Adur Local Plan 2017.*

31. 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 Sunday.

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

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32. 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.*

33. 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.*

Informatives / Notes to Applicant

01. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

02. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

03. Approval should be sought from the Environment Agency for a Flood Risk Management Plan

04. Consent from the Marine Management Organisation is required

Ref: AWDM/1497/17

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State online at https://acp.planninginspectorate.gov.uk or at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000).

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

7. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

8. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

9. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

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However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).