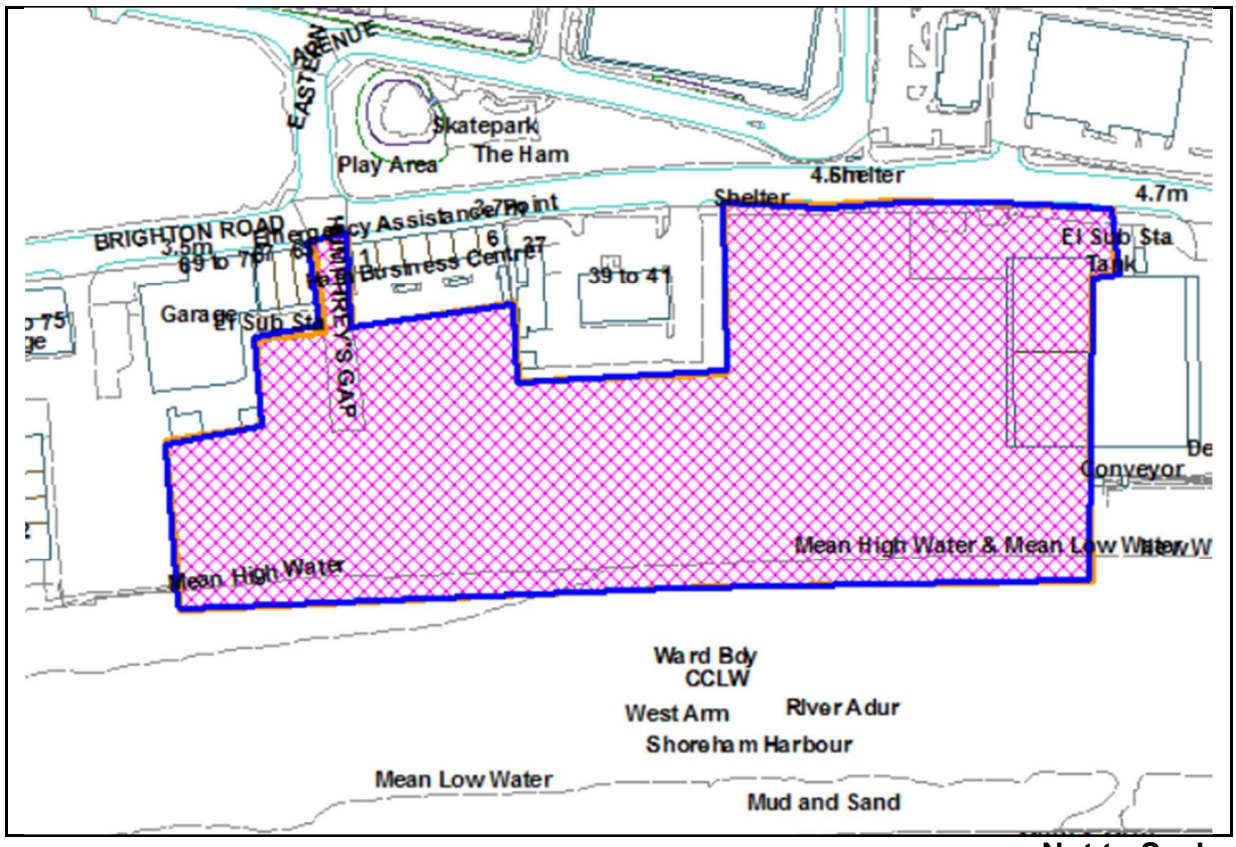
| | | |
|---|---|---|
| **Application Number:** | **AWDM/0558/21** | **Recommendation - Approve** |
| | | |
| **Site:** | **Free Wharf, Brighton Road, Shoreham-By-Sea** | |
| | | |
| **Proposal:** | **Application to Vary Condition 1 of previously approved AWDM/1497/17. Amendment: Change location of part of the basement under block G and H and redistributing to area under block A.** | |
| | | |
| Applicant: | Southern Housing Group | Ward: St Marys |
| Agent: | Mr Jon Murch - Davies Murch | |
| Case Officer: | Mr Stephen Cantwell | |




**Not to Scale**

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## Introduction and Proposal

The proposal is to vary condition no. 1 (Approved Plans) of planning permission reference AWDM/1497/17 submitted in 2017 and approved on 9 August 2018. The existing permission is for redevelopment of the Free Wharf site which lies between Brighton Road and the River Adur, it lies within the Shoreham Regeneration Area. An approved layout plan is shown below at Figure 1. The approved development includes:

- Redevelopment to provide ten buildings (identified as blocks A-H), containing 540no. one, two and three bedroom flats. This has recently increased to 548no. under planning application AWDM/2037/20.
- Commercial space of 2,707sqm for a range of ground floor retail, office/business, cafes/restaurants), and D1 (non-residential institutions). This has recently been reduced to 2189sqm under planning application AWDM/2037/20.
- Reconstruction of the river wall; construction of mooring pontoons, an observation platform; open space and a riverside pedestrian/cycle route. Provision is also made for a wider pavement at Brighton Road to include a roadside cyclepath.

The development also includes 512 parking spaces; including 438 in a large basement beneath all but one of the riverside blocks A-F (i.e excluding riverside Block A), and beneath part of the two Brighton Road frontage blocks (G1/G2 & H), which form phase 1 of the development. Of the total spaces, 438 spaces are for residents and 74 for the commercial space/visitors. There are also 596 cycle parking spaces.

The extent and configuration of the basement car park is proposed to be amended by the current application. If approved it would then extend under all of the riverside blocks including block A, but no longer beneath the frontage blocks G, G1 & H at Brighton Road, thereby removing the approved internal access arrangements between basement parking and these blocks.

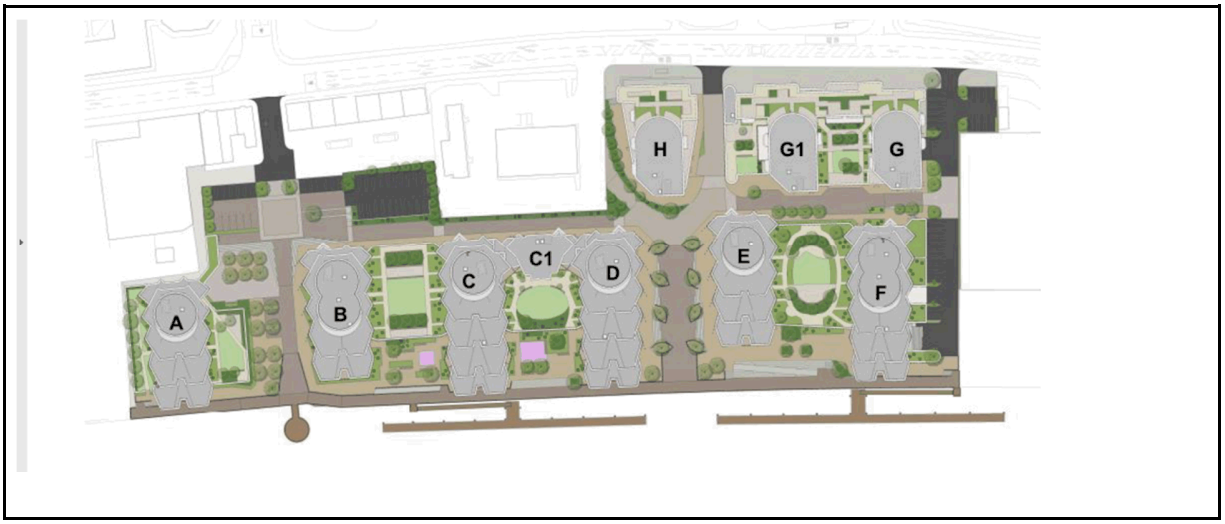


**Fig 1: Approved blocks A-H**

The approved basement car park is shown below, providing 438 of the total 512 car parking spaces. Part of the basement area extended partially below frontage blocks G1/G2 and H. The current proposal is shown below it, extending under riverside block A

but no longer beneath the frontage blocks. The total area of the basement increases marginally by 420sqm from 13,946sqm to 14,366sqm (3% increase).The total number of spaces is unchanged.

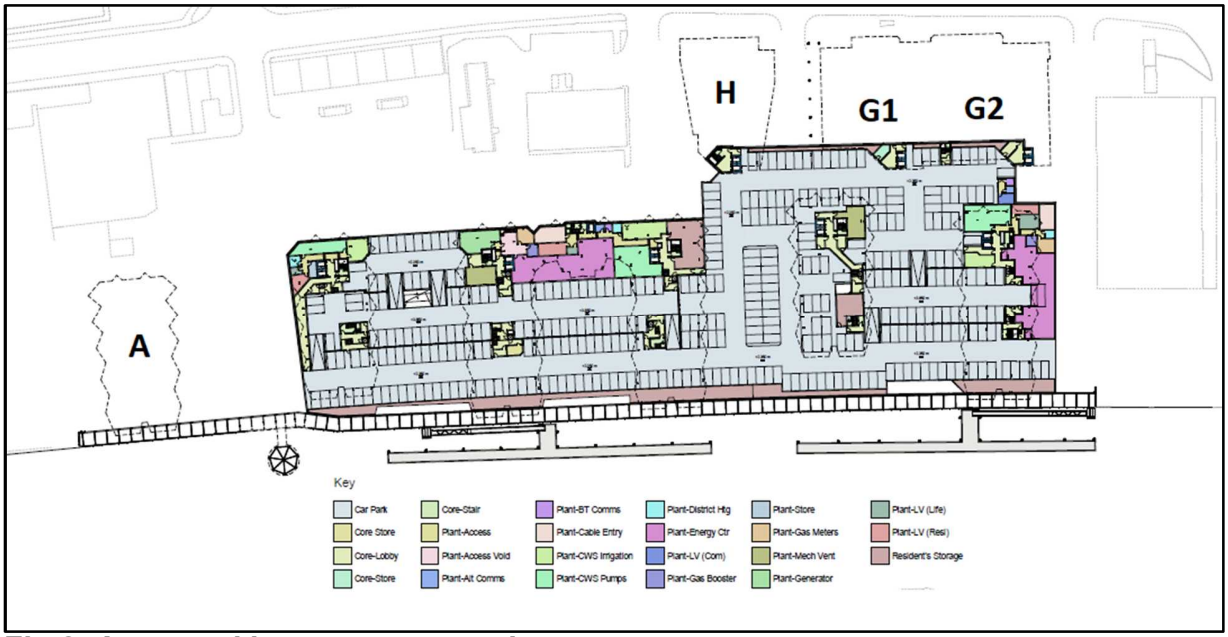


**Fig 2: Approved basement car park**

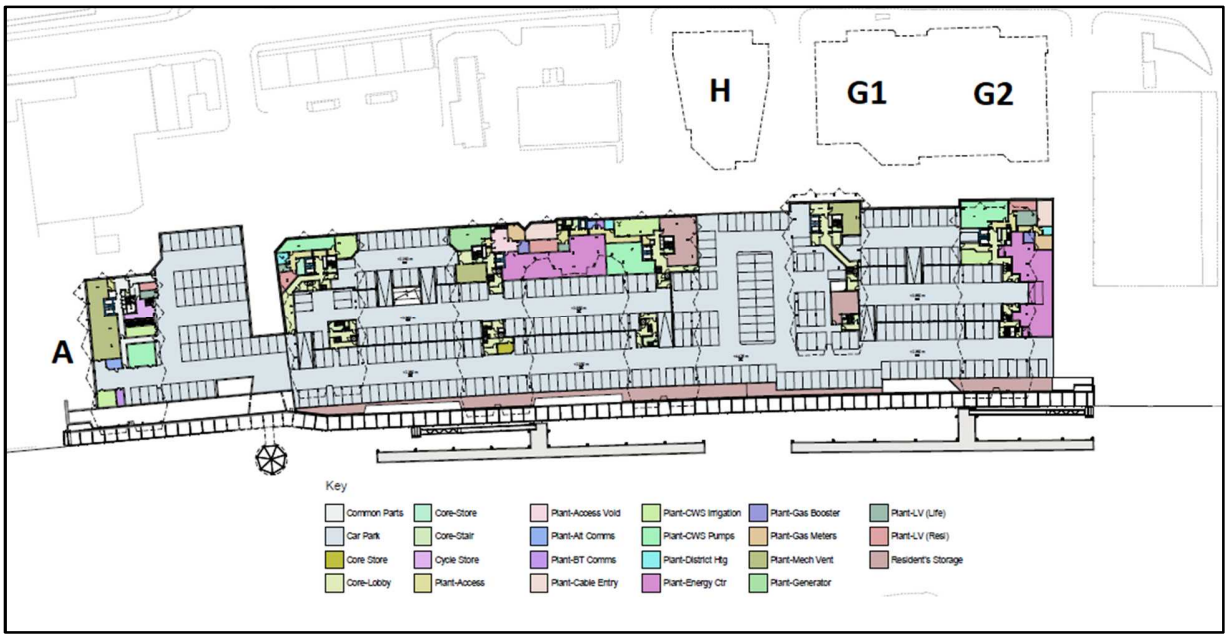


**Fig 3: Proposed basement car park**

The plan shows the location of the additional basement car park is at the south-west part of the site beneath the location of the approved block A. Vehicular access into the basement would be via ramp access to the south-east corner of the site as originally approved, with the proposed extension to the basement being accessible internally.

In terms of pedestrian access the proposal would remove the internal staircase and lifts between the first phase buildings G1/G2 & H and basement. A total of 15 undercroft spaces at ground floor of block G1/G2 would remain directly accessible and a further 14no. open-surface spaces nearby would bring this total to 29no. Further information is awaited concerning the pedestrian accessibility of the amended basement parking as proposed, for residents of the first phase.

Enabling ground works are now underway. Phase 1 comprises the frontage blocks G1/G2 & H. Members will recall that a recent full application (AWDM/2037/20) and a s73 (variation of condition) application (AWDM/2037/20) in respect of these blocks, were considered at the Committee meeting of 8th March. These made some relatively small changes to their external appearance and allowed a variation to the provision of heating, pending the wider communal/district heating solution. They received resolutions to grant approval, subject to appropriate variations of the original legal agreement, which is currently nearing conclusion.

**Site and Surroundings**

The site is located within the Western Harbour Arm of Shoreham Harbour, to the south of Brighton Road, Shoreham. TIt comprises 2.95 hectares, and is broadly rectangular with frontages onto both the A259 Brighton Road and River Adur. The site's northern border, with Brighton Road, is interrupted to exclude Kwik Fit, The Whale Car Wash and the Ham Business Centre. It was formerly used for industrial purposes, including importing aggregates / marble. The warehouse buildings that previously occupied the site have now been demolished.

Land to the east remains in industrial/marine-related use, including a range of large sheds. To the west between Humphreys Gap and Surry Hard is a car dealership and business premises. The redeveloped Parcelforce site and Sussex Yacht Club is further to the west, and then the edge of Shoreham town centre. To the north and east are the ‘the Ham’ public open space and commercial uses along Brighton Road.

**Relevant Planning History**

**AWDM/1497/17** - 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 floor space 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.
**Approved - 09/08/2018**

**AWDM/0255/19** - Approval of Details Reserved by Conditions 8 (Surface water drainage); 10 (Contamination Assessment) and 11 (Foundation Design) of application

number AWDM/1497/17. **Approved - 09.04.2020**

**AWDM/0205/19** - Approval of Details Reserved by Condition 13 (Archaeological investigation) of application number AWDM/1497/17. **Approved - 14.04.2020**

**AWDM/1721/20** - Application to vary hours of work approved under condition 33 of planning permission reference AWDM/1497/17 (under Section 74B of the Town and Country Planning Act 1990) up until 28 February 2021 to allow construction work to be undertaken between the hours of 08:00hrs and 19:00 hrs Monday to Friday, and 09.00 hours to 18.00 hours on Saturday. There will be no works on Sundays or Bank Holidays. **Approved - 02.11.2020**

**AWDM/0841/20** - Approval of Details Reserved by Condition 9: Details of foul and surface water drainage of approved application AWDM/1497/17.
**Approved - 16.12.2020**

**AWDM/1952/20** - Application to vary conditions no.1 (Approved plans) and no.26 (Energy Strategy) of planning permission reference AWDM/1497/17: Condition 2 - Amendments to the facade material from previously approved corium to brick, changes to the balcony design and other minor internal layout and elevational changes. Condition 26 - Amendments to the approved energy strategy.
**Resolved to be approved** by committee on 8 March 2021 (currently awaiting completion of associated s106 legal agreement)

**AWDM/2037/20** - Erection of a six to eight storey building comprising 782sqm of office space (Class E (g)(i)) floorspace and 97 residential homes, resident's concierge, car and cycle parking, refuse and landscaping (an alternative to the building previously approved as part of planning permission AWDM/1497/17)
**Resolved to be approved** by committee on 8 March 2021 (currently awaiting completion of associated s106 legal agreement)

**AWDM/0637/21-** Application for Approval of Details Reserved by Condition 10 (Part discharge interim verification of enabling works) of previously approved AWDM/1497/17.
**Pending consideration**

**Consultations**

***West Sussex County Council:***

*WSCC Highways*: No changes are proposed to the permitted access arrangements or the overall number of car parking spaces - No objection.

*Lead Local Flood Authority:* Updated drainage strategy requested to demonstrate consistency with earlier [approved] version

***Adur & Worthing Councils:***

*Environmental Health (Private Sector Housing)*: No comments

*Environmental Health (Public Health)*: No objection

*Drainage Engineer:* No comments

***Environment Agency:*** No objection

***Marine Management Organisation:*** No objection. Guidance provided on the separate Marine licensing process.

***Natural England:*** No comments received

***Adur District Conservation Advisory Group:*** No comments received

***Shoreham Port Authority:*** No comments received

***Southern Water:*** No objection

**Representations**

No neighbour representations received

**Relevant Planning Policies and Guidance**

Adur Local Plan (2017):

Policy 2: Spatial Strategy
Policy 3: Housing Provision
Policy 4: Planning for Economic Growth
Policy 8: Shoreham Harbour Regeneration
Policy 11: Shoreham-by-Sea
Policy 15: Quality of the Built Environment and Public Realm
Policy 16: A Strategic Approach to the Historic Environment
Policy 17: The Historic Environment
Policy 18: Sustainable Design
Policy 19: Decentralised Energy, Stand-alone Energy Schemes and Renewable Energy
Policy 20: Housing Mix and Quality
Policy 22: Affordable Housing
Policy 28: Transport and Connectivity
Policy 29: Delivering Infrastructure
Policy 30: Green Infrastructure
Policy 31: Biodiversity
Policy 32: Open Space, Recreation and Leisure
Policy 34: Pollution and Contamination
Policy 35: Water Quality and Protection
Policy 36: Flood Risk and Sustainable Drainage

Shoreham Harbour Joint Area Action Plan (2019):
Policy CA7: Western Harbour Arm
Policy SH1: Climate change, energy and sustainable building
Policy SH3: Economy and employment
Policy SH4: Housing and community
Policy SH5: Sustainable travel
Policy SH6: Flood risk and sustainable drainage
Policy SH7: Natural environment, biodiversity and green infrastructure
Policy SH8: Recreation and leisure
Policy SH9: Place making and design quality
Policy SH10: Infrastructure requirements

Material Considerations

Sustainable Energy SPD (August 2019)
Shoreham by Sea Conservation Area Character Appraisal & Management Strategy (ADC 2008)
'A Strategy for Shoreham Renaissance' (ADC 2006)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (February 2019)
Planning Practise Guidance

**Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

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

**Environmental Screening**

The 2018 approved scheme (AWDM/1497/17) was supported by an Environmental Statement (ES) under Environmental Impact Assessment Regulations. The proposed amendments sought under this planning application do not generate any additional or different likely significant effects to those reported upon within the previous ES.

**Planning Assessment**

***Principle of development***

*Proposed Changes to Approved Plans (Condition 1) of AWDM/1497/20*

The principle of the redevelopment of the site to provide ten blocks for up to 548 homes with associated basement, and provision of 512 car parking spaces, was established in 2018 under planning permission AWDM/1497/20; also by the recent application AWDM/2037/20 (resolution to approve 8th March 2021), which added eight extra flats (to the original 540no.) by re-assigning some of the original commercial space of the 2018 approval.

This proposal would relocate part of the previously approved basement with a minor increase in size (additional 420sqm/3% increase) and would still ensure the provision of 512 car parking spaces (no net loss).

The change is required because Blocks G1/G2 & H are the first to be constructed. As approved they would provide only a small part of the basement to which vehicular access would only have been provided in a later phase. The applicant states that this would be impractical, as well as inefficient and expensive in terms of build programme. Whilst the proposal maintains the amount of spaces, which is acceptable in principle, further information regarding pedestrian accessibility for future residents of the first phase (G1/G2 & H), is awaited.

**Highways Matters**

As shown in figure 4 below, this proposal would relocate part of the previously approved basement area, containing 54 parking spaces (hatched red), from under block G1/G2 & H to the area under block A at the south-west part of the site (hatched blue).




**Fig 4: Proposed relocation of parking spaces** (blue = proposed, red = removed)

There is no reduction in car parking provision (512 spaces) when compared to the approved scheme. It is noted that at the time of the 2018 consent, it was envisaged that all of the surface car parking (74 in total) was for use in connection with the commercial floor space and for visitors, with the basement/undercroft parking being for residential occupiers.

It is intended to incorporate the same vehicular access arrangements to the basement car parking area located to the south-west corner of the site via ramped access. This means that the basement area would be located approx 12m further south from the first

phase blocks G1/G2 & and H. In terms of pedestrian access the proposal would remove the internal staircase and lifts between the first phase buildings G1/G2 & H and basement. A total of 15 undercroft spaces at ground floor of block G1/G2 would remain directly accessible and a further 14no. open-surface spaces nearby would bring this total to 29no, some of which are likely to be for commercial users Further information is awaited concerning the pedestrian accessibility of the amended basement parking as proposed, for residents of the first phase. Update to be provided.

The County Highway Authority have considered the proposal and raise no objections subject to conditions to secure the access, car and cycle parking, and a construction management plan. A travel plan and provision to secure a strip of frontage land for pavement/cycle path widening are subject of the legal agreement which is being varied as part of the Committee resolutions of 8th March (AWDM/1952/20 & AWDM/2037/20) and this variation would be extended to encompass the current application if approved.

In terms of the allocation of parking spaces, this is a matter controlled under planning conditions 6 & 21 which respectively require a full phasing plan before the commencement of development (excepting the ground works) and that parking is provided before respective parts of the development are occupied. Similar conditions would be imposed on this proposal to ensure sufficient parking is provided to meet the needs of the development.

For these reasons, the proposal would not have a materially adverse impact on highway matters by comparison with the approved scheme.

**Character and Appearance**

The proposal, providing a reconfigured and extended basement, would not result in any change to the above ground building massing or footprint for the consented scheme as such would not harm the character and appearance of the area.

***Planning Obligations***

The 2018 scheme secured a package of s106 obligations including 30% affordable housing and financial contributions towards highways, sustainable transport improvements, education, health, fire & rescue and environmental improvements. The deed of variation which is being drawn up under the Committee resolutions of 8th March can be extended to ensure that obligations also attach to this current application, if approved.

**Other Matters**

The lead flood authority has requested information to ensure that the proposal remains consistent with the previously approved drainage strategy and an update will be given on this point.

The application does not appear to raise any other issues beyond those previously considered under the approved scheme of 2018 and the amended applications

considered on 8th March 2021.

**Conclusion**

The proposal seeks to address one of the practicalities of implementing this complex development cost-effectively and in a phased manner. Overall, the proposed changes would continue to ensure the provision of an appropriate amount of car parking for the development site as a whole. This is subject to satisfactory clarification of access for future residents of phase 1. An update will be given on this matter and in respect of the drainage strategy.

In terms of design and form, the proposed changes below ground would not affect the character and appearance of the area.

**Recommendation**

**Subject to satisfactory future resident access arrangements, to delegate authority to the Head of Planning and Development to GRANT planning permission subject to:**

1) Completion of a s.106 Deed of Variation to ensure that the development as varied remains subject to obligations previously as required;

2) In the event that the S106 legal agreement has not been completed by 7 December 2021 or an extension of time has not been agreed between the Authority and applicant The Head of Planning and Development shall have delegated authority to REFUSE planning permission for lack of the provisions required under these obligations, and

3) Subject to the following conditions, with delegated authority to the Head of Planning and Development to amend, as required, to address relevant technical issues:-

*Planning Conditions*

01. The development hereby permitted shall be carried out in accordance with the approved plans

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

02. The development hereby permitted shall begin before the 9 April 2023.

    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.

03. The development shall be carried out in accordance with the details of

the enabling works approved by the Local Planning Authority on 15 November 2018 (approved documentation listed under application reference AWDM/1497/17) unless otherwise approved in writing by the Local Planning Authority.

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. The development shall be carried out in accordance with the archaeological scheme of investigation approved by the Local Planning Authority on 15 November 2018 (approved documentation listed under application reference AWDM/1497/17) unless otherwise approved in writing by the Local Planning Authority.

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. The development shall be carried out in accordance with the Construction Management Plan (in relation to enabling works) approved by the Local Planning Authority on 15 November 2018 (approved documentation listed under application reference AWDM/1497/17) unless otherwise approved in writing by the local planning authority.

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

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 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. The development shall be carried out in accordance with the Surface Water Drainage details approved by the Local Planning Authority on 9 April 2020 under application reference AWDM/0255/19 unless otherwise approved in writing by the local planning authority.

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

09. The development shall be carried out in accordance with the Foul and Surface Water Drainage details approved by the Local Planning Authority on 16 December 2020 under application reference AWDM/0841/20 unless otherwise approved in writing by the local planning authority.

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

10. The development shall be carried out in accordance with the Contamination Assessment (including any remediation schemes) approved by the Local Planning Authority on 9 April 2020 under application reference AWDM/0255/19 unless otherwise approved in writing by the Local Planning Authority, and prior to the first occupation of any part of development affected by any remediation scheme, 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. The development shall be carried out in accordance with the Foundation Design details approved by the Local Planning Authority on 9 April 2020 under application reference AWDM/0255/19 unless otherwise approved in writing by the local planning authority.

Reason: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of 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.

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
- 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 Shoreham Harbour Joint Area Action Plan.

13. The development shall be carried out in accordance with the overarching archaeological scheme of investigation approved by the Local Planning Authority on 14 April 2020 under application reference AWDM/0205/19

unless otherwise approved in writing by the Local Planning Authority.

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;
b) details of all elevations to show typical details of all external components including details of drainage;
c) details of the balconies (including 1:20 scale sectional drawing, RAL colour, finish and glazing details) 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, handrails 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 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 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.

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 Statement Revision 1 dated 29th September 2017 and, in respect of Phase 1 only (Building G, G1 and H), Revision to Permitted Energy Strategy dated November 2020 provided under application reference AWDM/1952/20, shall be installed prior to the first occupation of the development in accordance with the Phasing Plan under condition 6 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 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.

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 (use Class E(b)) 281 m² GIA
- Building E - Restaurant ((use Class E(b)) 365 m² GIA
- Building F - Restaurant (use Class E(b))) 105 m² GIA; Yacht Facility (sui generis) 88 m² GIA
- Building G&G1 - Office (use Class E(g)(i)) 1,326m² GIA
- Building H – Commercial, Business and Service (use Class E(a)/(b)/(c)/public house, wine bars or drinking establishment (sui generis) GIA 541m2

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:

Class E(a)/E(c) 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.

Class E(b)/Public house, wine bars or drinking establishment (sui generis) 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.

Use Class E(g)(i) 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.

Yacht Facility (sui generis) 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.

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.

7 June 2021