ADUR DISTRICT COUNCIL

Mr Jon Murch
Davies Murch
86-90 Paul Street
London
EC2A 4NE

NON-MATERIAL AMENDMENT

TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING ACT 1990 (as amended): Section 96A

APPLICATION NUMBER: AWDM/1307/22

Details of Development
APPLICATION FOR A NON-MATERIAL AMENDMENT TO PREVIOUSLY APPROVED AWDM/1497/17 TO AMEND THE DESCRIPTION OF WORKS TO READ: REDEVELOPMENT OF THE SITE TO PROVIDE TEN BUILDINGS, CONTAINING NEW HOMES, COMMERCIAL FLOORSPACE AT GROUND FLOOR LEVEL WITHIN USE CLASS E (A, B, C & G) AND YACHT FACILITY (88SQM). THE DEVELOPMENT ALSO INCLUDES PARKING SPACES, 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, CYCLE PARKING SPACES AND ASSOCIATED ANCILLARY AREAS.

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

I refer you to your application of 1st August 2022 to amend the development as described above.

In pursuance of the Council's powers under the above-mentioned Act, I hereby notify you that the Council APPROVE the non-material amendment in accordance with the application SUBJECT TO the following additional condition:-

Condition 34

The development hereby approved shall not exceed the following:-

i) 540 residential dwellings (class C3); and
ii) 2,707sqm of flexible Class E (a, b, c & g) floorspace;
iii) 88sqm Yacht Facility

And it shall include:-

438 residential and 74 commercial parking spaces including space for visitors; and 596 cycle parking spaces.

Reason: *In the interests of clarity, to ensure that the amount of development is in accordance with this planning permission and to ensure that parking provisions are included.*



Gary Peck
Planning Services Manager

09/09/2022

Informatives / Notes to Applicant

01. The application satisfies Section 96A of the Town and Country Planning Act (1990) as amended. The proposed amendments constitute non-material changes to that planning permission, and will result in a development that is substantially the same as was originally granted planning permission.

02. This decision notice only relates to the non-material amendments sought. It is not a reissue of the original planning permission, which still stands. This decision notice must be read in conjunction with the planning permission AWDM/1497/17 referred to in the description above (and any other non-material amendments that may have been granted). All conditions and the s.106 Agreement dated 6th August 2018, remain fully applicable to the development to which this non-material amendment relates.

03. It is noted that the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, as related to the commercial uses included in planning permission AWDM/1497/17, and subject of conditions 30 & 31 of that permission, are as follows:

Condition 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 (E (b)) 281 m² GIA
Building E - Restaurant (E (b)) 365 m² GIA
Building F - Restaurant (E (b)) 105 m² GIA;
- Yacht Facility 88 m² GIA
Building G&G1 - Office (E (g)) 1,326 m² GIA
Building H - Retail (E (a, b, c i-ii)) 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.*

Condition 31.

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

E (a & ci-ii) 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.

E (b) 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.

E (g) 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.

Yacht Facility use 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.*

04. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

G Peck

Gary Peck
Planning Services Manager

09/09/2022