ADUR DISTRICT COUNCIL

Mr Chris Barker
ECE Planning Limited
64-68 Brighton Road
Worthing
BN112EN

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1973/22

Details of Development
PROPOSED REMOVAL OF CONDITION 33 AND VARIATION OF S.106 TO OMIT REFERENCES TO THE DISTRICT HEAT NETWORK, TO THE DEVELOPMENT PERMITTED UNDER REF: AWDM/0511/21; (APPLICATION TO VARY CONDITION 1 OF PREVIOUSLY APPROVED AWDM/0204/20. AMENDMENTS TO APPROVED PLANS INCLUDING REDUCTION OF BUILDING HEIGHTS AND RAISING OF BASEMENT TO MITIGATE RISK OF FLOODING, PROVISION OF STEPS FROM PODIUM GARDENS TO RIVERSIDE WALK, ALTERATIONS TO WINDOWS DETAILING, ALTERATIONS TO BASEMENT CAR PARKING LAYOUT AND ALTERATIONS TO INTERNAL BUILDING CORES TO MEET FIRE STRATEGY COMPLIANCE. MIXED-USE REDEVELOPMENT COMPRISED OF THREE BLOCKS OF RESIDENTIAL DWELLINGS (4 TO 8 STOREYS) AND MIXED-USE BUSINESS CENTRE (OFFICE, STORAGE AND CAFE USES) - INCORPORATING RIVERSIDE WALK, LANDSCAPING AND ANCILLARY CAR AND CYCLE PARKING).

Location of Development
KINGSTON 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 12th December 2022.

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

G Peck

Gary Peck
Planning Services Manager
01/03/2024

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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
PROPOSED SITE PLAN	PL-200 REV P5	15.10.2021
PROPOSED GROUND FLOOR (PODIUM LEVEL) LEVEL 00 (SHEET 1)	PL-302 REV P4	15.10.2021
PROPOSED GROUND FLOOR (PODIUM LEVEL) LEVEL 00 (SHEET 2)	PL-303 REV P4	15.10.2021
PROPOSED CONTEXT ELEVATIONS	PL-500 REV P4	15.10.2021
PROPOSED SOUTH ELEVATION (SHEET 2)	PL-502 REV P4	15.10.2021
PROPOSED NORTH ELEVATION (SHEET 1)	PL-503 REV P4	15.10.2021
PROPOSED NORTH ELEVATION (SHEET 2)	PL-504 REV P4	15.10.2021
PROPOSED ROOF PLAN (SHEET 1)	PL-317 REV P2	19.03.2021
PROPOSED ROOF PLAN (SHEET 2)	PL-318 REV P2	19.03.2021
PLAN (SHEET 1)	PL-300 REV P3	19.03.2021
PROPOSED BASEMENT PLAN (SHEET 2)	PL-301 REV P3	19.03.2021
GA PLAN-FIRST FLOOR LEVEL 01 (SHEET 1)	PL-304 REV P3	19.03.2021
GA PLAN FIRST FLOOR LEVEL 01 (SHEET 2)	PL-305 REV P3	19.03.2021
PROPOSED LEVEL 02 FLOOR PLAN (SHEET 1)	PL-306 REV P3	19.03.2021
PROPOSED LEVEL 02 FLOOR PLAN (SHEET 2)	PL-307 REV P3	19.03.2021
PROPOSED LEVEL 03 FLOOR PLAN (SHEET 1)	PL-308 REV P3	19.03.2021
PROPOSED LEVEL 03 FLOOR PLAN (SHEET 2)	PL-309 REV P3	19.03.2021
PROPOSED LEVEL 04 FLOOR PLAN (SHEET 1)	PL-310 REV P3	19.03.2021
PROPOSED LEVEL 04 FLOOR PLAN (SHEET 2)	PL-311 REV P3	19.03.2021
PROPOSED LEVEL 05 FLOOR PLAN (SHEET 1)	PL-312 REV P3	19.03.2021

Reference/Drawing Number	Version	Date Rec
PROPOSED LEVEL 05 FLOOR PLAN (SHEET 2)	PL-313 REV P3	19.03.2021
PROPOSED LEVEL 06 FLOOR PLAN (SHEET 1)	PL-314 REV P3	19.03.2021
PROPOSED SOUTH ELEVATION (SHEET 1)	PL-501 REV P3	19.03.2021
PROPOSED LEVEL 06 FLOOR PLAN (SHEET 2)	PL-315 REV P3	19.03.2021
PROPOSED LEVEL 07 FLOOR PLAN (SHEET 1)	PL-316 REV P3	19.03.2021
PROPOSED EAST ELEVATION	PL-505 REV P3	19.03.2021
PROPOSED WEST ELEVATION	PL-506 REV P3	19.03.2021
PROPOSED SECTION AA	PL-600 REV P3	19.03.2021
PROPOSED SECTION BB	PL-601 REV P3	19.03.2021
PROPOSED SECTION CC	PL-602 REV P3	19.03.2021
PROPOSED SECTION DD	PL-603 REV P3	19.03.2021
PROPOSED SECTION EE	PL-604 REV P3	19.03.2021
PROPOSED SECTION FF	PL-605 REV P3	19.03.2021
PROPOSED SECTION GG	PL-606 REV P3	19.03.2021
PROPOSED BAY STUDY 1	PL-700 REV P3	19.03.2021
PROPOSED SECTION II	PL-607 REV P3	19.03.2021
PROPOSED SECTION JJ	PL-608 REV P3	19.03.2021
PROPOSED SECTION KK	PL-609 REV P3	19.03.2021
PROPOSED DETAIL STUDY 1	PL-701 REV P3	19.03.2021
PROPOSED BAY STUDY 2	PL-702 REV P3	19.03.2021
PROPOSED DETAIL STUDY 2	PL-703 REV P3	19.03.2021
SECTION 278 HIGHWAY WORKS (WHOLE SITE)	12276HOP-ZZ-XX-DR-C-9610	22.02.2024
ENERGY REVIEW SUMMARY RESIDENTIAL UNITS	20221207 2 Revision A	12.12.2022

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

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

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

Phasing (and Enabling Works)

03. a) Prior to commencement of any works on site a phasing programme, (which shall include any phase or phases of Enabling Works) shall be submitted to and agreed by the Local Planning Authority. Development shall be implemented in accordance with that phasing programme and details required under conditions of this planning permission, shall be submitted and approved in accordance with that phasing programme.

b) For the purposes of the conditions of this planning permission, 'Enabling Works' shall comprise the following:

i. Demolition of existing buildings above ground level.
ii. Removal of building foundations & slab and associated above ground cables, pipes or ducts
iii. Breaking-up and crushing of existing hard-standings.
iv. Removal of below ground cables, pipes or ducts
v. Re-routing of existing sewer main
vi. River-wall survey works, including excavation to assess existing condition.
vii. Site survey works (other than river-wall survey) to inform the design of remediation works.
viii. Creation of a piling mat using clean rubble or similar clean material.

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

Enabling Works

04. The following Enabling Works at condition 3b) shall only be undertaken after the following details have been submitted to and approved in writing by the Local Planning Authority:

(iii) Breaking-up and crushing of existing hard-standings.

Details of measures to manage and minimise noise, vibration and dust.

(iv) Removal of below ground cables, pipes or ducts
(v) Re-routing of existing sewer main
(vi) River-wall survey works, including excavation to assess existing condition.

Details of measures to be taken to minimise and manage risk of contamination, (including risks to human health and the water environment), noise and dust

The details thereby approved shall be fully adhered to in the undertaking of the respective Enabling Works.

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, and to manage impacts of noise, vibration and dust in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

River-wall works

05. Prior to commencement of works to replace or improve the river wall and/or sheet piling, full details shall be submitted to and approved in writing by the Local Planning Authority, which includes the following:

i. riverside retaining walls and associated cappings and railings, engineering details and cross-sections and details of external appearance and finishes,

ii. the inter-relationship between the riverside retaining wall, new riverside path and site drainage, and

iii. measures to be taken to minimise and manage risk of contamination, (including risks to human health and the water environment), noise and dust

The details thereby approved shall be fully adhered to in the undertaking of the respective Enabling Works.

Reason: *To ensure that the proposed development is satisfactorily provided with required infrastructure including riverside defences, pathway and drainage, to ensure an appropriate and high quality appearance and to manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, and to manage impacts of noise, vibration and dust in accordance with Policies 15, 18, 29 & 34 of the Adur Local Plan 2017, Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 170, 178 - 180 of the National Planning Policy Framework 2019.*

Materials and Details

06. With the exception of Enabling Works and works within an individual phase to create the parts of the ground floor slabs and bases of garden podiums which are not to be externally visible, works above ground level shall not take place until the following details for that phase have been submitted to and approved in writing by the Local Planning Authority and all development of that phase pursuant to this permission shall be carried out and permanently maintained in full accordance with details thereby approved:

a) Details and samples of the materials to be used on all external faces of the building(s) and ground surfacings, including colours and finishes;

b) Details, including 1:20 drawings and profiles of external columns doors; windows doors and frames; roof intersections, soffits, parapets & cappings, balconies and external hand-rails;

c) External plant and utility cabinets, their location, size, design, materials, colours and finish and any associated ducting,

d) Details of solar panels and height relative to adjoining parapets,

e) Details of external lighting, including measures to minimise light pollution and impact on river navigation, and arrangements for verification of these measures, which shall be implemented,

f) Details of pedestrian entrance ramps, external podium edges, including detailing and/or materials to add visual interest,

g) Details of the location and design of any externally visible ventilation louvres, gaps or duct

Development shall only be carried out in accordance with the details thereby approved and this condition shall apply notwithstanding any information contained in the current application.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies 15 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Landscaping, Play and Biodiversity

07. A) Hard and soft landscaping ('soft landscaping' means new planting, associated ground preparation and biodiversity enhancement measures) for each phase of development shall completed 'according to the approved phasing plan under condition 3 of this permission, (with all planting to be completed no later than the first planting season following the occupation of each phase).

B) Before the commencement of development above ground level, (other than Enabling Works), and unless otherwise agreed in writing, the following details shall be submitted to and approved by the Local Planning Authority:

i) Amended landscape drawings (to replace drawings L-1000 Rev P02 and L-5001 P02; 2 P02; 11 P02 & 12 P02 listed in condition 1), to include the amended ramps and riverside seating area as approved by Site and Ground Floor Level drawings 200 P4 and 302 P4 and 303 P4,
ii) Details of hard landscaping materials and surfacing
iii) Details of provisions for formal and informal play & recreation
iv) Street furniture, including external seating
v) Planters and tree pits including irrigation and drainage

vi) Ground preparation to create a planting medium
vii) Biodiversity enhancement measures
viii) Details where appropriate, of any temporary landscaping at the public footpath along the Brighton Road frontage
ix) A maintenance plan to ensure full establishment of new planting

C) Development shall thereafter be carried out in accordance with the approved hard and soft landscaping plans, phasing plan and the details at B)(i-ix) above, and the planting maintained, in accordance with the approved details and the phasing plan. Any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: *To ensure the provision, establishment and maintenance of hard and soft landscaping on the site, including provisions for play & recreation and biodiversity, and to provide for minor revision to the landscaping layout at point B i) in accordance with policies 15 & 30 of the Adur Local Plan 2017 and Policies SH 7& CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Means of Enclosure gates or barriers & Permitted Development restriction

08. Before the commencement of development above ground level for any phase, other than Enabling Works), details of all means of enclosure, gates or barriers for that phase shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided for each phase of development prior to the occupation of each such phase. No additional or other means of enclosure, or increase in height of any means of enclosure shall be carried out without the prior written approval of the Local Planning Authority, and this restriction shall apply equally to any balcony or terrace and this condition shall apply notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order.

Reason: *In the interests of visual amenity, to ensure an ongoing high quality appearance and character of development in accordance with policies 15 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Uses

09. The use of the business centre building hereby approved shall be only for the purposes of the following:

i) 4188sqm for Class B8 Storage and Distribution, and

ii) 2276sqm for Class E (g) Offices, Research and Development of products or processes and Industrial Process being a use which can be carried out in any residential area by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit, and

iii) 1927sqm for use either as Class B8 or Class E uses as described at i) & ii) above, and

iv) 99sqm (and outdoor seating of approximately 160sqm) for Class E (b) cafes and restaurants for the sale of food and drink principally to visiting members of the public where consumption of that food and drink, which is mostly undertaken on the premises, or for the purposes of a public house, wine bar or other drinking establishment (but not night clubs) including drinking establishments with expanded food provision (and not including hot foot take-away use)

as defined by the Town and Country Planning (Use Classes) Order 1987, (as amended). It shall not be used for any other purposes whatsoever, including any other uses within Classes E or Class C3 of the aforementioned (Use Classes) Order 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 provide a mix and scale of appropriate commercial uses and to manage any highway or parking impacts which may arise from other uses, in accordance with policies 8 & 28 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Business Centre - further provisions

10. Prior to the commencement of the use of the business centre building hereby approved, further information shall be submitted to and approved in writing by the Local Planning Authority as follows:

- Supporting services and facilities to be provided to occupiers (such as administrative, postal and Information technology services and facilities, logistics and storage),
- Flexible range of unit sizes and how these are to be provided.
- Provision of meeting, conference and 'break-out' spaces and facilities
- Provision of 'hot desking' facilities,
- Provision of shower/wc facilities.

The use shall be carried out and permanently maintained only in accordance with this information.

Reason: ensure the provision of supported and flexible business accommodation uses in accordance with policies 8 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.

Hours of use

11. The uses of the business centre building hereby approved shall only take place between the Start Time and End Time hours for each use as follows:

Use	Monday-Friday	Saturday	Sunday and Bank/Public Holiday
Class B8 Storage and Distribution	Start Time 07:00hrs End Time 20:00hrs	Start Time 08:00hrs End Time 18:00hrs	Start Time 10:00hrs End Time 17:00hrs
Class E (g) Offices, Research and Development and Industrial Process	Start Time 07:00hrs End Time 23:00hrs	Start Time 09:00hrs End Time 19:00hrs	Start Time 10:00hrs End Time 17:00hrs
Class E (b) cafes and restaurants,	Start Time 06:00hrs End Time 22:00hrs	Start Time 06:00hrs End Time 22:00hrs	Start Time 08:00hrs End Time 16:00hrs
	No use of outdoor area for E (b) purposes before 08:00hrs.		

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

Highways & Access

12. No phase of the development shall be first occupied until such time as the vehicular and pedestrian access or accesses and paths (including the riverside path) serving that phase, has been constructed in accordance with the approved plans and details and any existing access to be stopped up as part of that phase has been stopped up in also in accordance with the approved plans, details and approved phasing.

Reason: *In the interests of road safety and to ensure suitable access to and around the site, including provision of the riverside path in accordance with policies 28 & 29 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

Accesses and Frontage Specifications.

13. With the exception of any Enabling Works, no development shall take place until construction details of the vehicular access and manoeuvring and parking areas within the site and their surface water drainage, including engineering cross-sections and specifications, and details of the design and surfacing of the public footpath, vehicular crossovers and kerb alignments at the Brighton Road frontage, have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the details thereby approved and permanently maintained and retained.

Reason: *To ensure provision of robust and drained access, parking and manoeuvring areas, including suitability for servicing, refuse and emergency vehicles, including sustainable drainage where appropriate in accordance with policies 28 & 29 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

Car-Park Barrier

14. Any gate to any parking area in the site shall be sited at least 6m back from the edge of the public highway. Details of any gate and of any entry control system (if used), shall first be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order.

Reason: *To provide vehicle waiting space clear of the public highway in the interests of the safety and free flow of vehicular traffic and pedestrians and in the interests of visual amenity, in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Vehicle Parking

15. No phase of the development shall be occupied until the vehicle parking and manouevring spaces serving the respective phase (including associated visitor/unallocated parking and car club space) has been constructed and provided in accordance with the approved details. Once provided the spaces shall thereafter be permanently retained at all times for their designated purpose.

Reason: ensure the provision of well-located car-parking facilities and sustainable parking to serve the development in accordance with policy 28 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.

Electric Vehicle Charging

16. No phase of the development shall be occupied until Electric Vehicle Charging spaces ('EV spaces') and operational charging apparatus have been provided in accordance with plans and details, (including details and charging rates for charging apparatus and on-going maintenance for active EV spaces, and details of ducting/cabling for passive EV spaces), have been submitted to and approved by the Local Planning Authority. The EV spaces and associated charging apparatus, ducting and cabling shall be permanently maintained in effective working order thereafter.

Reason: *To ensure the provision of well-located Electric Vehicle Charging spaces to serve the development in accordance with policy 28 of the Adur Local Plan 2017 , SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

Secure Cycle Parking

17. No phase of the development shall be first occupied until cycle parking serving that phase has been provided in accordance with the approved plans and details.

Reason: *To provide alternative travel options to the use of the car in accordance with policy 28 of the Adur Local Plan 2017 , SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

Travel Plans

18. a. No part of the residential development shall be first occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

b. No part of the business centre development shall be first occupied until a Workplace Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

Each of the Travel Plans at a & b above, once approved shall thereafter be implemented as specified within the approved document including monitoring, reporting and subsequent updating in accordance with each Travel Plan thereby approved. The Travel Plans 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 in accordance with policy 28 of the Adur Local Plan 2017 , SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

Pedestrian Crossing

19. Prior to the occupation of any part of the development hereby approved, the pedestrian crossing in Brighton Road shall be completed, in accordance with details, (including any adjoining kerb re-alignment if required to facilitate the future cycle-path), which shall first be submitted to and approved in writing by the Local Planning Authority, in liaison with the Highway Authority, and this condition shall apply notwithstanding any information contained within the current application.

Reason: *To ensure the provision of well-located crossing facilities in accordance with policies 28 & 29 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

Wheelchair access - external areas

20. Accesses to common external areas shall allow for access by wheelchair users, unless any variation to allow for any alternative is first approved in writing by the Local Planning Authority.

Reason: *To ensure accessibility for wheelchair users in accordance with policies 15, 28 & 32 of the Adur Local Plan 2017, SH9 of the Shoreham Harbour Joint Area Action Plan 2019 and the NPPF 2019.*

Recycling & Refuse Stores

21. No phase of the development shall be first occupied until the internal refuse storage space(s) serving that phase have been provided in accordance with the approved plans and shall be permanently retained and maintained thereafter.

Reason: *To ensure adequate internal storage space for refuse in accordance with policy 15 & 18 of the Adur Local Plan 2017 and the interests of Highway safety and residential and public amenities.*

Flood Risk and Riverside Management

22. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment (ref 12276/08/HOP/FRA, January 2020, HOP, V4 20.04.2020) and the following mitigation measures it details:

i. Finished floor levels for habitable rooms are set no lower than 6.22 metres above Ordnance Datum (AOD);

ii. Finished floor levels for the commercial building are set no lower than 4.94 metres above Ordnance Datum (AOD).

iii. The existing flood defences shown in the Proposed Site Block Plan drawing no. PL-200 rev. P4 shall be improved as outlined in Section 5.13 of the FRA; and

iv. A waterfront access route of no less than 4 metres in width shall be maintained in accordance with drawing reference: 2908_SK055_RIVERWALK ACCESS dated 20/04/2020, to provide unobstructed riverside maintenance access from the A259 Brighton Road.

v. Details of any gate or barrier to prevent unauthorised vehicular access shall first be submitted to and approved in writing by the Local Planning Authority, in liaison with the Environment Agency and shall be installed in accordance with the details thereby approved and the phasing plan at condition x of this permission and permanently maintained thereafter.

These mitigation measures shall be fully implemented for each phase of development according to the phasing plan at condition 3 of this permission and

shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: *To reduce and manage the risk of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and the NPPF 2019.*

Flood Risk & Safe Access

23. Prior to the occupation of any phase, a Flood Risk Management Plan for each phase shall be submitted to and approved in writing by the Local Planning Authority. It shall include the ongoing arrangements for the provision, dissemination and updating of flood risk information and means of safe access and escape for occupiers of the site. The Plan thereby approved shall be implemented upon the first occupation of each respective phase and permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.

Reason: *To manage residual risks of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and para 163 of the NPPF 2019.*

Temporary Flood Risk Management

24. In the event that any building is to be occupied before the full completion of all flood risk defence and management measures for the site are completed, details of any temporary flood defence and management provisions shall be first submitted to and approved in writing by the Local Planning Authority and shall be fully implemented during such interim period.

Reason: manage residual risks of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and para 163 of the NPPF 2019.

Drainage 1

25. No works except Enabling Works shall take place until details of the proposed means of foul and surface water sewerage disposal including a timetable for its provision and assessment of pollution risks with any measures necessary for its control or mitigation, have been submitted to, and approved in writing, by the Local Planning Authority in consultation with Southern Water. The development will then be carried out to comply with the agreed details and timetable.

Reason: *To ensure that the proposed development is satisfactorily drained in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

Drainage 2

26. Development with the exception of enabling works, shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

    i. Drainage designs which follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA.

    ii. An assessment of any pollution risks, including risks to controlled waters with measures for control and mitigation of these risks.

    iii. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage and to ensure that design adequately accounts for de-stabilising buoyancy forces

    The development shall be implemented in full accordance with these details and the drainage system shall be maintained in good working order in perpetuity.

    Reason: *To ensure that the proposed development is satisfactorily drained and managed in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

Drainage 3

27. No phase of development shall be occupied until the complete surface water drainage system serving the site has been implemented in accordance with the details approved under condition 3 (the phasing condition). Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer, shall be submitted to the Local Planning Authority together with confirmation that the scheme has been built in accordance with the approved details and is fit for purpose.

    Reason: *To ensure that the proposed development is satisfactorily drained and managed in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

Drainage - Management

28. i) With exception of Enabling Works Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life.

ii) Upon completed construction of any phase of the surface water drainage system, the owner or management company shall permanently strictly adhere to and implement the recommendations contained within the manual.

Reason: *To ensure that the proposed development is satisfactorily drained and managed in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

Remediation and Groundwater

29. Unless otherwise approved in writing by the Local Planning Authority all works (including enabling works) shall be carried out in accordance with the scheme of contamination remediation contained in the following documents:

Remediation Method Statement - Residential Development Area (Report A11243/5.0 - A10720/RMS/3.0 Revised)),
Remediation Method statement - Commercial Development Area Report (A11243/6.0 - A10720/5.1 Revised))
Tier II Supplementary Waters Risk Assessment (Reference A11243v4.0 - A1072v4.0 Revised))
Report A11243v2.0 - Kingston Wharf Phase I-II Ground Investigation Report.
Report A11243v3.1.0 - Kingston Wharf Phase II-III - Supplementary Site Assessment

(all documents above by Omnia Environmental Consulting January 2020),

but subject to the prior submission to and approval in writing by the Local Planning Authority of an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

The scheme of contamination remediation shall be fully implemented as approved. Any changes to these components shall only be made with the prior written approval of the Local Planning Authority.

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Verification Report

30. Prior to any phase of the development being occupied, or such other earlier time as may be agreed in writing under condition 3 (the phasing condition) of this permission, a verification report demonstrating the completion of works set out in the remediation strategy approved under condition 29, for that phase and the effectiveness of the remediation, shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: *To ensure that the requirements of the approved verification plan have been met, to prevent harm to human health and to protect the water environment including groundwater and the River Adur, in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Previously Unidentified Contamination

31. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall then be implemented as approved.

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Piling Works & Contamination

32. With the exception of any Enabling Works and unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until details of any foundation design using piling or penetrative methods have been submitted and approved in writing by the Local Planning Authority including information to show that there is no resultant unacceptable risk to the water environment, including groundwater and the River Adur. The development shall be carried out in accordance with the approved details.

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, because piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, mobilising contamination, drilling through different aquifers and creating preferential pathways. This is required in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan*

2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.

Sustainability - Heating Network

33. The development hereby approved shall incorporate the following sustainable energy and heat management measures, in accordance with the details in Energy and Sustainability Statement by SRE Consultants, dated 8th January 2020, and as subsequently amended by the supplementary report by SRE Consultants dated December 2022:

Energy efficient building fabric,
LED internal & external lighting,
Provision of Solar panels, Balanced mechanical ventilation with heat recovery system (MVHR), Building Energy Management Systems, Efficient water goods and fixtures to achieve <110L/Person/day.
Electric Panel Heaters, Individual Photovoltaic arrays with 'iboost' diverters, Waste Water Heat Recovery (WWHR).

Where there is conflict between the energy strategy dated 8th January 2020 and the supplementary energy strategy dated December 2022, the latter should take precedence. The development shall be implemented and maintained in accordance with the details thereby approved, unless the Local Planning Authority gives prior written approval for any variation.

Reason: *In accordance with the submitted application, to ensure that the development is sustainable and makes efficient use of energy, water and materials 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 paras 154-158 of the NPPF, 2023.*

Business Centre - sustainability

34. Unless otherwise agreed in writing by the Local Planning Authority, the of the business centre building hereby approved shall not be occupied unless and until a BREEAM Design State Certificate and a BRE-issued Post-Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Excellent' has been submitted to the Local Planning Authority in accordance with the BREEAM Summary Report by SRE Consultants, dated 21st November 2019, submitted with the current application.

Reason: *In accordance with the submitted application, to ensure that the development is sustainable and makes efficient use of energy, water and materials 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 paras 150-154 of the NPPF, 2019.*

Air Quality

35. With the exception of the Enabling Works,
i) no phase of the residential development and
ii) no phase of the commercial development

respectively, shall commence until full details of all proposed operational phase air quality mitigation measures for that respective phase have been submitted to and approved in writing by the Local Planning Authority.

The mitigation measures shall either be equal to the values of £68,859 for the residential development and £19,421 for the commercial development (totalling £88,280) in accordance with the submitted Air Quality Assessment prepared by MLM Group (reference 774885 MLM ZZ XX RP J 002), or shall comprise in whole or part, the provision of a financial contribution (s) in accordance with Schedule 2 of the s.106 Legal Agreement which forms part of this approval.

The development shall be implemented in full accordance with the details thereby approved. If required, a verification report shall be submitted to and approved in writing by the Local Planning Authority on completion of the respective phase of development to demonstrate and confirm that the operational phase air quality mitigation measures thereby approved have been implemented and have achieved mitigation equal to the value identified.

Reason: *To minimise emissions and impact on air quality in accordance with Policies 16 & 17 and paras 180 - 181 of the National Planning Policy Framework, 2019.*

Noise & Vibration - Lift and Substation

36. With the exception of Enabling Works, no other phase of residential development shall take until an Acoustic Assessment of the impact of noise and vibration from the lift shafts, including the lift machinery and from the substation, on the adjacent residential units, has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of a Mitigation Scheme for protecting the residential units. The Scheme shall be designed to achieve a level within the residential units of no greater than 30dB LAeq, 1 hour. All works which form part of the Scheme shall be completed in accordance with the approved details before any of the residential units are occupied and permanently maintained thereafter.

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

Noise - Acoustic Mitigation

37. No residential units shall be occupied until acoustic mitigation measures have been completed in accordance with the recommendations of the submitted Noise Impact Assessment by 7th Wave Acoustics (ref: 1109.001R.4.0.RF), and

additional details, including provisions for ventilation which shall have first been submitted to and approved in writing by the Local Planning Authority and these mitigation and ventilation measures shall be permanently maintained thereafter.

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

Noise and Odour

38. No fixed external air-moving or conditioning plant or equipment shall be installed on the site unless details have first been submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme for attenuating the plant or equipment against noise and vibration, having regard to the principles of BS4142: 2014 and shall achieve a difference between the rating level and background noise level of -10dB. Within 1 month of the installation of the plant or equipment, testing, to demonstrate compliance with the scheme, shall be undertaken and a report of this testing shall be submitted to and approved in writing by the Local Planning Authority.

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

Aerial / Antennae

39. Prior to the occupation of each individual building, details of any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building unless details have first been submitted to and approved by the Local Planning Authority.

Reason: *To avoid multiple aerial/antenna and / or satellite dishes, in order to safeguard the appearance of the development in accordance with Policy 15 of the Adur Local Plan.*

Levels

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

DPL-101 P2 Topographical Survey, and

Pl 302 P3 Proposed Ground / Podium Plan - Level 00 (Residential Eastern Parcel),

Pl 303 P3 Proposed Ground / Podium Plan - Level 00 (Residential Eastern Parcel), and

PL 8100 N Proposed GA Plan - Level 00 (Kingston Wharf Enterprise Centre).

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

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

Advertisements

41. Details of any external signage for the business centre building or its curtilage, shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the business centre, unless otherwise agreed in writing with the Authority. Thereafter no additional signage above ground floor level or to the north of the northernmost part of the building, shall be erected without the prior written approval of the Local Planning Authority.

Reason: *In the interests of visual amenity, to achieve a balance between business needs and the appearance and character of the area in accordance with policies 15 of the Adur Local Plan and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Construction Environment Management Plan

42. Prior to commencement of enabling works no development shall take place, until a Construction Management Plan in respect of these works has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

a) the anticipated number, frequency and types of vehicles used during construction,
b) the method of access and routing of vehicles during construction,
c) the parking of vehicles by site operatives and visitors,
d) the loading and unloading of plant, materials and waste,
e) the location of any site compound and site office,
f) the storage of plant and materials used in construction of the development,
g) arrangements for efficient construction waste management,
h) measures to be place to deal with minimise risk of and respond to any accidental spillages including containment and clear-up,
i) a Dust Management Plan incorporating the dust control measures,
j) a commitment to no burning on site,
k) the erection and maintenance of security hoarding, including provision of public information about the development and viewing ports,
l) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

m) details of any external lighting during the development//construction period, including provisions to avoid any hazards to shipping and activities at Shoreham Harbour Port, in liaison with the Shoreham Port Authority

n) details of public engagement both prior to and during construction works including neighbouring and nearby residents (including those at Shoreham Beach), businesses and other occupiers.

Reason: *In the interests of highway safety and the amenities of the area and to minimise the risk of pollution, hazards and noise and to safeguard the amenities of neighbouring and nearby occupiers during the period of development works in accordance with Policies 8, 15, 28 & 34 of the Adur Local Plan, 2017 and para 170 & 180 of the NPPF 2019.*

Hours of Work

43. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
Monday - Friday 07:30 - 18:00 Hours
Saturday 08:00 - 13:00 Hours
On Sundays and Bank Holidays no work permitted.

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: *To safeguard the amenities of neighbouring and nearby occupiers during the period of development works in accordance with Policies 8, 15, 28 & 34 of the Adur Local Plan, 2017 and para 170 & 180 of the NPPF 2019. .*

Employment & Skills

44. i) Prior to the commencement of the development, with the exception of enabling works hereby approved, an Employment and Skills Plan shall be submitted to and approved in writing by the Local Planning Authority to include provisions for working with local learning, skills and employment group (s) and/or colleges and/or training establishments, in order to procure local labour and arrange apprenticeship(s) and skills training during the construction phase.

ii) Prior to the commencement of the use of the business centre building, an Employment and Skills Plan shall be submitted to and approved in writing by the Local Planning Authority to include provisions for working with with local learning, skills and employment group (s) and/or colleges and/or training establishments, in order to procure local labour and arrange apprenticeship(s) and skills training during the operational phase, including the provision of apprenticeship(s) and training in the operation of the business centre building.

The approved Employment and Skills Plans thereby approved under i) & ii) above shall be implemented and adhered to throughout the construction phase and in the operation of the business centre development respectively.

Reason: *To promote employment and education facilities alongside the development hereby approved, to accord with the application as submitted and in accordance with the Shoreham Harbour Joint Area Action Plan, 2019.*

Informatives / Notes to Applicant

01. Planning History

This approval is a minor material amendment to the Full Planning Permission AWDM/0204/20, which was granted on 29th January 2021 and subsequently amended by Minor Material Amendment AWDM/0511/21 dated 27th October 2021.

02. Legal Agreement

The obligations in the s.106 Legal Agreement dated 28th January 2021 relate to and bind the Site in respect of which this variation planning permission (AWDM/0511/21) has been granted pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended). The Council's solicitor will contact the applicant following this grant of permission to arrange joint endorsement of the Agreement under the provisions of clause 18.1.3 thereof. The Agreement concerns provisions including affordable housing, highway and transportation measures; car club; health, education, libraries, fire & rescue; open space; heat network; site management; air quality and public art.

03. Remediation

The Environment Agency has advised that details of remediation required under condition 29 should include the design of the impermeable barrier to prevent the re-impact of groundwater in the south west corner of the site, to provide a barrier to block the pathway form the assumed off-site source to ensure the plume is not mobilised during works. Details of LNAPL removal treatment should also be included for review and the mitigation measures to ensure the remedial works do not risk further contamination.

04. Highways

i) In relation to condition 19, it is likely that kerb realignment will be required in order to ensure that there is sufficient space to accommodate space for pedestrians and the future cyclepath. Discussions with the County Highway Authority are recommended at an early stage of the detailed design work. Separate Highway Approval will also be required under s.278 of the Highways Act, 1980.

ii) Section 59 of the 1980 Highways Act - Extra-ordinary Traffic

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

iii) Works within the Highway - Implementation Team

The applicant is required to obtain all appropriate consents from 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.

iv) Temporary Works Required During Construction

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.

v) Traffic Regulation Order(s)

The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed waiting restrictions at the end of Barrington Road - western end. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

vi) Temporary directional signs to major housing developments

The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here: https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview

vii) Provision of Adoptable Highway

If it is the intention of the applicant to offer any of the roads and associated highways infrastructure for adoption under S38 of the Highways Act 1980, the

applicant should apply to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

viii) Electric Vehicle Charging

It is recommended that the proportion of active electric vehicle (EV) charging points for electric vehicles be increased above the 20% of spaces stated in Basement Plans 20086-HGP-PL: 3000 Rev P3 & 301 Rev P3. West Sussex County Council Guidance on Parking at New Developments, 2020 applies an annual 3-4% increase to the 20% baseline since 2018. In 2021 the target is for 33% of spaces, rising to 70% by 2030.

05. Fire Safety

A Fire Safety Assessment is required under the Regulatory Reform (Fire Safety) Order 2005 and Housing Act 2004 and under Building Regulations for each building including materials, layout and safe escape routes. The applicant should contact a Building Regulations advisor for guidance.

06. Drainage

i. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus an allowance for climate change. This allowance for climate change shall be defined by the lifetime of the development and be in accordance with national guidance at the time of the discharge of conditions application.

ii. The surface water drainage design shall take account of forecasted increased sea levels where discharge is to tidal water and the discharge location is within the tidal range. This allowance for sea level rise shall be defined by the lifetime of the development and be in accordance with national guidance at the time of the discharge of conditions application.

iia. It is recommended that Over-The-Wall surface water drainage techniques are explored and incorporated where possible, in discussion with the District Council Drainage Engineer and County Council Local Lead Flood Officers.

iii. Adequate freeboard must be provided between the base of any soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of

the design, including supporting the supply of flotation calculations if an attenuation scheme is proposed.

iv. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage;
https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms.

A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions.

Southern Water - Drainage & Water supply

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: https://beta.southernwater.co.uk/infrastructurecharges.

The initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site.

The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

It is also possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:
https://beta.southernwater.co.uk/infrastructure-charges

Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

No excavation, mounding or tree planting should be carried out within 6 metres of the public water distribution main without consent from Southern Water.

No new soakaways should be located within 5 metres of a public water distribution main.

All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

07. Environment Agency

Flood Defence Improvement Works
On completion of the flood defence improvement works, any operation and maintenance of the flood defence will continue to rest with the riparian owner.

Flood Risk Activity Permit
Any works in, under or over the River Adur Tidal or within 16 metres from the river bank edges, will require a Flood Risk Activity Permit (FRAP) from us. This is separate to planning permission, and any planning approval would be no guarantee that a FRAP would be given.
As stated in section 5.11 of the submitted Flood Risk Assessment (FRA), a Flood Risk Activity Permit (FRAP) will need to be applied for. This is on the basis that the River Adur Tidal is a classified 'main river' and therefore in accordance with the Environmental Permitting (England and Wales) Regulations 2016, any works in, under or over or within 16 metres from the river bank edges will need a FRAP. This includes the new wall, new surface water outfalls, services, fencing, etc.

For further general information on FRAPs please visit:

https://www.gov.uk/guidance/flood-risk-activities-environmental-permits

For any further advice on the FRAP issues associated with this development, please contact our Partnership & Strategic Overview team by emailing - PSOWestSussex@environment-agency.gov.uk.

Emergency evacuation plan

With regards to sections 5.3 and 5.4 of the FRA, we would add that any emergency evacuation plan, should be provided in visible parts of the buildings, in addition to all individual property owners.

Surface water

Whilst we do not comment on surface water discharge rates, or preferred SuDS systems, in principle we would support the potential implementation of 'over the wall' drainage, highlighted in Sections 3.12 and 3.13 of the FRA.

Dewatering

Shallow groundwater and perched water is likely to be present close to the ground surface, and therefore it is likely that dewatering will be required. Please be advised that any dewatering associated with this development will require an

Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from us, unless an exemption applies.

Additional 'Environmental Permitting Guidance' can be found on the gov.uk website:https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit. The Applicant is advised to contact our National Customer Contact Centre for further advice and to discuss the issues likely to be raised. They can be contacted by telephoning 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. Please note that the current COVID-19 crisis may mean that there are some delays in responses to enquiries.

The Applicant should be aware that there is no guarantee that a permit will be granted. Disposal of waste Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan', and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Applicant should contact us for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Please refer to the hazardous waste pages on gov.uk for more information.

08. Marine Licencing

The Applicant should check whether an additional marine licence from the Marine Management Organisation is required. For any activities (including construction, dredging and removals) below the mean high water springs mark, a marine licence may be required. Please note that the requirement for a marine licence is separate from planning permission.

The Applicant is advised to contact the MMO for advice - they can be contacted on 0191 376 2791 (9am to 4.30pm Monday to Thursday, 9am to 4pm on Friday). Further details can also be found on the MMO website:

https://www.gov.uk/government/organisations/marine-management-organisation/services-information.

09. Biodiversity

The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000. Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in roost at the time of inspection. All existing buildings be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at 15 Cloisters House, 8 Battersea Park Road, London, SW8 4BG. Their telephone number is 020 7627 2629.

Where percussive piling methods are used account should be taken of marine ecology in the timing and management of these works, including the use of soft-start procedures should be used to ensure incremental increase in pile power over a set time period subject to ecologist's advice.

10. Crime Reduction

The applicant's attention is drawn to the comments of the West Sussex Police Designing Out Crime Officer who advises, to reduce the opportunity for crime and the fear of crime the proposal should have regard to Secured by Design (SBD) standards. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Full details can be found at www.securedbydesign.com. And in the response to this planning application of 14th April 2020 including:

- Control of access to basement parking and building
- Internal compartmentalisation and secure entry systems
- Postal arrangements
- Passive surveillance and lighting of communal areas, including play areas and pathways
- Provision and management of secure cycle and bin stores.

11. You are advised to ensure that the development works accord with the Party Wall Act 1996, which set out responsibilities for the undertaking of works at or close to the party wall of any neighbouring owner. Further information can be found at:

https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance

12. South East Power Networks

The proposed development is in close proximity to a substation and therefore South East Power Networks advise the following: Where proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required. Any Party Wall Notice should be served on UK Power Networks at its registered office: UK Power Networks, Newington House, 237 Southwark Bridge

Road, London SE1 6NP.Further advice regarding noise, vibration, footings, access and security are in its response to the planning application dated 9th March 2020.

All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices. Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

13. 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.

Ref: AWDM/1973/22

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 the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk.

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. 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.

7. 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 on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).

Ref: AWDM/1973/22