ADUR DISTRICT COUNCIL

Mr Tim Waller
Waller Planning
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Old Hatfield
Herts
AL9 5BT

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/2039/22

Details of Development
DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 176NO. ONE AND TWO BEDROOM RESIDENTIAL APARTMENTS AND COMMERCIAL DEVELOPMENT OVER 4 BLOCKS BETWEEN 5 AND 9 LEVELS, BASEMENT PARKING AND RAISED DECK, NEW HIGHWAY ACCESS, FLOOD DEFENCES, DRAINAGE INFRASTRUCTURE, LANDSCAPING AND ANCILLARY DEVELOPMENT. (INCLUDING CHANGES IN HEIGHTS AND REDUCTION FROM PREVIOUSLY PROPOSED 183NO. APARTMENTS TO 176NO.).

Location of Development
69 - 75 BRIGHTON ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 6RE

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 9th January 2023.

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
16/06/2023

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
EXISTING LOCATION PLAN	PL01 REV A	09.01.2023
PROPOSED 1ST FLOOR PLAN	PL05 REV A	09.01.2023
PROPOSED FLOOR PLANS - BLOCK 1	PL16 REV A	09.01.2023
PROPOSED 1ST TO 4TH FLOOR PLAN - BLOCK 2	PL19	09.01.2023
PROPOSED 5TH FLOOR PLAN - BLOCK 2	PL20	09.01.2023
PROPOSED 6TH FLOOR PLAN - BLOCK 2	PL21	09.01.2023
PROPOSED 1ST TO 4TH FLOOR PLAN - BLOCK 3	PL24	09.01.2023
PROPOSED 5TH FLOOR PLAN - BLOCK 3	PL25	09.01.2023
PROPOSED 6TH FLOOR PLAN - BLOCK 3	PL26	09.01.2023
PROPOSED BLOCK PLAN	PL41	09.01.2023
COMPOSITE LANDSCAPE MASTER PLAN	2937-LMP-101 REV P2	13.06.2023
PROPOSED 2ND FLOOR PLAN	PL06	09.01.2023
PROPOSED 3RD FLOOR PLAN	PL07	09.01.2023
PROPOSED 4TH FLOOR PLAN	PL08	09.01.2023
PROPOSED 5TH FLOOR PLAN	PL09	09.01.2023
PROPOSED 1ST, 3RD & 5TH FLOOR PLAN - BLOCK 4	PL29	09.01.2023
PROPOSED 6TH FLOOR PLAN - BLOCK 4	PL31	09.01.2023
PROPOSED 7TH FLOOR PLAN - BLOCK 4	PL32	09.01.2023
PROPOSED ROOF PLAN	PL12 REV A	28.02.2023
PROPOSED 6TH FLOOR PLAN	PL10 REV A	28.02.2023
PROPOSED 7TH FLOOR PLAN	PL11 REV A	28.02.2023

Reference/Drawing Number	Version	Date Rec
PROPOSED FLOOR PLANS - BLOCK 1	PL17 REV A	28.02.2023
PROPOSED ROOF PLAN - BLOCK 2	PL22 REV A	28.02.2023
PROPOSED ROOF PLAN - BLOCK 3	PL27 REV A	28.02.2023
PROPOSED 5TH FLOOR PLAN - BLOCK 4	PL30.1	28.02.2023
PROPOSED 2ND & 4TH FLOOR PLAN - BLOCK 4	PL30 REV A	28.02.2023
PROPOSED ROOF PLAN - BLOCK 4	PL33 REV A	28.02.2023
BLOCK 1 - ELEVATIONS	PL34 REV C	28.02.2023
BLOCK 2 - ELEVATIONS 1	PL35 REV B	28.02.2023
BLOCK 4 - ELEVATIONS 1	PL39 REV C	28.02.2023
BLOCK 2 ELEVATIONS 2	PL36 REV B	28.02.2023
BLOCK 3 - ELEVATIONS 1	PL37 REV B	28.02.2023
BLOCK 3 - ELEVATIONS 2	PL38 REV C	28.02.2023
BLOCK 4 - ELEVATIONS 2	PL40 REV C	28.02.2023
CONCEPT LANDSCAPE GENERAL ARRANGEMENT	2939-LA-101 REV P1	13.06.2023
PROPOSED GROUND FLOOR PLAN	PL03 REV B	24.01.2023
PROPOSED BASEMENT FLOOR PLAN	PL04 REV B	24.01.2023
PROPOSED GROUND FLOOR PLAN - BLOCK 1	PL15 REV B	24.01.2023
PROPOSED GROUND FLOOR PLAN - BLOCK 2	PL18 REV A	24.01.2023
PROPOSED GROUND FLOOR PLAN - BLOCK 3	PL23 REV A	24.01.2023
PROPOSED GROUND FLOOR PLAN - BLOCK 4	PL28 REV B	24.01.2023
BLOCK 1 - ELEVATIONS	PL34 REV B	24.01.2023

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

02. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

03. Phasing (and Enabling Works)

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 any structures 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.*

04. Enabling Works

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 2021, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.

05. River-wall works

Prior to commencement of works to replace or repair 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 2021.*

06. Materials and Details

With the exception of Enabling Works in Condition 4, (and unless agreed otherwise in writing by the Local Planning Authority), no works above ground level shall take place until the following details 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 and frames; roof intersections, soffits, parapets & cappings, balconies, balcony screens and external rails;

c) Any 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 / roof edges,

e) Details of external lighting for the purposes of public safety and including measures to minimise light pollution, which shall be implemented,

f) Details of pedestrian and vehicular access ramps and steps and ground floor plinths, including detailing and/or materials to add visual interest,

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

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.*

07. Landscaping, Play and Biodiversity

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) Details of hard landscaping materials and surfacing
ii) Details of provisions for informal play & recreation
iii) Any external seating
iv) Planters and tree pits including irrigation and drainage
v) Ground preparation to create and maintain a fertile planting medium
vi) Biodiversity enhancement measures
vii) Details where appropriate, of any temporary landscaping at the public footpath along the Brighton Road frontage
viii) A Landscape and Common Areas Maintenance Plan to ensure full establishment and maintenance of new planting and common areas

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-viii) 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.*

08. Means of Enclosure Gates or Barriers & Permitted Development Restriction

Before the commencement of development above ground level, (other than Enabling Works), details of all means of enclosure, gates or barriers for any 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.*

09. Commercial Units - Uses and limitations

i) The commercial spaces hereby approved shall not (with the exception of the unit to be used for deliveries under condition 22 of this permission) be used other than for purposes within Class E Town and Country Planning (Use Classes) Order 1987, (as amended) and notwithstanding the provisions of Schedule 2, Part 3 of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting these Orders they shall not be used for any other purposes whatsoever.

ii) Prior to the commencement of any use within Class E for any indoor sport, recreation or fitness or any crèche, day nursery or day centre, details shall be submitted to and approved in writing by the Local Planning Authority including hours of use, measures to minimise risk of noise and disturbance to neighbours or occurrence of odours, measures to minimise and control traffic and deliveries and anticipated numbers of staff and visitor and customers. These uses shall only operate in accordance with the details approved by the Local Planning Authority

Reason: *To provide an appropriate commercial use of the space in accordance with the current application, to add vitality but also to minimise risk of conflict with neighbouring residents at the site or adjoining sites, and in the interests of flood*

risk safety in accordance with policies 8 & 28 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.

10. Commercial Units - Hours

The commercial spaces shall only be used and open to customers and visiting members of the public between the following hours, (unless otherwise approved in writing by the Local Planning Authority, including any written approval under condition 9 of this permission, which may include other or shorter hours):

Monday - Saturday 07:30 - 23:00
Sunday & Bank/Public Holidays: 08:30 - 20:00

Reason: *To achieve a balance between business needs and the protection of residents immediately adjacent or close to the premises 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.*

11. Commercial Units - Noise Insulation

a) Construction work (with the exception of any demolition or stripping out), shall not commence until an insulation scheme for protecting the first floor flats from noise from the commercial spaces has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors.

b) Before the residential units are occupied a test shall be undertaken to demonstrate compliance with this level and submitted to and approved in writing by the Local Planning Authority.

Reason: *To protect neighbouring residents from noise and vibration.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.*

12. Commercial Units - Ventilation & Amplified Sound

i) No kitchen for the preparation of hot food shall be installed in any commercial space unless details of means, plant or equipment for the extraction and disposal of cooking odours have been submitted to and approved in writing by the Local Planning Authority.

ii) No external fixed plant serving the café space shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. The design shall have regard to the principles of BS4142:2014 and aim to achieve a rating level which is no greater -5dB above existing background noise level, shall include any necessary anti-vibration mountings and any necessary odour control.

iii) No amplified sound equipment in or outside the commercial spaces terrace shall be used until details have been submitted to and approved in writing by the Local Planning Authority, including proposed hours of its use and to ensure that any sound level measured 1m from any speaker or equipment shall not exceed 75dB(A) LAeq 1 min.

The use of the commercial spaces shall only take place in full on-going conformity with any details approved under this condition.

Reason: *To protect neighbouring residents from odour, noise and vibration.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.*

13. Commercial Units - Advertisements

Details of any external signage for the commercial spaces (whether illuminated or non-illuminated), shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation of each respective space. Thereafter no additional illuminated signage shall be erected without the prior written approval of the Local Planning Authority.

Reason: *In the interests of visual amenity and in consideration of the site prominence, the setting of the nearby conservation area and listed buildings, to achieve a balance between business needs and the impact and appearance of signage in accordance with policies 15 of the Adur Local Plan and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

14. Highways & Access

i) No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving that part of the development have been constructed in broad accordance with the details shown on the drawings titled and numbered Proposed Ground Floor Plan - PL03 Rev B and Proposed Basement Floor Plan - PL04 Rev B.

ii) Details of any new temporary access if required to serve demolition and construction works shall also be submitted to and approved in writing by the Local Planning Authority, including arrangements for its subsequent removal at the completion of these works.

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 2021.*

15. Accesses and Frontage Specifications

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 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 2021.*

16. Car-Park Barrier

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.*

17. Vehicle Parking & Car Park Management

i) No part of the development shall be occupied until the vehicle parking and manoeuvring spaces serving that part (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.

ii) A Car Park Management Plan shall also be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the development, including details of management to ensure the efficient use of parking spaces in the basement car park. Parking shall be permanently managed in accordance with this Management Plan, (or any future variation or updated version which is first approved in writing by the Local Planning Authority)

Reason: *To ensure the provision of well-located and efficiently used car-parking facilities and sustainable parking, minimising to serve the development in accordance with policies 28 of the Adur Local Plan 2017 and SH5 of the Shoreham Harbour Joint Area Action Plan 2019.*

18. Electric Vehicle Charging

No part of the development shall be first occupied until Electric Vehicle Charging spaces and ducting/cabling have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority and shall be permanently maintained thereafter.

Reason: *To ensure the provision of well-located Electric Vehicle Charging spaces to serve the development in accordance with policies 28 of the Adur Local Plan 2017 and SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2021.*

19. Secure Cycle Parking

No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority and shall be permanently maintained thereafter.

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 2021.*

20. Travel Plan

No residential 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 shall thereafter be implemented including any monitoring, reporting and subsequent updating measures in accordance with each Travel Plan thereby approved.

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.*

21. Site Servicing and & Emergency Vehicles

Other than vehicular access to the basement car park, no vehicles or deliveries, other than service and emergency vehicles, shall access into other parts of the site. A Site Serving Plan, including details of the management of vehicular access and physical obstructions and /or barriers and signage to prevent unauthorised vehicular access shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the site and shall be implemented and permanently maintained and adhered to thereafter.

Reason: *To manage vehicular access in the interests of highway and pedestrian safety and amenity to avoid traffic within the interior of the site, other than emergency and service vehicles in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

22. Deliveries

Details of arrangements for the use of one of the commercial units at the front of the site for concierge purposes and to receive deliveries to the site, for the benefit of site occupiers, shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the site. Thereafter the unit shall only be used for this delivery purpose and for no other use.

Reason: *To manage deliveries to in the interests of the safety and free flow of vehicular traffic and due to the ned to avoid other traffic within the interior of the site, other than emergency and service vehicles in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

23. Wheelchair Access - Apartments and All External Areas

Accesses to the apartment block and all common external areas of the development using level thresholds and ramps shall provide for access by wheelchair users, unless otherwise 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 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

24. Recycling & Refuse Stores

No part of the development shall be occupied until the refuse storage space(s) serving it 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.*

25. Flood Risk and Riverside Management

The development shall be carried out in accordance with the submitted Flood Risk Assessment ('FRA') (Project ref: 332510124/4001, Doc ref: Revision D, dated November 2022, by Stantec) and the following mitigation measures it details:

i) The finished floor levels of the residential properties shall be set no lower than 6.2 metres above Ordnance Datum (AOD) (sections 4.8.4, 6.6.1 & 10.2.1 of the FRA)

ii) The finished floor levels of the commercial units shall be set no lower than 4.4 metres above Ordnance Datum (AOD) (sections 4.8.4 & 6.5.2 of the FRA)

iii) Hard defences in the form of a podium deck shall be installed at 5.6 metres above Ordnance Datum (AOD) prior to occupation of the site (sections 4.8.3, 6.3.1, 6.3.6, 6.3.7, 8.3.4 & 10.2.1).

iv) A new SSP wall will be installed along the riverside frontage prior to occupation to replace the existing wall, which is in poor condition (section 6.4 of the FRA). The new SSP wall shall be designed with a life of 100 years, or a maintenance plan provided to show how the wall will be managed through 100 years. The final designs of the new SSP wall shall be submitted to, and
approved in writing by, the Local Planning Authority prior to construction.

v) A minimum of 5 metres access will be provided behind the riverside frontage to allow for future maintenance of the frontage (section 6.3.3 of the FRA).

These mitigation measures shall be fully implemented prior to occupation of the development and subsequently in accordance with the scheme's timing/phasing arrangements. They shall be fully maintained in accordance with the scheme's timing/phasing arrangements and shall be fully retained and maintained throughout the lifetime of the development.

Reason: *To reduce the risk of flooding to the proposed development and future occupants, in accordance with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

26. Repairs to Existing Sheet Pile Wall

The development hereby permitted shall not be occupied until such time as the identified repair works in the Technical Note (Technical Note, Job No: 332510124/4001, Note No: TN006, dated March 2022, by Stantec) item 2, page 2 to Steel Sheet Piles (SSP) wall along the river frontage have been completed.

Reason: *Repairs must be undertaken to make river walls fit for purpose prior to any occupation of the site to protect future residents from flood risk in accordance with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

27. Demountable Flood Defence Barrier/Flood Gate for Basement Car Park

The development hereby permitted must not be occupied until such time as a specification for the demountable (or other type of) flood defence barrier/flood gate for the basement car park, (as per section 6.8.5 of the submitted Flood Risk Assessment, Project ref: 332510124/4001, Doc ref: Revision D, dated November 2022, by Stantec), details of the level of protection it will provide and a schedule for maintenance and inspection of the demountable flood defence barrier/flood gate once installed has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: *Further details of the type of barrier/flood gate are required, including the expected level of protection it will provide before installation to ensure it will be adequate in accordance with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

28. Flood Risk & Safe Access

Prior to the occupation of any phase or part of the development, a Flood Risk Management and Escape Plan for each phase or part of the development 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 or part, including the provision of any escape routes contained in the Flood Risk Management Plan and shall be 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 paras 164 - 167 of the NPPF 2021.*

29. Temporary Flood Risk Management

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, 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: *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.*

30. Drainage 1 - Details of Foul & Surface Drainage

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, in liaison with Southern Water 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. This shall include any details of development phasing necessary to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. The development shall then be carried out to comply with the agreed details, timetable and phasing.

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.*

31. Drainage 2 - Sustainable Surface Water Drainage

No works except Enabling Works and 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 design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. It shall include the following:

a) a 30 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate no flooding;
b) a 100 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate flooding on site is safely
managed and does not increase flood risk elsewhere;
c) a 2 year climate change rainfall rain-fall event combined with a 2121 200 year tide, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere, and
d) Winter groundwater monitoring data 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.

Details shall also include measures to manage and intercept any pollution risks, including risks to controlled waters with measures for control and mitigation of these risks. No building shall be occupied until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: *To ensure that the proposed development is satisfactorily drained and managed and manage any risk of contamination which could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS) where controlled waters, are particularly sensitive in this location. This is in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

32. Drainage 3 - As-Built Records

Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by a qualified engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be permanently maintained 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.*

33. Drainage 4 - Management

i) With the 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 Surface Water Drainage Management and 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 the 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, 2021.*

34. Remediation and Groundwater

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

i) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be fully implemented as approved, any changes to these components shall require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved

Reason: *To safeguard groundwater, controlled waters and aquifer from risk of presence of contaminants at the development site, in accordance with NPPF paras 174- 183, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

35. Remediation Verification

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy 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 site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF and 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.*

36. Previously Unidentified Contamination

36. 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 para 174 of the National Planning Policy Framework 2021, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019..*

37. Piling Works & Contamination

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 and method 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..*

38. Sustainability & Energy

a) The development hereby approved shall incorporate the following sustainable energy and heat management measures, in accordance with the details of an updated Energy & Sustainability Statement to include:

- Targets and calculations for CO2 and Energy efficiencies
- Energy efficient building fabric,
- LED internal and external lighting,
- Provision of Exhaust Air Heat Pumps and associated space and water heating systems,
- Mechanical Ventilation with Heat Recovery System (MVHR), with summer bypass
- Building Energy Management Systems,
- Efficient water goods and fixtures to achieve less than 110L per Person per day.

Prior to development above ground level, the aforementioned updated Energy & Sustainability Statement and updated calculations, including any updating of overheating and ventilation calculations and information, shall be submitted to and approved in writing by the Local Planning Authority, the updated calculations and information shall demonstrate the CO2 and Energy efficiencies of the Energy & Sustainability Statement.

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

b) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target CO2 reduction below the baseline model including renewable energy, as identified in the submitted Energy & Sustainability Statement and confirming the installation of water goods and fixtures to achieve a target of less than 110L per Person usage per day. The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: *In the interests of clarity, to ensure the submission of an updated Strategy for approval and to ensure that the development is sustainable and makes efficient use of energy, water and materials to achieve CO2 reductions having regard to the National Planning Policy Framework and policies 18 & 19 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan and the Council's Sustainable Energy SPD, 2019.*

39. Noise Mitigation and Ventilation - Provision

Prior to the commencement of development above slab level, details of noise and vibration mitigation, including acoustic glazing, mechanical ventilation and heat recovery systems together with an updated overheating assessment, shall be submitted to and approved in writing by the Local Planning Authority. Details shall also include any necessary measures to minimise risks of noise and vibration from any lifts or other plant provided as part of the development. This condition shall apply notwithstanding any information contained in the current application.

Reason: *To protect residents from noise and vibration in accordance with policy 15 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan.*

40. Noise Mitigation and Ventilation - Verification

No development shall be occupied until all noise mitigation and ventilation approved under condition [x] above has been completed and details of the post implementation independent verification have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

Reason: *To protect residents from noise and vibration in accordance with policy 15 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan.*

41. Air Quality Mitigation

With the exception of the Enabling Works, development shall not 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 £17,483 for 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 of the Adur Local Plan 2017 and the National Planning Policy Framework, 2021.*

42. Levels

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

- Flood Risk Assessment & Drainage Strategy - Stantec Ltd. November 2022, Appendix B1.1 - Topographical Survey and Appendix F - Ground Floor Plan Section Location and Sections A-I, and

- Ground Floor Drawings LP15B, PL18A, PL23A and PL28B

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 flood risk 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.*

43. Aerials / Antennae

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 in areas which are visible from outside the site, 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.*

44. Obscure Glazing & Privacy Screens

Prior to any part of the permitted development being occupied, a scheme of obscure glazing and balcony screens shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the location, height, type and specification of screen or obscure glazing, (which shall typically have a degree of obscuration equivalent to or greater than Pilkington Obscure Glass 4), and whether windows are fixed or openable in whole or part. The development shall only be carried out and shall, be permanently maintained thereafter in accordance with the details thereby approved.

Reason: *To ensure a reasonable degree of privacy between neighbouring residents and to safeguard the appearance of the development in accordance with policy 15 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan.*

45. Fire Hydrants & Water Supply

Prior to the commencement of the development details showing the proposed location of fire hydrants or stored water supply required to serve the development, shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. Any new or replacement hydrants or water supply forming part of the details thereby approved shall be installed at the expense of the site developer or owner, prior to occupation of the site (or any phase of the development in the event of a phased programme), in the approved location (s) to BS 750 standards (or any updated BS standard) and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

Reason: *In the interests of amenity and in accordance with policy 29 of the Adur Local Plan 2017 and in accordance with The Fire & Rescue Service Act 2004.*

46. Construction Environment Management Plan - Development

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) Arrangements for regular and responsive traffic management liaison with other imminent or active development sites in the Western Harbour Arm and A259 Brighton Road,

n) 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,
o) 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.*

47. Hours of Work - Development

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 08:00 - 18:00 Hours
Saturday 08:30 - 13:00 Hours
Sundays and Bank / Public Holidays no work is 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.*

48. Archaeology

Prior to commencement of enabling works an archaeological investigation of the area subject to those works, including below ground and investigation and recording of the existing flint building on the site, shall be carried out at the expense of the developer in accordance with a specification (written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing before the commencement of building works, excluding demolition.

Reason: *To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works. Policy: National Planning Policy Framework paragraphs 204-205; Adur Local Plan 2017 Policy 16.*

Informatives / Notes to Applicant

01. Legal Agreement

This planning permission is subject to the s.106 legal agreement dated 16th June 2023 concerning provisions and contributions in relation to matters including affordable housing, highway and transportation measures; car club; health, education, libraries, fire & rescue; open space; footpaths; site management and car park management; air quality and public art.

02. West Sussex County Council Highway Authority

i) 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. https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/

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) 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.

iv) 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

v) 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.

03. 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

The Environmental Permitting (England and Wales) Regulations 2016 requires a permit (called a 'Flood Risk Activity Permit') to be obtained for any activities which will take place:

- On or within 8 metres of a main river (16 metres if tidal).

- On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal).

We note that the Flood Risk Assessment does acknowledge the need for a permit. For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The Applicant should note that a permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit.

Signing up for flood warnings

The Applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit https://www.gov.uk/sign-up-for-flood-warnings. Our flood warning service is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email, or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families, and precious items to safety. Flood

warnings can also save lives and enable the emergency services to prepare and help communities.

Land contamination: risk management and good practice

We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination.

- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health.

- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

- Refer to the contaminated land pages on gov.uk for more information.

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- Treated materials can be transferred between sites as part of a hub and cluster project.
- Some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays (03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk).

We recommend that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice.

- The waste management page on gov.uk.

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, 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 Environment Agency should be contacted for advice at an early stage to avoid any delays (03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk).

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. Refer to the hazardous waste pages on gov.uk for more information.

04. 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.

05. Southern Water

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. This 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 the Design and Construction Guidance 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 possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX southernwater.co.uk Southern Water Services Ltd, Registered Office: Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX Registered in England No. 2366670 Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

06. Fire Safety.

The Health and Safety Executive has confirmed by response of 23-03-2023 (reference Pgo-2868) that it is content with the applicant's Fire Statement for the proposed development. A fire safety assessment will be needed under Building Regulations for each building including, cladding and safe escape routes. The applicant should contact a Building Regulations advisor for guidance.

In relation to condition 45 of this permission the applicant should contact the Water and Access Manager at West Sussex Fire and Rescue Service West Sussex County Council, Bognor Fire Station, West Meads Drive, Bognor, PO21 5TB Phone: 0330 222 3117 | E-mail: frs.waterandaccess@westsussex.gov.uk

07. The applicants 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 trees should therefore 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.

08. Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA), consideration has been given to whether the development would lead to likely significant impacts. Consideration has been given to matters including ecology and nature conservation; landscape and visual effects; transport; cultural heritage; resources; drainage, flooding and ground conditions; noise and vibration; community effects and air quality. Mitigations have been identified by the use of planning conditions including a construction management plan (including traffic management), biodiversity measures; flood-risk management and drainage, including Sustainable Drainage and built design, including control of materials and lighting, in order to minimise impacts. Following detailed consideration of the application and submitted information on these matters, it is concluded that the development is unlikely to have significant effects beyond those of the outline permission and no further assessment under the EIA Regulations is considered to be necessary.

09. 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 the proposed development of the site in its letter of 22nd September 2022 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.

10. 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

11. Condition 38 - Energy & Sustainability Strategy

For the purposes of condition 38a, the updated Energy & Sustainability Strategy it is envisaged that this will be based upon the previously submitted Energy & Sustainability Strategy by Daedalus, dated December 2022, as updated by the heating proposals set out in the planning agent's email message to the Local Planning Authority on 6th March 2023. Targets for CO2 reduction and energy efficiency, including use of renewable energy, should be no less than those set out in the previously submitted Energy & Sustainability Statement.

12. 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

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/2039/22

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://www.gov.uk/appeal-planning-decision.

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

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

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