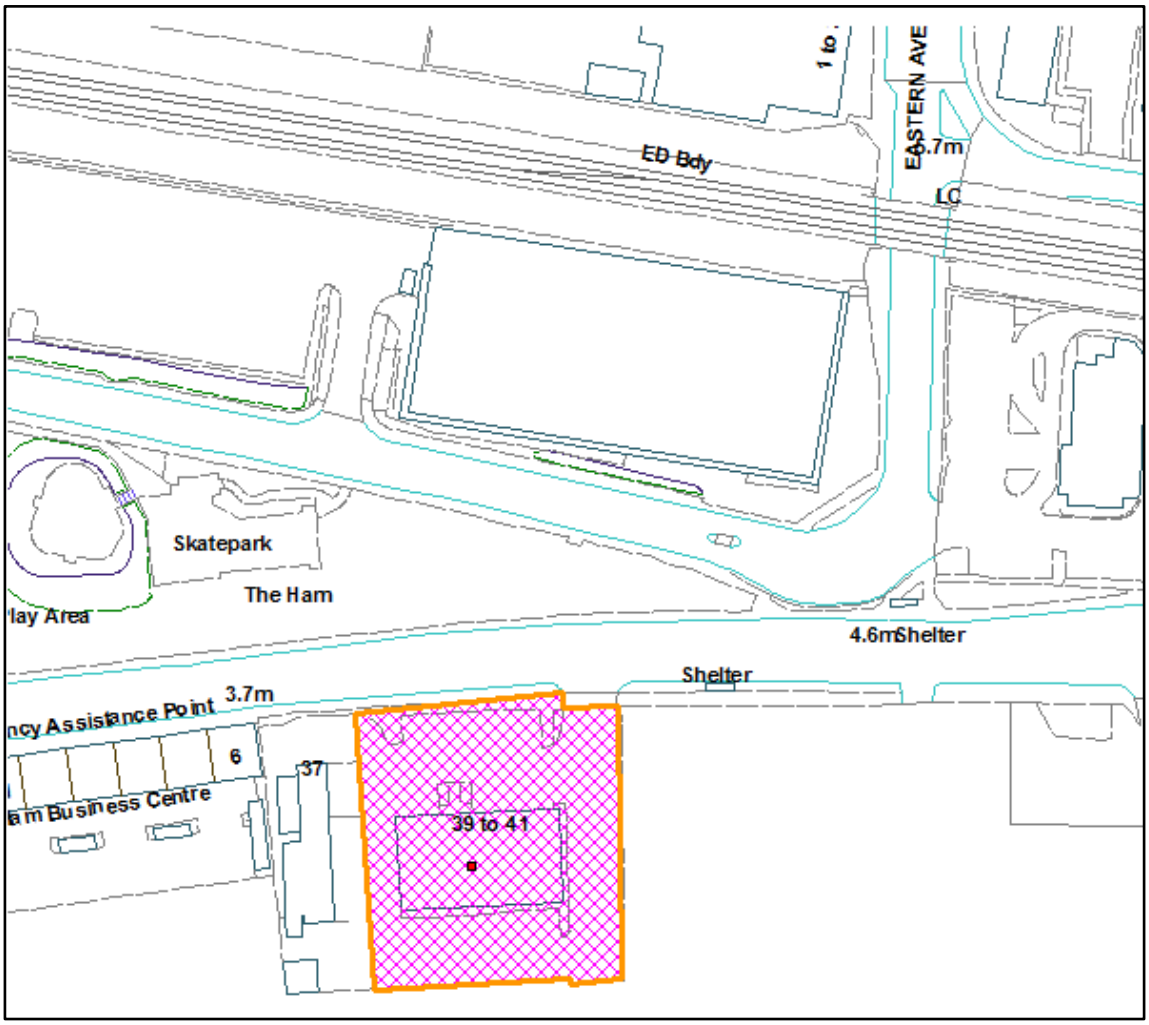
Application Number:	**AWDM/0738/25**	**Recommendation - To be delegated to the Head of Planning to approve outline planning permission subject to the completion of a S.106 agreement and appropriate conditions.**
Site:	**39 - 41 Brighton Road, Shoreham-By-Sea, West Sussex**	
Proposal:	**Outline application for the demolition of the existing building and the erection of a one to nine-storey block of residential apartments, a commercial unit (Class E), with associated cycle parking and car parking.**	
Applicant:	Blenheim Estates Limited	Ward: St Mary's
Agent:	Axiom Planning	
Case Officer:	Giles Holbrook	



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Proposal, Site and Surroundings

Outline planning permission is sought, together with the matters of access and scale, for the demolition of an existing commercial building and the erection of a single 9x storey building containing an indicative 49x residential units, a single commercial unit (use class E) together with associated access, parking and circulation spaces.



Fig. 1: Illustrative Appearance - Brighton Road

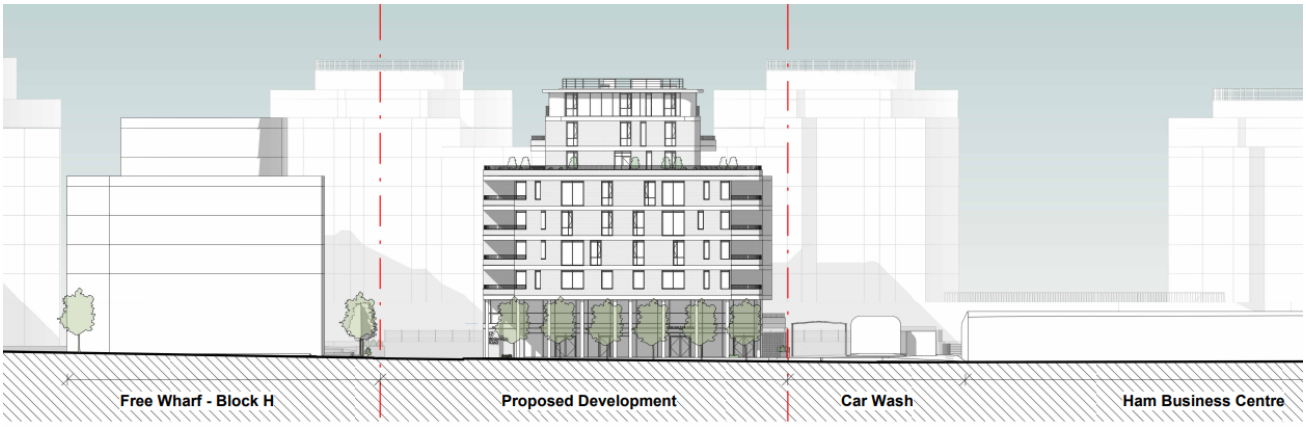

Fig. 2: Indicative Street Scene - Brighton Road



Fig. 3: Illustrative Arrangement in Relation to Existing, Committed and Future Development

The site sits within the Western Harbour Arm (WHA) of the Shoreham Harbour Regeneration Area to the south of Brighton Road (A259). It forms part of the Shoreham Harbour Regeneration Area as defined by the adopted Joint Area Action Plan (JAAP) (2019) and is specifically identified as a component of the WHA Waterfront as site WH6 within the JAAP.

It extends to an approximate area of 0.22ha, with a 40m frontage to Brighton Road. At present the site contains a single industrial-style building occupied by a national motor repair/servicing chain together with surrounding hardstand and a small grassed strip fronting onto Brighton Road. The site benefits from a single access onto the A259 at its eastern extent. The existing access is uncontrolled, though a dedicated turning lane into the site is available in the eastern direction.

The site excludes the adjoining car-wash facility to the west. This car-wash facility is accessed through the application site from the existing Brighton Road access. The vehicular entrance and exit loop to the car-wash effectively run the perimeter to the application site,

including along the rear of the site, except to its westernmost boundary.

The site lies to the adjacent north and west of the 'Free Wharf' development, ranging between six and nine storeys in height and as initially consented pursuant to ref: AWDM/1497/17 and latterly amended The site frontage most closely relates to adjacent 'Block H' of the Free Wharf development, constituting a detached apartment building of 8x storeys in height. The site, further, sits forward (north) of 'Blocks C and D' to the Free Wharf development, a large apartment building ranging from 6-9x storeys in height.

The site also lies,to the south of Ham Road Park (opposite on Brighton Road) constituting a public recreation space and containing a skate-park facility. A large retail unit, with associated car-parking, is found across Ham Road Park to the northern side of Eastern Avenue.

The site sits approximately 280m east of the designated extent of the Shoreham Conservation Area (at Surry Street) and the Grade II Listed Building of 55-57 New Road. It is separated from these designated heritage assets by the former Civic Centre site, Duke of Wellington Public House and by adjoining two-three storey shops, flats and houses. The site, further, sits ~550m east of the Grade I Listed Building of St Mary De Haura Church and a number of other Grade II Listed Buildings situated within Shoreham Town Centre which are not individually identified for reasons for brevity.

The site falls within the modelled extent of Flood Zones 2 and 3, reflecting its proximity to the River Adur, but is not currently modelled as at risk of surface water flooding. The site, further, falls, both, within Waste and Minerals Consultation Areas reflecting its proximity to minerals infrastructure at New Wharf and Kingston Railway Wharf in addition to waste infrastructure at Shoreham Household Waste Recycling Centre and Kingston and Lennards Wharf. The site itself is considered to represent previously developed land (as defined at Annex 2 to the Framework (2024), though, does not contain any heritage, landscape and/or ecological designations.

Proposal

The proposals seek outline consent for the formation of a single 9x storey apartment building with all matters reserved except for matters of access and scale. This would continue to utilise the pre-existing point of access onto Brighton Road at the north-eastern extent of the site with pedestrian access introduced to the south of Brighton Road to the respective side of the retained vehicular access and to the north-western extent of the site.

Access to the neighbouring car-wash would be retained, accommodated in part within an undercroft to the north (frontage) of the indicative position of the proposed apartment block. Access to the rear (entrance) to the neighbouring car-wash, together with indicative car-parking for the proposed development, would be retained within the eastern and southern sections of the site. The indicative position of the proposed apartment block, and associated soft-landscaping, is shown to be set some distance rear (south) of the Brighton Road frontage, in anticipation of the future delivery of an upgraded pedestrian/cycle path along the south side of Brighton Road.

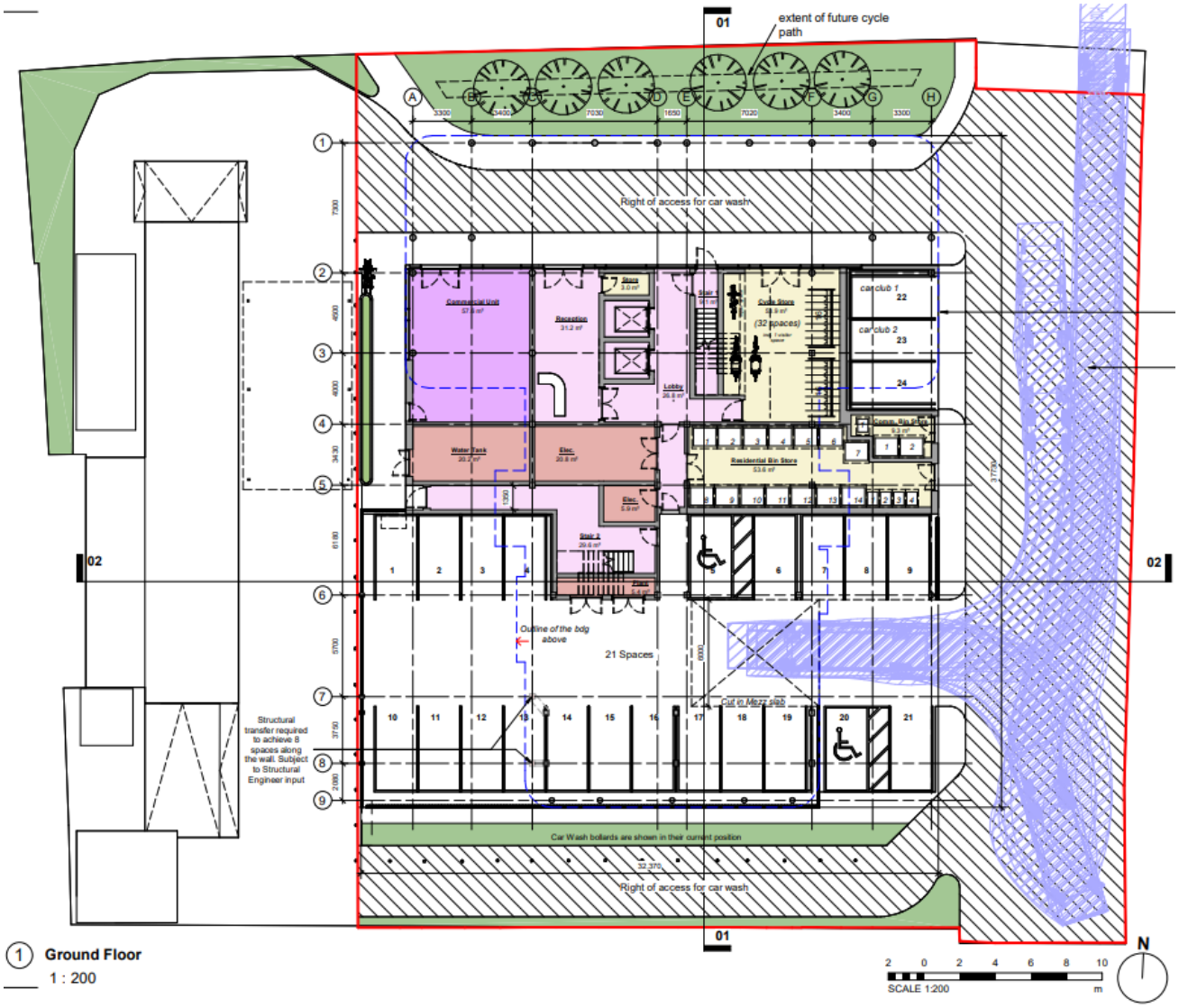

Fig 4: Indicative Ground Floor Layout with Access Arrangements

The submitted plans show the proposed apartment building at a total height of 9x storeys and shown to measure a total height of 34.5m Above Ordnance Datum (AOD) at its highest point, approximately 30m above the level of Brighton Road. The proposed apartment, however, would be arranged in two ranges, with lesser 5x storey ranges (at 25m AOD) provided at the respective northern and southern extents of the building such that the 9x storey range is stepped back circa 8.5m from the principal elevation fronting Brighton Road and ~3.5m to the rear of the building facing towards Free Wharf 'Blocks C and D'.

This form is fundamentally comparable to the arrangement of Free Wharf 'Block H' to the adjacent east, except for the inclusion of an additional storey to the taller stepped-back range. Single storey components would project from the main 5/9x storey ranges to the east and west at ground floor level only, providing, servicing and circulation spaces and parking for proposed apartments. The indicative plans show the provision of private terracing and green roofs atop the single storey projections at 'upper ground' level.

The submitted plans show the footprint of the overall building (inclusive of single storey projections and undercroft components) to measure 37.73m in depth and 32.37m in width. An indicative quantum of 49x apartments is shown in the supporting plans/documents in addition to a single commercial unit of 57.5sqm at ground floor level. The indicative layout/floor plans show that no residential uses would be located at ground floor level. There would be two separate staircases and a single two-lift shaft providing access to all storeys of the proposed building.

The indicative plans suggest that the proposed building would be principally constructed of brick with extensive glazing also featured. Similar to the external treatment of the adjacent Free Wharf 'Block H', the indicative plans suggest that the proposed building would feature rounded corners with alternative brick detailing provided to distinguish between internal storeys. Inset balconies are shown indicatively, to feature to the front and rear corners of the building at its southern and northern extents with projecting balconies shown to the side of the main 9x storey range to the respective east and west of the building. The indicative plans also show a very slight additional inset to the 9th storey and the use of an alternative material (likely cladding) to distinguish from the predominantly brick structure below.



Fig 5: Indicative Northern (Front) Elevation

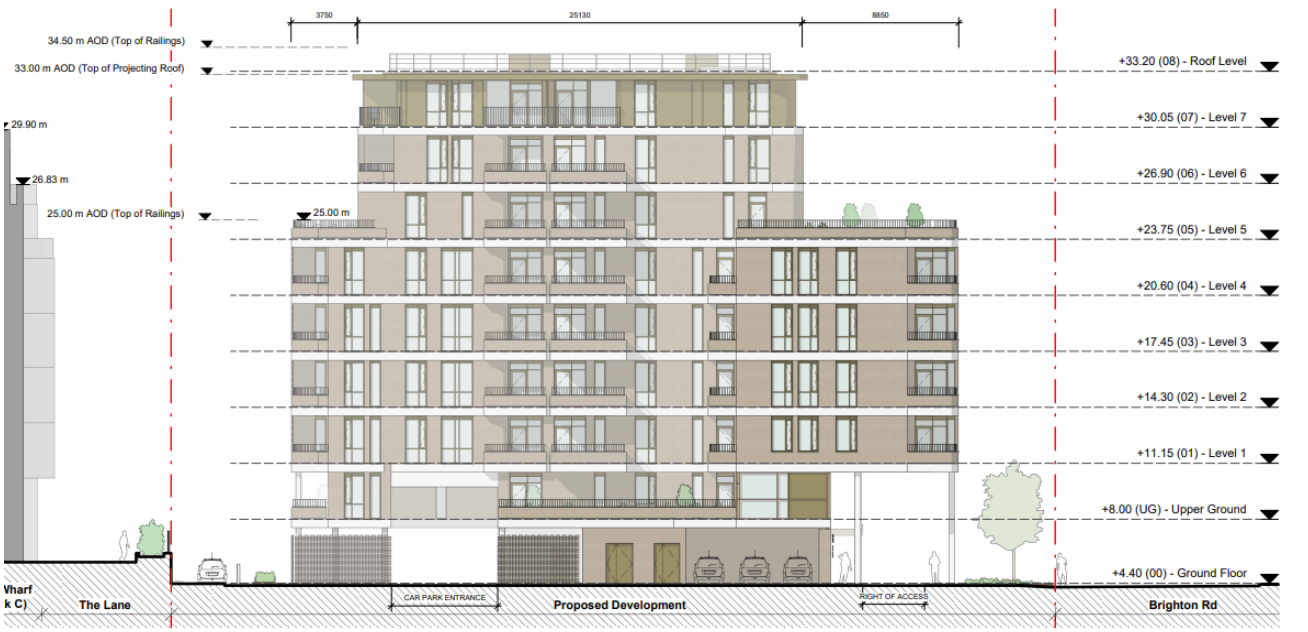

Fig 6: Indicative Eastern (Side) Elevation

The indicative layout plans suggest that the proposals would provide 24x total car-parking spaces, inclusive of 2x disabled spaces and 2x spaces to be dedicated to the 'car-club'. A dedicated cycle store of 32x spaces is additionally shown, inclusive of a single visitor cycle space.

Relevant Planning History

SU/139/85/TP/8964	Outline application for industrial units	Application withdrawn 15.08.1985
SU/202/85/TP/2778	Outline application for industrial units	Application permitted 07.01.1986
SU/64/86/TP/11567	Redevelopment of site with new warehouse, offices and parking facilities	Application permitted 08.07.1986
SU/171/87/TP/1472	Outline application for auto-centre (sale and fitting of parts and other vehicle repairs) and car wash with associated parking area	Application permitted 13.10.1987
SU/227/87/TP/1620	Auto centre (sale and fitting of parts and other vehicle repairs) and associated car parking	Application permitted 19.01.1988

N.B. previous applications for advertisement consent have been omitted from the above list for the purposes of brevity.

Consultations and Public Representations

Where consultation responses and/or public representations have been summarised, it should be noted that Officers have reviewed and had regard to the full comments received;. Which are available to view via the Council's website (https://planning.adur-worthing.gov.uk/online-applications).

County Responses:

County Fire & Rescue Service (FRA): Comment

[Summary] (Response of 20.06.2025)

The Fire and Rescue Service responded to advise that evidence is required to demonstrate that all parts of the proposed apartments are within 45m, measured along the hose lay route, of the location of a fire appliance or dry riser outlet in accordance with Building Regulation requirements contained within Approved Document B (AD-B) Volume 1 B5 section 13. It was advised that any areas not within a 45m distance would need to be mitigation through the installation of domestic sprinkler or water mist systems compliant with BS 9251 or BS8458 standards.

County Local Lead Flood Authority (LLFA): Objection, see response of 11.11.2025:

Summary of response of 11.12.2025)

Following receipt of a Surface Water Drainage Strategy dated November 2025, the LLFA respond to confirm that previous concerns had now been adequately addressed and sought to raise no objection to the development, subject to the imposition of relevant conditions.

[Summary of earlier responses]

(response of 06.10.2025)

Notwithstanding the receipt of an updated Flood Risk Assessment seeking to address Environment Agency comments, the Lead Local Flood Authority (LLFA) sought to maintain an objection in the absence of a Surface Water Drainage Strategy seeking to address initial LLFA comments of 11.07.2025.

(response of 11.07.2025)

The LLFA sought to object to the proposed development in the absence of an acceptable drainage strategy. The LLFA considered that the proposals were not made in accordance with national standards for sustainable drainage systems (SuDS), with it being considered unclear why previous and outdated LLFA policy was referenced within supporting

documentation.

The LLFA considered, in the absence of any other viable method of draining the site, that the location of the outfall must be determined at outline stage in order to establish that the receiving system has capacity to receive surface water from the site. Given the location of the site, this was noted as likely to be from a third-party.

The LLFA voiced support for the use of bioretention features and permeable paving. The relative lack of information on flood resilience and resistance was noted by the LLFA, though, commented to be closer to the remit of the Environment Agency review as the site was not currently modelled as at risk of surface water flooding.

County Highway Authority: Further Information Requested

[Summary] (Comments of 27.11.2025)

The Local Highways Authority (LHA) advised that the proposals had been reviewed in relation to matters of highway safety, capacity and access. The LHA officer noted that the site is currently occupied by a single light industrial unit (approx 420sqm) and associated hardstand/circulation spaces. The site, additionally, was noted to provide a right of way to a car-wash facility beyond the application site to the adjacent west, which, together with the internal access route through the site, would be retained by the proposals.

<u>Access and Visibility:</u>

The LHA officer acknowledged previous pre-application discussions between the applicant and LHA, with consideration given to amendments at pre-application stage to the existing site access and potential narrowing of the site access for the benefit of pedestrian use.

The LHA officer, though, acknowledged that vehicle tracking diagrams previously provided to the LHA showed that a narrowing of the access was not possible owing to the central refuse island on Brighton Road immediately east of the site access, necessitating that the existing access arrangement be retained.

The LHA confirmed its satisfaction that a Stage 1 Road Safety Audit (RSA) was not necessary in this instance.

<u>Capacity and Distribution:</u>

The LHA noted that traffic-flow information has been provided within the submitted Transport Assessment and which considers permitted and proposed uses. The LHA identified that traffic flow modelling has been undertaken through reliance on the TRICS database, containing surveys of other completed and occupied developments and which can be refined to use comparably located sites in forecasting traffic generation. The LHA considered TRICS to represent an accepted means of determining traffic generation.

The LHA considered that the proposed quantum of development (49x apartments and a commercial use) would not give rise to a ‘severe’ residual impact the highway network, or

that the proposals would give rise to any increase or material change over what has previously been permitted.

The LHA advised that junction assessment parameters were agreed at pre-application stage and that the junction assessments contained within supporting documentation demonstrated that the proposals would not have an impact on the operation of the local highway network.

Sustainable Transport and Travel Plan:

The LHA noted that the proposals are well located to encourage travel by sustainable means, with a number of facilities and services available within Shoreham Town Centre located within a 500m walking distance. The site, further, was identified to be located within 200m of bus stops providing high frequency services to key local designations and 600m from Shoreham-by-Sea railway station.

The submitted Travel Plan was considered to accord with LHA requirements. An auditing fee was requested by LHA to cover its costs for initial evaluation and subsequent monitoring of the travel plan. This was advised to be secured by way of legal agreement pursuant to S.106 of the Town and Country Planning Act 1990.

The LHA officer requested that the proposals safeguard sufficient land at the site frontage for the delivery of a future cycle-lane scheme, to be dedicated to the LHA for future use as a walking and cycling route. A 5.3m set-back into the site from the 2-kerb edge was recommended to be provided and dedicated to the LHA, or as might otherwise be agreed with the LHA.

Parking:

The LHA noted that the Transport Assessment includes a parking beat survey in accordance with LHA pre-application advice. The proposed provision of 24 vehicular parking spaces, inclusive of 2 car-club parking spaces, and 34 long-stay cycle parking spaces was accepted by the LHA. The justification for nil vehicular parking provision of the proposed commercial use at ground floor level was accepted by the LHA.

Overall:

Overall, the LHA officer considered that the proposals would not result in a severe impact upon highway operation and that there are not transport grounds to resist the proposal.

County Council - Planning -

[Summary] (Response of 03.12.2025)

The County Council Planning Service responded to advise of likely requirements for financial contributions to be paid to the County Council in relation to the provision of additional County Council service infrastructure (other than highways and public transport) required in relation to the proposed development.

The County Council Officer advises that requested obligations reflect guidance contained within the Provision of Service Infrastructure Related to New Development in West Sussex - Part 1 Supplementary Planning Document, with relevant formulae further considered to accord with the requirements of the National Planning Policy Framework (NPPF) (2024).

Education:

The County Council identified that primary, secondary and further education facilities within the catchment of the proposals would not have spare capacity to be able to accommodate additional children generated by the proposals such that contributions would be required. The County Council, however, advised that the situation would be monitored and that further advice in relation to all main education sectors (primary, secondary and further education) should be sought if the application is to be progressed.

Reflecting the outline nature of the proposals (without a committed housing quantum or mix at this stage), the County Council requested the insertion of formulae to a S.106 agreement in order to allow for the future calculation of expected child populations, and associated costs for education services, to be paid upon the commencement of development.

The County Council planning service advised that primary, secondary and further education contributions respectively received in association with the proposals should be spent on additional facilities at Buckingham Park Primary School, Shoreham Academy and Shoreham Academy Sixth Form, unless more suitable facilities are identified at the time a contribution is made.

Libraries:

Predicated upon advice from the County Librarian, the County Council advised that Shoreham Library would not currently be able to adequately service needs generated by the proposed development. Reflecting the outline nature of the proposals (without a committed housing quantum or mix at this stage), the County Council requested the insertion of formulae to a S.106 agreement in order to allow for the future calculation of additional populations, and associated costs for the delivery of additional library space, to be paid upon the commencement of development.

The County Council requested that contributions generated by the proposal should be spent on providing additional facilities at Shoreham Library.

Fire and Rescue:

The County Council, predicated upon advice from the County Fire Officer, advised that the proposals would generate a need for additional fire and rescue infrastructure and services within the Southern division.

Reflecting the outline nature of the proposals (without a committed housing quantum or mix at this stage), the County Council requested the insertion of formulae to a S.106 agreement in order to allow for the future calculation of additional populations, and associated costs for the delivery of fire and rescue infrastructure, to be paid upon the commencement of development. The requested contribution, specifically, was to be paid for the additional fire

safety equipment/smoke alarms to vulnerable person homes in the Southern division area serving Shoreham.

Transport;

The County Council officer advised that regard be paid to the Highways case officer for bespoke requirements.

General Comments:

General monitoring contributions were, further, requested by the County Council to cover its expected costs for monitoring obligations within any legal agreement completed pursuant to S.106 of the Town and Country Planning Act 1990. The County Council, further, advised that any alteration to housing mix or housing tenure may require a re-assessment of relevant contributions. This assessment should be sought as soon as the housing mix is known and not left until S.106 stage.

The County Council, further, advised that requested financial contributions were based on current information and would be adhered to for 3-months. If not consolidated within a completed S.106 agreement after a period of 3-months, requested contributions would be subject to revision as necessary to reflect latest information as to cost and need.

Where the applicant intends for internal (estate) roads to remain private, the County Council advised that the S.106 agreement should seek to ensure that these are never offered for adoption by the Local Highways Authority.

Adur Council Responses:

Parking Services: Comment:

(Comments of 07.07.2025)

"Looking at the proposal it is similar to everything else being built along that stretch, more flats than parking provided. In this case there are 49 with 24 parking spaces, with no other adjacent parking outside, the nearest would be Tarmount lane CP or a few 1-hour bays on Ham Road."

Environmental Health: No objection subject to recommended conditions

[Summary] (Comments of 11.09.2025)

The Council's Environmental Health team responded to raise no objection in principle to the proposals. The Environmental Health Officer (EHO) identified that a Stage 1 contamination investigation had been completed and that the submitted air quality report was satisfactory. The EHO identified that dust control practices during demolition and construction phases would need to be incorporated into the Construction Management Plan (CMP), which should be secured by way of appropriately worded condition.

The submitted Noise Impact Assessment (NIA) was considered satisfactory, but would necessitate further assessment when final details of the development, including room orientations, were known together with the associated ventilation and overheating strategy. The need to address the potential for the incorporation of air-source heat pumps in a future development was also identified. The addition of a condition requiring the submission of an acoustic mitigation scheme from sources of external noise was recommended.

Drainage Consultant for the Council: No Comment

[Summary] (Comments of 25.06.2025)

WSP, acting as drainage consultants for the Local Planning Authority, responded to note that the proposals represent a 'major' development and that the Lead Local Flood Authority (LLFA) would provide comments accordingly. No specific comments were offered by the Council's drainage consultants, therefore.

Other Bodies:

Historic England: No Comment

(Comments of 23.06.2025)

"Thank you for your letter dated 20 June 2025 regarding the above application for planning permission. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are attached. (Site is under 1000sqm near a Conservation Area and setting of Grade II properties)

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request."

Environment Agency : No objection, subject to recommended conditions

[Summary] (Response of 22.09.2025)

Further to the receipt of an amended Flood Risk Assessment (September 2025), the Environment Agency (EA) responded to raise no objection to the proposals subject to the imposition of conditions requiring the below:-

1.) Compliance with Flood Risk Assessment (ref 70118838 Revision 1, September 2025)
2.) The submission and approval of a remediation strategy addressing current and historic contamination of the site
3.) The submission and approval of a verification report confirming that the remediation strategy has been effectively completed
4.) The prevention of the introduction of drainage systems infiltrating and/or disposing of surface water to ground

Other EA advice:

The EA advised that their involvement with this development during an emergency would be limited to delivering flood warnings to future occupants/users and that no comment would be offered in respect of the adequacy of flood emergency response procedures.

The EA sought to draw attention to advice contained within the PPG in respect of providing future residents with safe and suitable means of escape in a flood event and whether adequate flood warnings would be available to persons using the development.

The EA did note the findings of the submitted Flood Risk Assessment (FRA) in respect of the likely duration, depths, velocity and flood hazard rating for the proposals and voiced agreement with the FRA in that this indicates that there will be a danger to most people (danger of loss of life). The LPA, therefore, was invited to consider emergency planning and rescue implications in their decision in consultation with emergency planners and emergency services.

The EA reminded the LPA of the need to undertake a sequential flood risk test in respect of development within Flood Zones 2 or 3, or, additionally, where a strategic flood risk assessment shows the site to be at future flood risk or risk from other sources of flooding. The EA, further, reminded the LPA that it was not the responsibility of the EA to determine the availability of reasonably available sites for the purposes of the sequential test and that the EA would only advise on the relative flood risk between the proposed site and any alternative identified sites.

The applicant was reminded to advise future occupants to register with Floodline for future flood-warnings and to have regard to published guidance in respect of preparing, managing and recovering for a flood event.

The applicant, further, was reminded of CL:AIRE protocols for the disposal and treatment of waste and relevant statutory duties governing the disposal and control of waste materials.

Natural England No objection.

[Summary] (Response of 25.07.2025)

Natural England responded to advise that the proposals were not considered to have any resultant significant adverse impacts upon statutorily protected nature conservation sites.

Standing advice provided by Natural England highlights the need for the LPA to consider potential effects upon the protected landscape of the South Downs National Park and to have regard to the statutory purposes of the National Park designation in assessing the development proposals. Further attention was drawn to the Authority's statutory duties pursuant to the Natural Environment and Rural Communities Act 2006 and Protection of Habitats and Species Regulations 2017 in respect of the conservation and enhancement of biodiversity, protected species and any designated local wildlife site.

Natural England's comments of 25.07.2025 should be noted to supersede identical

comments previously made on 04.07.2025.

National Health Service - Sussex: No objection subject to appropriate contribution.

[Summary] (Response of 11.09.2025)

The National Health Service (NHS) responded to note that there are circa 65,000 residents in Adur with current general practice (GP) provision advised to be below recommended levels.

The NHS identified that new residents will register with the Adur Health partnership, the only GP practice serving the Shoreham population. Additional population generated by the development would place increased demand on existing primary healthcare services which should be offset by way of financial contribution which (in combination with multiple other developments) would allow for an increase in capacity. The NHS sought to request a contribution of £66,145, on the basis of the expected uplift in population associated with the provision of 49x residential units, and which would contribute to additional premises capacity within Shoreham.

In the absence of an appropriate contribution the NHS considered that it would be unable to sustain sufficient and safe services in the area and would object to the development proposals.

National Highways No objection.

[Summary] (Response of 11.07.2025)

National Highways responded to raise no objection to the proposals. National Highways considered that the scale, location and likely trip generation associated with the proposals would not have an unacceptable impact upon the safety, reliability and/or operation efficiency of the strategic road network (specifically development in the vicinity of the A27).

Standing advice provided by National Highways advised of central government aspiration to achieve net-carbon neutral status by 2050 and the need for associated action to support a modal shift away from car travel as supported by relevant provisions within the NPPF in seeking to ensure that significant development offers a genuine choice of transport modes and that appropriate opportunities to promote walking, cycling and public transport are pursued.

Network Rail No comment

(Response of 30.06.2025)

“Thank you for consulting Network Rail on the above planning application. Following a review of the application, I can confirm that Network Rail have no comments to make on the proposal”

South Downs National Park (SDNPA): No comments received.

Southern Gas Networks (SGN) No comments received.

Southern Water: No objection, subject to recommended conditions

[Summary] (Comments of 21.11.2025)

Effects upon Groundwater Supplies;

A review of the proposals was undertaken by the Southern Water catchment hydrogeology team. It was noted that the proposed development is situated within the modelled Total Capture Zone for a licenced groundwater abstraction and where the Chalk aquifer underlying the site supplies the groundwater abstraction during periods of low groundwater levels. Southern Water, further, noted the Ground Investigation undertaken in relation to the proposals identified organic contamination in the superficial deposits underlying the site associated with previous and historic uses of land on the site.

Southern Water did not object to the proposals, subject to the imposition of the following recommended conditions:-

1.) do not object to the proposal, subject to the following conditions: • Foundations must be designed to be as shallow as practicable, with no piling or construction within the Chalk formation. If deep foundations into the Chalk are required, approval would be required from Southern Water regarding the appropriate techniques employed during construction to minimise risk of pathways/mobilisation of identified ground contamination to the underlying Chalk aquifer.

2.) The drainage strategy and design must not be altered from the existing proposed arrangement. Any changes will require review and approval by Southern Water.

3.) A Construction Environmental Management Plan (CEMP) must be prepared to ensure contractors follow best practice guidance to prevent environmental contamination, particularly related to organic contamination in the superficial deposits underlying the site related to previous and historical land use activities. Appropriate mitigation plans must be demonstrated to ensure the risk is managed of any contamination being mobilised into the underlying Chalk aquifer during construction activities.

Drainage and Sewerage Infrastructure:

Southern Water identified that the submitted Surface Water Drainage Strategy (May 2025) at reference 2.3.2 mentions a surface water sewer in Brighton Road not shown on Southern Water records. Southern Water advised that the sewer may be deemed to be public and advised that an assessment of the sewer is required to determine ownership and any relevant impacts upon the proposed site layout. Southern Water advised the developer to contact southern water to determine the precise position of the surface water sewer and relevant stand-off distances.

Southern Water, further, noted that the proposals lay within the modelled extent of Flood

Zones 2 and 3 and highlighted the need for the sequential and exception tests to be applied in this context. Southern Water advised that, during flood events, surface water can inundate sewers and which may result in the overloading of the sewerage system. Southern Water advised that they would rely upon the LPAs consultations with the Environment Agency to ensure that this floodplain development is appropriately assessed and necessary mitigation measures adopted. Conditions requiring the submission and approval of foul and surface water details prior to the commencement of development and seeking to prevent the ingress of flood water in the public sewerage network were recommended.

Sussex Police: Comment

[Summary] (Response of 28.10.2025)

Sussex Police responded to advise that the proposals had been reviewed from a crime prevention perspective.

Sussex Police sought to reference the aspiration of the NPPF to achieve healthy, inclusive, safe and accessible places where crime and disorder, and/or the fear of, do not undermine quality of life or community cohesion, including through good design in creating attractive and high quality public spaces which promote the continual use of public spaces and provide for clear and legible pedestrian and cycle routes.

Sussex Police advised that the level of crime and anti-social behaviour within Adur and Worthing is average, additional measures to mitigate against any identified local crime trends at site-specific level should always be considered. No measures were specifically recommended by Sussex Police with reference to the matters of scale and access currently open to consideration.

Sussex Police comments of 28.10.2025 identify the receipt of amended plans, though, offer no further comment in response to plans also received 28.10.2025. Other comments raised by Sussex Police within their response of 28.10.2025 are substantially identical to earlier comments raised within a response of 20.06.2025.

Marine Management Organisation (MMO): No Objection

[Summary] (Response of 04.03.2026)

The MMO responded to advise the applicant that works within the Marine area require a licence from the MMO and that the applicant should take the necessary steps to ensure that proposed works fall below the Mean High Water Springs mark.

The MMO advised that works requiring a marine licence under the EIA Directive the MMO must ensure that the works are compliant with the Marine Works Regulations before a marine licence could be granted and that the MMO should be expressly consulted if the LPA considered the proposed development to engage relevant provisions under either the EIA Directive or Marine Works Regulations.

The MMO, further, advised that the LPA must make a determination in accordance with

relevant policies contained within a relevant Marine Plan document.

Public Representations (7 objections, including Shoreham Society)

6 letters of objection were received in conjunction with the proposals, including from the Shoreham Society. The main material grounds for objection can be summarised as follows:-

Shoreham Society comments:-

- The current proposals repeat the massing and heights of neighbouring, approved sites to be commended as the easiest and most obvious design route;
- An effective architectural language can be achieved with provision of horizontal and vertical relief, noting that six storey facades over a length of 500m present an oppressive and unattractive setting only mitigated by the four-storey corner building on Humphreys' gap;
- The consistency of tall buildings provides a monotonous and uninspiring form from both ground level and a skyline perspective;
- If the six storey plinth was reduced to three or four storeys and the tower increased to 11 storeys the impression would be of an overall smaller structure as it is set-back from view, would reduce the tunnelling effect on Brighton Road and would be partly blocked by the three-four storey range;
- Varied heights, materials and building profiles adds interest and playfulness, important to the quality of successful city/townscapes. Repetition in scale and design should be avoided;
- The current proposals would be seen as a repetition of the white brick of Free Wharf. The new development may alternatively add variety rather than a weak reference to Art Deco design;
- The loss of a commercial unit is disappointing, even if the current occupier has found another site locally;
- The size of the proposed commercial unit (55sqm) is only suitable for office or cafe type use;
- The proposals provide limited scope for creative and valuable design for green space. The proposals only include a residents only podium and opportunity for green roofs;
- Other options to specify net-zero provision and renewable energy generation are available.

Other public comments:-

- The proposed development is very near to one of the busiest junctions in Shoreham with new dwellings already being built in the vicinity. These developments, in combination, would add extra vehicular movements and contribute to congestion;
- The proposed development would lead to a loss of light for drivers;
- The proposed development would inhibit public views of the river;

- The A259 approach to Shoreham hosts a concentration of flatted development with significant enclosure on the road as a consequence of high buildings on both sides;
- The proposed development would worsen local air quality to the detriment of public health;
- The proposals would fill the last remaining space on this stretch of the river;
- There is a significant concentration of residential development in the vicinity of the site and which could give rise to antisocial behaviour behaviour;
- Insufficient open and recreational space is available to support existing and future residents;
- The Shoreham Harbour Joint Area Action Plan identifies leisure and recreation as one of its main strategic objectives, which is being overlooked by successive residential proposals/approvals;
- The proposals would impede vehicular traffic entering and existing the neighbouring car-wash;
- Parking associated with construction traffic and subsequent occupation would impede access to the neighbouring car-wash to the detriment of the operation of the existing business;
- The queue for the car-wash can lead back onto the A259;
- Residential occupations are potentially incompatible with the continuing operation of the car-wash as a consequence for the potential for noise disturbance to future residents;
- Access arrangements for the car-wash are of concern with regard to potential air-quality implications as a consequence of limited air circulation to the detriment of future and neighbouring occupiers;
- The Transport Assessment does not sufficiently consider queues at the Ropetackle roundabout during the AM and/or PM peak which is overcapacity;
- Plans for the upgrade of the Ropetackle roundabout are longstanding and have not been implemented;
- The proposed development will worsen local air quality, including through increased PM2.5 emissions as a consequence of the prevalence for larger and heavier electric vehicles to the detriment of public health;
- Users of the skate park opposite the site would be subject to poor and worsening air quality;
- The submitted Air Quality Assessment makes unrealistic assumptions about traffic speeds and the stop-start flow of traffic in the vicinity of the site;
- The proposals do not provide parking in accordance with LHA standards;
- The proposals, in combination with previous approvals, represent an overdevelopment of land beyond the capacity of public services and infrastructure;
- There are no plans for improvements to the road network or for improved town parking facilities and public transport;
- There are no plans for accessible children's play facilities and public open space in the West Harbour Arm;

- Insufficient trees are provided to offset the effects of urban heating;
- No existing park or play area is within a suitable distance of the site;
- No suitable play area is provided;
- Concern that construction operations would inhibit the use of the retained car-wash;

Relevant Planning Policies and Guidance

Adur Local Plan (2017). Policies:

2 – Spatial Strategy
3 – Housing Provision
4 – Planning For Economic Growth
8 – Shoreham Harbour Regeneration Area
11 – Shoreham-By-Sea
15 – Quality of the Built Environment
16 & 17 – The Historic Environment
18 – Sustainable Design
20 – Housing Mix & Quality
21 – Affordable Housing
22 – Density
28 – Transport & Connectivity
29 – Delivering Infrastructure
30 – Green Infrastructure
31 – Biodiversity
32 – Open Space, Recreation & Leisure
34 – Pollution & Contamination
36 – Flood Risk & Sustainable Drainage

Shoreham Harbour Joint Area Action Plan, 2019 (JAPP). Policies:

CA7 – Western Harbour Arm (Land Parcel WH7)
SH1 – Climate Change, Energy & Sustainable Building
SH3 – Economy & Employment
SH4 – Housing & Community
SH5 – Sustainable Travel
SH6 – Flood Risk & Sustainable Drainage
SH7 – Natural Environment, Biodiversity, Green Infrastructure
SH8 – Recreation & Leisure
SH9 – Place Making & Design Quality
SH10 – Infrastructure Requirements

South Inshore and South Offshore Marine Plan, 2018.

Other Supplementary Planning Documents, Guidance & Study Documents

- *Sustainable Energy – Supplementary Planning Guidance, (August 2019)*
- *Adur & Worthing Joint Open Space Study (including calculator) (2019)*
- *Guidance Note on Intertidal Habitats (2018)*

- *The Shoreham Harbour Transport Strategy (October 2016)*
- *Shoreham Harbour Heat Network Study (2015)*
- *The Western Harbour Tall Buildings Capacity Study (2017)*
- *Planning Contributions for Infrastructure Provision SPD (2013)*
- *Development Control Standards: Space around New Dwellings & Flats (ADC)*
- *The Provision of Service Infrastructure Related to New Development in West Sussex Part 1 (WSCC)*
- *Guidance on Parking at New Developments, May 2019 (WSCC, 2020)*
- *National Planning Policy Framework, 2024 (NPPF)*
- *National Planning Practice Guidance 2014-present (NPPG)*
- *Technical Housing Standards – Nationally Described Space Standard (CLG 2015)*

The Development Plan

Members should note that in the context of the application site the 'Development Plan' comprises the Adur Local Plan (ALP) (2017) and Shoreham Harbour Joint Area Action Plan (JAAP) (2019).

Policy 1 of the ALP represents a presumption in favour of sustainable development, reflecting that contained within the National Planning Policy Framework (NPPF) (2024). Policy 1 to the ALP, further, confirms that where there are no development plan policies relevant to the determination of a planning application, or the relevant policies are out of date, that planning permission be granted unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposals, when assessed against the policies contained within the NPPF taken as a whole, or there are specific NPPF provisions which provide strong reasons to refuse development.

Policy 2 of the ALP identifies Shoreham Harbour as a focus for development to facilitate regeneration by way of the delivery of a mixture of uses inclusive of housing. Policy 3 of the ALP acknowledges a minimum District housing requirement over the Plan period of 3,717 dwellings (at an average of 177 dwellings per year), with a minimum of 1,100 dwellings to be delivered as part of the regeneration of the Western Harbour Arm. Policy 4 to the ALP makes provision for the delivery of 41,000sqm of employment generating floor-space within Adur, of which 16,000sqm is to be provided within the Shoreham Harbour Regeneration Area.

Policy CA7 to the JAAP concerns the Western Harbour Arm and echoes the requirements of ALP Policy 3 in requiring the delivery of 1,100 dwellings within the WHA, predominantly as flatted development and at a minimum density of 100 dwellings/ha. Policy CA7, similarly, makes provision for 12,000sqm of employment floorspace within the WHA, seeking primarily the delivery of high-quality office space (use Class B1(a)). The importance of smaller format employment is recognised within CA7, with the regeneration potential of harbour-side development explicitly recognised. The range of employment uses promoted by Policy CA7 are now captured within the single Use Class E to the Use Classes Order 1987 (as amended 2020), which came into existence after the adoption of the JAAP.

Policy CA7 also states that:

- Developments should provide a continuous riverside path and to make provision for a segregated roadside cycle-path in Brighton Road; also linkage of new development to

the future Shoreham Harbour District Heat Network.
- Residential development will need to be lifted up above likely flood level
- Flood defences should be integrated with high quality public realm
- Open space should be provided, although off-site improvements will be considered
- Green infrastructure should include appropriate planting along Brighton Road
- Development should include habitat creation, including enhancements at the riverside and protection of intertidal habitats or its compensation
- The wealth of local maritime history could be better interpreted in this location

The site is part of land parcel WH7, where development is expected to come forward towards the middle of the plan period. Unlike other WHA land parcels, there is no indicative layout for this allocation contained within the JAAP.

National Planning Policy Framework (2024)

The National Planning Policy Framework (NPPF) (2024) defines National planning policies for England and the manner in which these should be applied. The NPPF, both, establishes a framework within which development plans should be prepared and contains additional policies of relevance to decision making. The provisions of the NPPF represent a material consideration in decision making.

The NPPF confirms that the purpose of the English planning system is to contribute to sustainable development. This is explained, at Paragraph 8, to comprise of three interdependent objectives;

- *Economic:* a strong, responsive economy by ensuring the right development to support growth and by coordinating the provision of infrastructure;
- *Social*: strong, vibrant and healthy communities, via sufficient number and type of new homes, with accessible services and open spaces. In the 2021 NPPF, the need for well-designed places as part of the social objective is now accompanied by the description '*beautiful and safe*';
- *Environmental*; the protection of historic and natural environments including improvement of biodiversity, resource and low-carbon efficiency adapting to climate change and minimising waste.

Core to the operation of the NPPF is the presumption in favour of sustainable development contained at Paragraph 11. This, first, directs that development which accords with an up-to-date development plan be approved without delay (Paragraph 11(c)), and directs that a 'tilted balance' be applied in respect of development where development plan policies are considered to be 'out-of-date'. The detailed operation of Paragraph 11 will be addressed later in this report, though, it should be recognised that the development plan is out-of-date as a consequence of the Authority's housing land supply position and that, therefore, this application is to be determined according to the 'tilted balance'.

Local Plan Review

As required by the NPPF, a review of the Adur Local Plan has commenced as the ALP is now in excess of 5-years old. A key issues consultation was undertaken in conjunction in the winter of 2024/2025. Since, the Council has published a Consultation Statement (October

2025) confirming an intention to prepare a new local plan pursuant to the new system for plan preparation prescribed within the Levelling Up and Regeneration Act 2023.

The new local plan has not progressed to draft stage, accordingly, there are no draft policies at a stage of preparedness which could be afforded weight in this decision.

Approach to decision making

The Committee should consider the planning application in accordance with:

Section 38(6) of the Planning and Compulsory Purchase Act 2008. This requires that applications for planning permission be determined in accordance with the development plan, unless material circumstances indicate otherwise.

Section 70 of the Town and Country Planning Act 1990 (as amended). This provides the applications may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004, which requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special 8 or historic interest which it possesses.

Section 72 subsection (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a comparable requirement relating to Conservation areas and provides “In the exercise, with respect to any buildings or other land in a conservation area…..special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Publicity

The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the display of site notices, notification letters sent to neighbours, and a notice being displayed in local newspapers.

Environmental Screening and Environmental Impact Assessment

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA development), regard has been given to environmental factors such as the change in physical scale of development represented by the proposals for more than 150 dwellings (176 are proposed) by comparison with the existing relatively low rise commercial development and extensive hard-standings, also to the need for remediation of ground contamination as part of the development. The proposals are not considered to result in significant environmental effects, including water-based pollution affecting the River Adur SSSI and are likely to provide local biodiversity improvements.

Other localised effects, including visual impact, heritage and pollution are considered to arise from the proposals, and represent material considerations for the purposes of this planning assessment, though, are not judged to occur at a 'significant' level which would demand the preparation and consideration of an Environmental Statement. This consideration does not prejudice the consideration of relevant material considerations in planning terms, which are addressed in detail within the following sections of this report.

Planning Assessment

The main points for consideration in this application are:

- The principle of development;
- The effects of development upon local character and appearance;
- The contribution of development to assessed housing need and the delivery of affordable housing;
- The effects of development upon highway safety and operation;
- The vulnerability of development to flood-risk;
- The effects of development upon infrastructure and public services.

Principle of Development

The application site falls, both, within the defined Built Up Area Boundary (BUAB) of Shoreham (as defined within Policy 2 to the Adur Local Plan (ALP) (2017)) and within the Western Harbour Arm (WHA) of the adopted Shoreham Harbour Joint Area Action Plan (JAAP) (2019).

Policy 2 to the ALP establishes that development within the defined BUAB of Shoreham will be permitted subject to compliance with other development plan policies. ALP Policy 2, further, identifies Shoreham Harbour as a focus for development to facilitate regeneration through the delivery of a mix of uses, inclusive of housing, to be delivered through the preparation the JAAP.

Policy CA7 of the JAAP designates the WHA for mixed use development and promotes a comprehensive redevelopment of the WHA waterfront (inclusive of the application site) to deliver 1,100 new dwellings and a minimum of 12,000sqm of employment floorspace (predominantly office space) to the south of Brighton Road. Policy CA7 provides that building heights of up to five storeys would generally be considered acceptable on the Brighton Road and River Adur frontages, though, that greater heights may be acceptable within deeper sites away from these identified frontages with a minimum density of 100 per hectare set as a core parameter for residential development.

Policy CA7, *inter alia*, further sets an expectation for high-quality design, that development preserves views into and out of the area, inclusive of waterfront, landmark and landscape views towards the South Downs National Park, that development avoids/mitigates microclimate effects, preserves the setting of relevant heritage assets, allows for the enhancement of the townscape around key linkages and junctions and does not prejudice the delivery of a dedicated cycle route and associated infrastructure on Brighton Road. Policy

CA7, additionally, provides that where open space requirements cannot be met on site, development will be expected to contribute towards the creation of a green corridor along Brighton Road and/or existing open spaces and that development within the WHA should not prejudice future development potential north of the A259.

The site forms part of the WH6 allocation as categorised at Map 12 to the JAAP. No specific requirements and/or expectations for WH6 are set within the JAAP, which only references that development within WH6 is expected to be delivered within the middle of the JAAP plan period of 2019-2032.

In the context of ALP Policy 2 and JAAP Policy CA7 the principle of a redevelopment of the site to provide a mixed use (residential led) scheme is acceptable. Policy CA7 explicitly promotes the comprehensive redevelopment of land within the WHA such that any objection to the loss of existing employment facilities pursuant to ALP Policy 25 would prove unwarranted in this instance.

The submitted plans and documents demonstrate that the proposals would indicatively achieve a density of 228 dwellings/hectare, in excess of the minimum 100 dwellings/hectare prescribed within Policy CA7, and maintain the key frontage height parameter of 5x storeys fronting Brighton Road. These densities and heights are broadly consistent with the adjacent Free Wharf development together with nearby development at the former Frosts and Civic Centre sites as also contained within the WHA allocation.

The indicative proposals would provide comparatively limited commercial/employment space, with the ground floor commercial unit shown at only 57sqm. This provision, however, reflects the overall constrained nature of the site (at

Housing Need

The Council's latest Housing Land Supply Assessment (July 2025) reports a housing land supply position of 3.2 years. As considered within the Council's Housing Land Supply Assessment, pursuant to the standard methodology prescribed within the relevant Planning Practice Guidance (PPG) (https://www.gov.uk/guidance/housing-supply-and-delivery), inclusive of a 20% buffer, Adur has a five-year requirement (2024-2029) to deliver 3,294 dwellings at an annual average of 659 dwellings. As of July 2025 the Housing Land Supply Assessment considers that planned and committed development would result in the delivery of 2,139 dwellings from identified sites, resulting in an overall shortfall of 1,155 dwellings within the relevant 5-year rolling period to 2029 as of the time of determination.

As of the time of determination, therefore, it should be, first, recognised that levels of housing delivery planned for within the ALP no longer reflect the objectively assessed needs of the District as represented by the standard methodology figure of 659 dwellings per annum. Second, committed and planned rates of housing delivery within the District would only prove sufficient to meet the objectively assessed needs of the District for a period of 3.2 years such that the Authority cannot demonstrate a deliverable 5-year supply of housing land. This is a specified requirement for the outcome of planning policies at paragraph 72 of the Framework. Lastly, at the time of determination, a shortfall of 376 dwellings is advanced within the Council's published Annual Monitoring Report (AMR) in relation to the targeted rate of

housing delivery within the adopted ALP.

In this context, therefore, the overall approach of the ALP to housing delivery, and in particular at Policies 2 and 3, must be regarded as out-of-date as confirmed by footnote 8 to the Framework at Paragraph 11(d). The provisions of Paragraph 11(d) to the Framework, further, are considered to be engaged. Consequently, planning permission should be granted unless:

(i) The application of policies in the Framework that protect areas or assets of particular importance (as identified at footnote 7 to Paragraph 11(d)(i)) provide a strong reason(s) for refusing proposed development; or

(ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as whole, having particular regard to key policies (as identified at footnote 8 to Paragraph 11(d)(ii) for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The delivery of housing (of any nature) attracts significant beneficial weight in favour of a grant of planning permission reflecting the aspiration of the government to significantly boost the supply of homes at Paragraph 61 of the Framework. Paragraph 73 of the Framework, further, confirms the importance of medium sized sites (of this nature) to meeting housing requirements reflecting the speed of built-out and that support should be afforded to the development of windfall sites through planning policies and decisions, particularly sites within existing settlements for homes. Paragraph 125 of the Framework, further, confirms that substantial weight should be afforded within decision making to the use of suitable brownfield (previously developed) land within settlements for homes, which should be approved unless substantial harm would be caused.

The indicative quantum of 49x units provided for the proposals would not resolve the strategic housing needs of the District as assessed within the Housing Land Supply Assessment, though, this is an unrealistic expectation for a site of this scale. The social and economic benefits associated with the delivery of housing attract significant beneficial weight pursuant to NPPF Paragraphs 61 and 73, with the density of dwellings delivered in a manner broadly comparable to other developments elsewhere within the Western Harbour Arm.

The application site, further, is considered to represent suitable land for residential redevelopment, as reflected within the provisions of the JAAP, such that substantial positive weight should be attributed to the proposed development pursuant to Paragraph 125 of the Framework.

Sustainable Design

The applicant has provided an Energy and Sustainability Statement (WSP Ltd, ref: 70118838_2 V1) in support of the proposed development. The submitted Sustainability

Statement addresses anticipated measures for the reduction of resource use and greenhouse gas emissions, inclusive of anticipated built-fabric performance, the provision of renewable energy systems and opportunities for connection to district heating networks.

The submitted Sustainability Statement includes energy modelling undertaken pursuant to the method prescribed within Part L to the Building Regulations together with assessment against Part L standards. The Statement models a minor improvement over Part L standards in terms of the thermal performance of external walling, thermal bridging and air permeability with a minor reduction in solar factor relative to Part L standards on the basis of indicative (assumed) details available at this outline stage.

As detailed at table 3-7 to the Sustainability Statement the assumed performance of each of the indicative units exceeds the minimum target standard required by Building Regulations compliance by an average of 3.8%. This represents a suitable fabric-first approach to reducing energy/resource demand in compliance with the requirements of the Revised Sustainable Energy Supplementary Planning Document (2024).

The Sustainability Statement, at Paragraph 4.13, advances that no water efficiency measures/details can yet be provided at this early design stage.

In respect of heating and utility systems the Sustainability Statement indicates the applicant's preferred approach to be reliance on the installation of Air Source Heat Pump (ASHP) units for heating purposes. Section 3.8 to the Sustainability Statement addresses the Proposed Edgeley Green Power Station and associated heat-network subject of Policy SH1 in the JAAP, though, advances that the associated heat-network is not yet developed and, consequently, unable to be accessed by the proposed development. The Sustainability Statement advances that the installation of heating and cooling equipment that is capable of connection to a future combined heat-network will be considered at a detailed design stage.

Section 3.9 to the Sustainability Statement identifies the installation of rooftop solar PV arrays as a suitable and viable proposition. No specific generation capacity is indicated within the Sustainability Statement, though, a further ~10% reduction in regulated CO2 emissions is modelled within the Sustainability Statement relative to Part L standards as a consequence of the installation of solar PV equipment cumulative with previous fabric and sustainable technology measures.

Policy 18 and 19 to the ALP collectively address sustainable design and renewable energy. These policies, respectively, set an expectation that all new dwellings accord with the optional standard contained within Part G to the Building Regulations of 110 litres/person/day, explore opportunities for providing and/or connecting to district heating networks (inclusive of those identified within the Shoreham Harbour Heat Network Study (2015)), and incorporate renewable/low carbon generation capacity sufficient to provide at least 10% of total on-site energy requirements.

Policy SH1 to the JAAP addresses the potential provision of, or connection to, District heat-networks. JAAP Policy SH1 affords support to the development of combined heating and cooling networks, and associated infrastructure, or otherwise incorporates be designed to be connection ready. Policy SH1 encourages the use of communal centralised heating systems as opposed to decentralised electric and/or individual gas boilers, with sufficient plant space

provided to accommodate future pipe routes and connection to a potential District heating network.

No District heat network currently exists, with the Revised Sustainable Energy Supplementary Planning Document (2024) indicating that the Council considers it unviable to itself deliver such a heat network. At this juncture it is unlikely that the Shoreham Harbour heat-network will be delivered in the lifetime of development, such that future connection to a potential heat-network cannot be reasonably insisted upon at present. Similar sites, elsewhere within the WHA, have been released from obligations requiring a future connection to a potential heat-network owing to these circumstances.

The sustainability statement submitted in support of the proposals outlines several potential measures which could be incorporated at detailed design state to reduce energy consumption, primarily in the form of efficient fabrics and materials. It is not clear within the sustainability statement whether consideration has been given to the incorporation of on-sit renewable generation capacity sufficient to meet a minimum of 10% of total energy demand, as required by ALP Policy 19, or that the proposals would achieve the optional Part G standard of 110 litres/person/day as required by ALP Policy 18.

Given that the proposals are made only in outline, with matters of layout and appearance reserved for latter consideration, it is possible that these matters are satisfactorily addressed through the approval of details reserved by condition. The proposals, therefore, cannot currently be prejudiced for failing to meet the aspirations of the development plan policies addressed above, while the Sustainability Statement demonstrates that the development could achieve a substantial overall improvement in terms of resource use/greenhouse gas emission relative to Building Regulations compliance. In support of any future submission on the site officers would expect a finalised Sustainability Statement addressing the requirements of development plan policies in full, and offering a clear justification in terms of feasibility/viability for any divergence as expected by Paragraph 166 to the Framework.

Other, associated, components of the sustainability strategy should also be noted as to necessitate further consideration. The incorporation of AHSP units could potentially result in later implications for the external design of the proposed building and degree of potential noise disturbance to future and neighbouring residents. Similarly, the low degree of air-permeability assumed within the Sustainability Statement, could directly influence the potential for overheating and associated requirements for ventilation design. These matters will require further interrogation at later reserved matters stage in the event that members determine to grant outline planning permission.

Affordable Housing and Housing Mix

Policy 20 to the ALP provides that new residential development (including by way of conversion) should incorporate a range of dwelling types, tenures and sizes that respond to and reflect the District's identified housing needs and demands.

Policy 20, *inter alia,* provides that market housing should be delivered through infill development and town-centre regeneration, primarily, as 2-3 bedroom types and that town centre developments should seek to create family sized housing in addition to flatted

development in order to enhance housing offer. The Council, additionally, will expect new housing to meet the optional M4(2) Building Regulations standard for accessible and adaptable homes. The delivery of wheelchair accessible M4(3) standard affordable homes is to be assessed on an individual basis dependent upon identified need.

All dwellings, further, are required to meet nationally described space standards, unless there are exceptional reasons why these standards cannot be met.

Policy 21 to the ALP, establishes an affordable housing requirement of 30% for development proposals in excess of 11 dwellings, favouring a 75/25% split for the delivery of social/affordable housing over intermediate housing types. Policy 21 to the ALP, further, provides that the preferred affordable housing mix for individual sites will be determined by negotiation, taking account of up-to-date assessments and characteristics of the area. This will be secured by way of planning obligation contained within a S.106 agreement.

In the exceptional circumstances where proposals do not accord with local plan requirements for the delivery of affordable housing, the Council will expect a full open-book financial viability appraisal to robustly justify any divergence, and to be made subject of independent viability appraisal.

The proposals are currently submitted in outline format, with only the detailed matters of access and scale for consideration at this stage. Consent is sought for the delivery of a residential led-development ranging between 1-9 storeys in height. Precise housing numbers, and the respective mix of units, could only be established in conjunction with the consideration of matters of layout, at subsequent reserved matters stage.

The supporting documents to this application suggest that the proposals would, indicatively, deliver 49x total dwellings. A commitment to deliver 30% of total units as affordable units, similarly, is made within supporting documentation, equivalent to 15x affordable units were the indicative figure of 49x dwellings achieved. These circumstances weigh substantially in favour of a grant of planning permission, as indicated earlier within this report.

The proposals suggest that the proposals would deliver housing according to the breakdown of sizes at Figure 7 below.

Figure 7 - Indicative breakdown of unit sizes.

Dwelling Size	Number Proposed	Percentage of Total

1-bed	14	29%
2-bed	30	61%
3-bed	5	10%
4+ bed	0	0

The proposed indicative mix of units should be compared with that recommended within the Adur Strategic Housing Market Assessment (SHMA) (July 2025), which recommends the following mix for developments within the District at Figure 8 below.

Figure 8. Suggested mix of housing sizes by tenure - Adur.

	Market	Affordable home ownership	Affordable housing (rented)	
			Under 65	65 and over
1-bedroom	10%	25%	20%	60%
2-bedrooms	45%	45%	35%	40%
3-bedrooms	35%	25%	35%	
4+-bedrooms	10%	5%	10%	

Source: Iceni Analysis

At present the indicative proposals do not distinguish indicative units by tenure to allow a precise comparison against the recommendations of the SHMA in this regard. The suggested breakdown of units, however, would suggest a development skewed towards 2-bed provision and 1-bed provision, with shortfall against assessed need for larger housing types evident in all tenure types.

At present, given that this view is reached in relation to matters reserved for latter consideration, the proposals cannot yet be prejudiced for this reason. Detailed assessment, including consideration of any associated justification for an eventual housing mix, would need to be given in conjunction with the matters of layout at reserved matters stage. This assessment would need to take account of current committed and known delivery within the WHA and density parameters for the redevelopment of the WHA stipulated at Policy CA7 to the JAAP.

Commercial Use

In addition to the, primary, residential component of the outline proposals consent is additionally sought for the formation of a single commercial unit falling within Class E to the

Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes) (England) Regulations 2020. Class E to the Use Classes Order include a range of use types, including offices, retail, food & drink, financial and professional services, light industry, medical services and indoor sport and recreation.

The commercial unit is shown, indicatively, to feature at ground floor level and at the north-western corner of the ground floor layer. The commercial unit, therefore, is indicatively shown some distance set-back from Brighton Road and behind the retained car-wash access along the frontage of the site (and oversailing residential storeys above).

The commercial unit is shown indicatively at ~57sqm, and to omit any dedicated servicing, storage and/or refuse spaces. No external delivery space or parking provision (absent two external cycle stands), is similarly shown on the indicative plans.

Policy CA7 to the JAAP, *inter alia*, seeks to secure the delivery of 12,000sqm of new employment generating floor-space on the southern side of Brighton Road. Policy CA7, further, encourages the delivery of smaller scale retail outlets, food and drink and marine-related leisure facilities in part as an aspiration to create active frontages within developments.

The provision of a single Class E unit as part of broader mixed-use (residential led) redevelopment is considered to accord with the provisions of Policy CA7. The proposals would make a minor contribution to the delivery of employment floorspace within the WHA and which is considered proportionate to the scale of the site to the overall allocation. Officers do not consider that the proposals would frustrate and/or inhibit the delivery of 12,000sqm employment floorspace across the WHA, especially noting comparatively significant pre-existing commitments to delivery employment floorspace elsewhere within the WHA.

The commercial unit shown on the indicative plans is of a ‘smaller scale’ of the type encouraged by JAAP Policy CA7 and is likely best suited to a food or drink, retail or small office outlet. The provision of a commercial unit, even if set-back from Brighton Road, would contribute to a sense of activity towards the north-western corner of the site and fronting onto Brighton Road to the benefit of the visual amenity of the development and wider street scene. It is not considered that a single commercial unit of the scale proposed would detrimentally impact upon the viability of existing commercial occupiers in the vicinity of the site or within Shoreham Town Centre on an individual basis or cumulative with other recent developments consented within the WHA.

No detailed operating arrangements for the commercial unit are included within the supporting documents to this application, though, it is unlikely that the unit has yet been marketed to potential commercial occupiers such that the precise needs of an end-user are known. It is, though, deemed necessary to include conditions seeking detail of arrangements for commercial deliveries, waste storage, the potential provision of refrigeration/extraction units and sound insulation such as to afford control to the Authority over these aspects of commercial operation which could detrimentally impact upon visual amenity, noise, highway safety/operation and/or parking availability. These conditions are deemed necessary and reasonable to include noting the broadness of potential occupiers falling within Use Class E and to ensure any future occupation could occur without unacceptable noise disturbance to

future residential occupiers or impact upon highway safety and operation.

In the event that the neighbouring car-wash is redeveloped such that the requirement to maintain a right of access to the adjacent site falls away the submitted Design and Access Statement, at page 45, advances that it would not prove viable to justify an expansion of the commercial unit, taking advantage of the additional space which could made available at the frontage of the site, in light of expected construction costs. This is considered unfortunate as it would both deny opportunity to provide a larger commercial unit supporting additional employment or a range commercial activities, and would render the visual condition of the front undercroft uncertain in the longer term.

Development plan policy, however, does not prescribe units of a minimum size, while Policy CA7 to the JAAP, conversely, encourages the development of smaller commercial units. It is not considered that the proposed development, therefore, can be reasonably prejudiced as a consequence of the lack of future potential to expand the commercial unit and realise any associated economic benefits. Any resultant implications to the visual condition of the undercroft, following the existing right of access being rendered redundant, will be considered under the heading of Townscape, Design and Visual Impact within this report.

Access & Transport

Access

Access to the site is via a 9.5m wide vehicular cross-over at the north-east corner of the site onto Brighton Road, A259, close to a new pedestrian refuge island in Brighton Road, which facilitates pedestrian access to the recently completed Free Wharf Phase 1 development.

The access is shared with the existing car wash which has right of way, running clockwise, one-way around each side of the application site, (as shown by hatching in Figure 9 below). The car wash is outside the site and would continue to operate separately. There is also a private right of access at shown the eastern boundary to the rear (south-east corner of the site), to the neighbouring Free Wharf site, though, access could not be achieved in this position owing to the construction of retaining walls on the neighbouring side of the boundary and lack of available point of connection. As the plan shows this access as a connection outside of the application site this plan does not prejudice the proposals and does not influence the assessment made below.

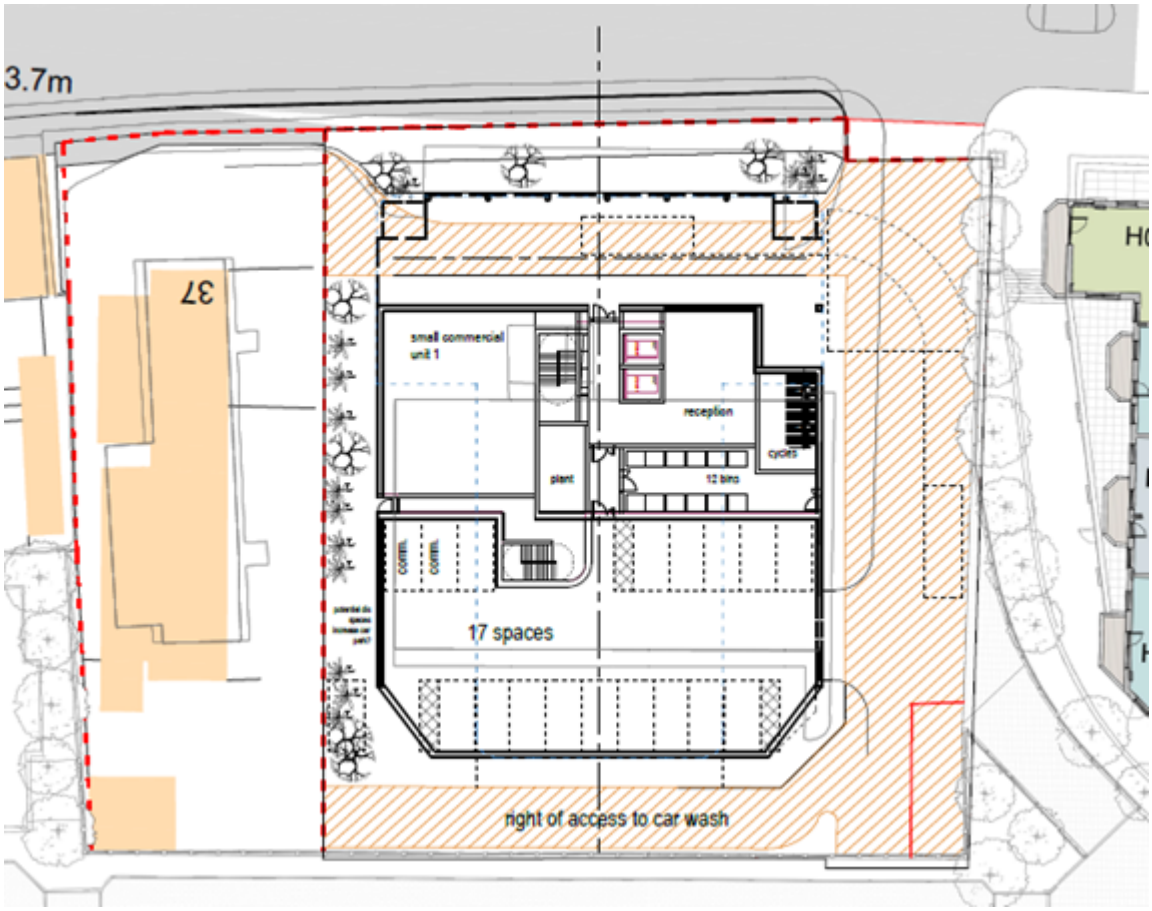

Figure 9: Site access with indicative building

Survey data indicates a total of 12no. morning peak-hour vehicle two-way trips (2/w-trips) associated with the existing Kwik-Fit use at this access and 5no in the evening peak. By comparison the proposal is projected to generate 12 & 13 peak-hour 2/w-trips in the morning and evening peaks respectively. This increase of +8no. evening 2/w-trips is considered acceptable by the Highway Authority, which has also taken into account the impact of other approved developments at Free Wharf, the nearby Frosts and Civic Centre sites and the Mannings in Surry Street.

The County Council has requested a financial contribution towards the delivery of local transport improvements in the form of the A259 Shoreham-Hove active travel scheme. It recommends the insertion of formulae into a S.106 legal agreement in order to allow for the future calculation based upon the final expected occupancy level of dwellings established at a reserved matters stage. This approach is consistent with previous and committed developments elsewhere within the WHA.

The car wash accounts for an additional 20no. morning and 17no. evening peak 2/w-trips. The Highway Authority has considered this relationship, and the indicative layout has been tested, including the retention of the wide shared vehicular access to ensure sufficient space for large service and refuse-collection vehicles, whilst also allowing access for vehicles using the car wash. The Highway Authority has advised that this is acceptable.

It is noted that this testing is based upon the indicative layout of the site with assumed footprint of the building and access to under-croft parking at ground floor. This layout retains adequate width for large and service vehicles, and importantly to turn on site (they cannot be assumed to use to route through the car wash land to do this) - see Figure 10 and earlier Figure 9. As such a grant of outline planning permission would need to capture this relationship as a parameter for a subsequent reserved matters application.

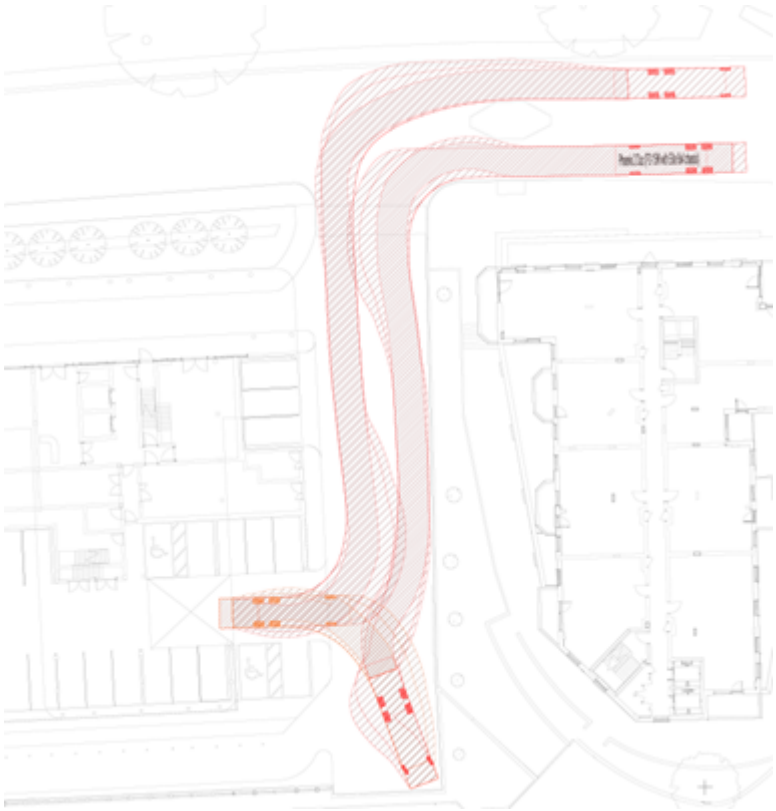

Figure 10: two-way manoeuvring of refuse collection vehicle with indicative building

During the course of the planning application the Highway Authority has advised that a stage 1 road safety audit (RSA), is not required if the 9.5m width of the existing access is retained. This is beneficial for vehicular traffic, although it does preclude the narrowing of the access to a more standard width, which would be preferable for pedestrians, although a shared surface design is intended to assist in this (see Pedestrians' section below).

Whilst the neighbouring car wash remains in use, so does the need for the extensive shared access driveways around the building. The applicant has considered the opportunities which might arise if these rights are rescinded in the future, for example, in the event of redevelopment of the car wash site.

To the front of the site, the recently amended illustrative material suggests the expansion of frontage landscaping and a wider in-curtilage footpath through the under-croft frontage space. To the rear, the driveway space could accommodate a relocated secure bike store and narrow amenity space. These changes would allow for re-planning of the ground floor of the building, removing the internal bike store to create a larger reception. The indicative commercial space is shown to become a co-working, flexible office space for use by residents

and non-residents.

In order to control and foster this future situation it is recommended that a legal agreement should, require an obligation to seek and attain extinguishment of the right of access, upon the cessation of the car wash use and in the event of redevelopment of the car wash site. It is recommended that the legal agreement be phrased to require the submission and approval of details for a redevelopment of these spaces to be subsequently implemented in the event that the requirement to maintain a right of access to the car-wash is extinguished. This mechanism would ensure that the Authority can consider the quality of any resultant proposals and enforce the provisions of the S.106 were there a need to do so.

The application also demonstrates that construction delivery traffic could be accommodated, including a loading bay and site compound, without impeding traffic to the car wash. It is noted that the loading bay and scaffolding 'crash deck' to protect the car wash egress, would require agreement with the car wash owners and that, during the latter stage of construction, the site compound may need to relocate to the south-west corner of the building zone (outside the right of way).

Parking

A total of 24 car parking spaces are proposed. This is to include 2 car club parking spaces. This gives a ratio of 0.49 spaces per dwelling, assuming that all spaces are allocated for residents. This compares with parking ratios for nearby high-density developments of approximately 0.79 at Free Wharf, 0.43 at the nearby Frosts site, 0.36 at the former Civic Centre and 0.31 at the Mannings in Surry Street. The application currently does not propose to allocate any car parking spaces to the commercial use, due to its small size of approximately 58sqm, with no objection raised by the Highways Authority to this lack of provision.

By comparison, the West Sussex Parking Standards Guide (2020), indicates a need for 61 residential parking space and approximately 3 spaces for the commercial use, which rises to 11no. for the most intensive commercial uses, such as a restaurant or café.

The site, however, is considered to offer good accessibility, being situated 500 - 600m from railway station and town centre, with bus stops within 100m to frequent bus services along Brighton Road. Accordingly, as with previously approved development the lower provision is considered acceptable subject to the inclusion of sustainable transport measures.

Sustainable Travel

In common with the other nearby major developments sustainable transport would be encouraged by means of a travel plan. This would include:

- A Travel Plan Information Board within the sales office and a community notice board to highlight pedestrian and cycle routes and bus stops close to the site;

- A Sustainable Travel Information Website to disseminate sustainable trave information to residents;

- Travel Information pack for new residents
- Promotion of car sharing via the WSCC car share scheme
- Public transport taster vouchers to be offered to residents in order to encourage continued use; and
- Cycle Discounts: Each household will be provided with a £50 cycle voucher to redeem against the purchase of a bicycle.
- Annual sustainable travel events at the development

To this list it is recommended that a two-year period of paid car club membership is included for new residents, with a number of paid-for driving hours to encourage uptake. This is proposed to be secured by way of obligation contained within the S.106 agreement.

A travel plan manager would be appointed to survey monitor the number of vehicle trips against a target of 15 percent reduction over a five-year period. In liaison with the Highway Authority in years 1, 3 & 5, the manager would also undertake remedial measures if the targets were not on course or missed. These would include increased promotion of sustainable travel and funding, such as a further round of public transport vouchers. The Highway Authority has requested a financial contribution to covers its liaison. This can, also, be collected through the S.106 agreement.

Thirteen parking spaces (53 percent) would provide live Electric Vehicle (EV) charging. County guidance requires that all others would be provided with ducting and provision for future connection points; which can be secured by way of appropriately worded planning condition.

It is noted that cycle provision is for 34no. cycle spaces. These are indicated within a secure internal bike store. The proposed number is below the WSCC recommended standard of one space per dwelling (49no. spaces), and approximately 2-3 spaces for the commercial space. Precise details concerning the capacity of cycle parking can be resolved by way of the approval of matters of layout at reserved matters stage, where it is considered the site of sufficient scale to accommodate an additional 17no covered and secure cycle spaces.

In accordance with policy CA7 to the JAAP, the proposal safeguards land along the front boundary for the future creation of the segregated cycle route along the A259 Brighton Road. The building is set back 5.3m from the existing kerb line with intervening land to be safeguarded for the creation of the cycle path by way of obligation contained within the S.106 agreement.

<u>Pedestrian Access</u>

Pedestrian access would be at each end of the site frontage. A shared surface or crossing zone is proposed for the detailed stage, which is considered important due to the 9.5m width of the existing entrance.

Footpaths are indicated around each side of the building, including the under-croft frontage

to the main doors, and partly along the western flank of the building to the side doors. All are to be segregated from the vehicular routes by protective bollards. The pedestrian path along the eastern flank would provide access to the car park entrance, which would also be reached via internal stairs and lift from upper floors.

Overall, the proposals are considered acceptable in terms of their effects upon highway safety, operation and in respect of parking provision in accordance with the requirements of Policy 28 of the ALP.

Townscape, Design & Visual Impact

Policy SH9 to the JAAP concerns place making and design. This Policy provides that development should be designed to reflect the character of the marine environment and should be sensitive to views of the waterfront, surrounding landscape and historic features. Amongst other things, waterfront schemes should improve the quality, accessibility, security and legibility of public streets and spaces and, in addition, seek to increase the physical and visual permeability between Brighton Road and the waterfront.

Policy SH9, further, provides that all developments must demonstrate a high standard of design that enhances the visual quality of its environment and results in places which are safe, inclusive and accessible. Proposals will be expected to be of a suitable scale and massing, employ high-quality architectural design, building materials, distinguish between private, public and semi-public open spaces and provide sufficient and suitable private outdoor space.

Policy CA7 pertains to the WHA specifically and, *inter alia,* effectively repeats requirements for high quality design, materials and public spaces. Policy CA7, though, further directs that development should assess likely impacts upon views towards key local features, including the South Downs, waterfront, heritage assets and key local landmarks. Policy CA7, further, prescribes that building heights of up to five storeys would generally be considered acceptable.

<u>Broad Townscape/Landscape Effects:</u>

The application site forms a small component of the overall WHA allocation, effectively contained between the larger ‘Free Wharf’ (WH5 allocation) to the south and east and Brighton Road to the north. The site does not contain a waterfront frontage, and, as revealed within viewpoint analysis contained within the submitted Design and Access Statement (DAS) does not allow views from Brighton Road to the waterfront.

The site, further, is positioned in a manner which makes limited contribution to views of the South Downs as perceived from positions on the opposite embankment of the Adur at Emerald Quay and the Adur Ferry Bridge. Any contribution which the site currently makes towards views towards the South Downs would effectively be eliminated by the committed development of Free Wharf ‘Blocks C and D’ to the respective south of the site comprising two 9x-storey towers conjoined by a lesser 6x-storey range and which would extend beyond the full width of the application site.

The submitted DAS does not contain viewpoint analysis of likely impacts upon distant viewpoints (2km+) inclusive of specific viewpoints atop the South Downs. It is considered that the site is likely visible from a number of public footpaths and rights of way leading to/from Mill Hill, Truleigh Hill and Thundersbarrow Hill to the general north of Shoreham. From these elevated perspectives, as revealed within public available 'streetview' imagery, the site forms a very small part of a broad townscape panorama and is viewed amongst existing flatted development of comparable height and type within the WHA.

This is well-illustrated by figure 11 below, which shows the site in the context of existing and committed building heights in the immediate vicinity.



Figure 11 - Application site in context of existing and committed development. Note that darker colours depict greater heights

The proposals would provide a structure up to 9x total storeys, with a lesser 6x storey range fronting Brighton Road. Consistent with the adjacent Free Wharf development, and other development within the WHA, it is anticipated that the proposals would prove visible within distant townscape views from the South Downs. Notwithstanding this visibility, however, it is considered unlikely that the proposals would harmfully impact upon distant landscape views or a broader appreciation of the townscape character of Shoreham. The proposals would not impede views towards the historic core of Shoreham, or any other key local landmark, and would be of a scale and height fundamentally consistent with nearby existing and committed development as would be appreciated from distant and elevated viewpoints.

Given the density of existing built-form within Shoreham it is not anticipated that the proposals would prove readily or frequently visible within public viewpoints at moderate distances (500m-2km), including from Buckingham Park and the historic core of Shoreham centred around St Mary's Church. The exact relationship/impact upon heritage assets, inclusive of St Mary's Church and Shoreham Conservation Area, will be considered within a later section of

this report.

It is, therefore, considered that the primary visual and character effects of the proposed development would be confined to the immediate and streetscape context of the site as would be appreciated on Brighton Road, The Ham, Dolphin Road and several south facing streets leading towards the site inclusive of Eastern, Rosslyn and Gordon Avenues in addition to the southernmost part of Adur Drive.

Streetscape and Immediate Visual and Character Effects

The indicative plans, visuals and elevations submitted in support of the proposals describe a predominantly brick-built building also featuring extensive glazing with a top (9th storey) level constructed of alternative materials. The proposed building is effectively arranged to occupy a 'T' shaped footprint, with 6 storeys arranged to front Brighton Road (oversailing the retained car-wash access), forward of a larger 9 storey range which would extend the majority of the depth of the site.

The immediate setting of the proposed building south of Brighton Road is principally characterised by pre-existing and committed residential development within the adjacent 'Free Wharf' development. Free Wharf 'Block H' sits to the adjacent east of the application site comprising 8 total storeys with a 6 storey range fronting Brighton Road. Free Wharf 'Blocks C and D' are to be provided to the rear (south) of the site comprising 9 two storey towers connected by a lesser 6 storey range.

Policy CA7 to the JAAP prescribes that building heights of up to five storeys would generally be considered acceptable on the Brighton Road and River Adur frontages and that, away from those frontages, greater storey heights may be acceptable within deeper sites. The proposals exceed the height prescribed for Brighton Road frontages such that a degree of conflict arises with this component of JAAP Policy CA7. Frontages of a similar height, however, have been accepted elsewhere in the vicinity of the site on Brighton Road, including to the adjacent Free Wharf Block H and Blocks G/G1 to the further east. These neighbouring blocks, further, also incorporate elements greater than six storeys in height set-back from Brighton Road. It is the view of officers that the principle of a building six storeys in height fronting Brighton Road, with a 'set-back' range above is acceptable.

The submitted plans and indicative details are considered to demonstrate a clear attempt to repeat the pastiche 'Art Deco' architectural style embodied by neighbouring development at Free Wharf, as extensively articulated within the submitted DAS. The rounded edges of the proposed development, treatment of balconies, indicative use of materials and detailing all closely reflect key aspects of existing neighbouring development on Brighton Road. To the large part these indicative measures are considered successful.



Figure 12 - Proposed development left (indicative visual) with Free Wharf Blocks G, G1 and H to right

The precise dimensions of the proposed building, however, do exceed those of the immediately adjacent 'Block H'. The submitted (non indicative) elevations confirm that the six storey range would sit above the adjacent sixth storey level to Free Wharf Block H (approximately 70cm). This is primarily considered to be a result of the introduction of a full-height 'Upper Ground' level as the first storey to the proposed development as opposed to a 'double height' or 1.5 storey ground floor layer to the adjacent Block H. This difference in height to the Brighton Road frontage is minor, but, nonetheless, would prove appreciable as revealed in indicative visuals and 'street scene' elevations.

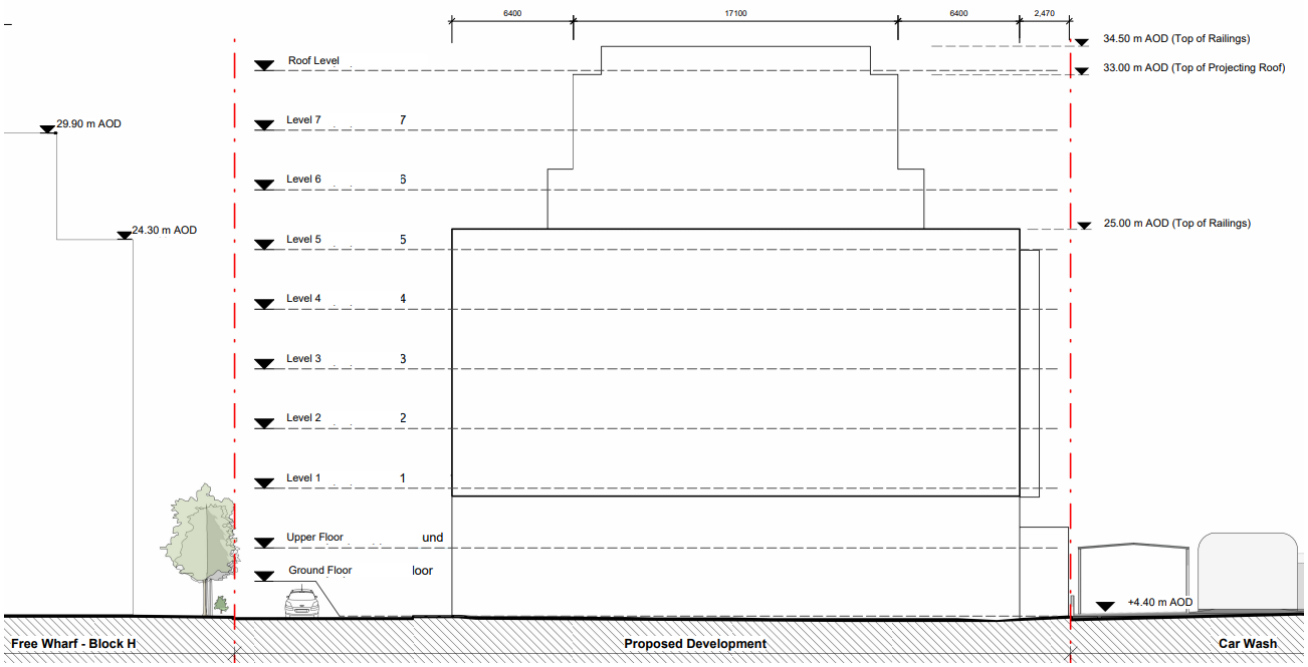

Figure 13 - Proposed North Elevation (Non indicative)



Figure 14 - Indicative Street Scene (Brighton Road)

In respect of the main nine storey range rear of the Brighton Road frontage, the ridge of the ninth storey component would sit 4.6m above that of the adjacent Free Wharf Block H and at a height only marginally below (1.7m) the ridge of the nine storey ranges featured to Blocks C and D to the rear of the site, although these are as yet unbuilt. It is considered that a range of this height would sit prominently above the rhythm of 6x storey ranges fronting Brighton Road (including that featured within the development itself) and would compete with the height of taller structures fronting onto the waterfront to the rear as perceived on Brighton Road and public perspectives to the immediate north of the site.

The proposed nine storey range is set-back to a largely consistent degree as the taller ranges featured to Free Wharf Blocks H and G (eastwards on the Brighton Road frontage), though, the indicative details suggest that the proposals would not repeat the fully rounded form characteristic of the tallest parts of the Free Wharf development or stepped back form of waterfront blocks. This is best depicted in the indicative visuals included within the DAS (Figures 15 and 16) below.



Figure 15 - Proposed building set against nearby approved and committed development at Free Wharf . Silhouette to the adjacent west should be noted as the applicant's projection of a possible redevelopment of land to the adjacent west of the site.



Figure 16 - Proposed building set against nearby approved and committed development at Free Wharf. Viewed from north-western corner of Ham Road/Eastern Avenue junction.

The final form of the building is not set at this stage and stands to be considered in conjunction with matters of appearance. It is, however, the view of officers that a structure of the maximum height and scale parameters sought and which embodied the indicative form would prove unsuccessful. Such a building would present a noticeably greater bulk and massing to the respective north-west and north-eastern corners of the nine storey range compared to

similar ranges features to the Brighton Road frontage. The additional bulk-massing above the 6x storey range immediately fronting Brighton Road, similarly, is not mitigated to the same extent as development to the rear of the site through the failure to effectively step-back the taller ranges. This is, in the view of officers, considered to result in a structure which would appear top-heavy in nature, and which could awkwardly relate to its immediately adjacent surroundings.

The indicative plans and detail are recognised to describe some measures intended to distinguish the ninth storey component of the building, inclusive of a minimal instep, omission of overhung balconies and use of an alternative external material. It is considered possible that the use of alternative materials, such as a lighter coloured cladding system or substantially glazed upper/top floors could lessen some perception of the bulk and massing of the structure, though, the success of these approaches would only be known through the future approval of reserved matters.

Other aspects of the indicative scheme are, additionally, of some concern. The indicative arrangement of fenestration within the principal (north) facing elevation is chaotic and fails to achieve a consistent vertical emphasis between storeys in the same vein as all surrounding development. There is no explanation for this approach within the submitted DAS, with the expectation of officers that this be redressed in conjunction with the future prospective approval of matters of appearance.



Figure 17 - Indicative Western Elevation

The six storey range fronting onto Brighton Road, further, is shown to feature a large substantially 'blank' elevation to its western face at 3rd to 6th storey levels (figure 17). As this would represent one of the most prominent parts of the proposed building on Brighton Road, and as perceived across 'The Ham' to the north-west, again, the expectation of officers is that this be redressed before the future prospective approval of matters of appearance.

Conclusions in Respect of Design

Overall it is considered that the proposals are made within a part-established and emerging townscape context and away from sensitive viewpoints such that the introduction of a building of the scale proposed would not harmfully impact upon significant views or an appreciation of the broad townscape character of Shoreham.

The proposals, though, would fail to maintain the same core parameters to neighbouring development within Free Wharf along the Brighton Road frontage, both to the proposed 6x storey range and, more significantly, through the incorporation of a 9x storey range which sits appreciably above the established Brighton Road frontage. In the view of officers it is considered that these aspects of the proposals result in a degree of discoherence within the streetscape/townscape which would prove unsympathetic as appreciated within its immediate environment and nearby views. This is considered to amount to a moderate conflict with Policies SH9 and CA7 of the JAAP in the sense that these policies seek to ensure that development is of a suitable scale and massing. The significance of this harm to the overall planning balance will be returned to later within this report.

It is, further, considered that the indicative form and treatment of external elevations would fail to achieve a high quality design and would further reinforce a sense of discomfort which arises between the proposals and the adjacent Free Wharf development as a consequence of the divergence in heights. As these designs are only shown indicatively at this stage the proposals cannot be prejudiced for this reason and it is the case that alternative forms and design approaches could be pursued through the latter approval of matters of layout and appearance while maintaining the scale parameters currently sought. It is considered that alternative design approaches could prove capable of at least lessening the degree of harm assessed above in relation to matters of scale.

Heritage

The site falls within a 300m radius of the designated extent of the Shoreham Conservation Area (which is closest to the site at Surry Street), and the Grade II Listed Building of 55-57 New Road. The site, further, is ~550m east of the Grade I Listed Building of St Mary De Haura Church and a good number of Grade II Listed Buildings situated within Shoreham town centre.

A number of undesignated heritage assets, inclusive of the Duke of Wellington Public House and scheduled ancient monument at the Marlipins Museum are, additionally, located within a moderate distance being respectively situated ~200m and ~690m west of the site.

As described within the Shoreham-by-Sea Conservation Area Appraisal and Management Strategy (2008), the Conservation Area is generally diverse and comprises a number of

different character areas as described at section 6 to the Conservation Area Appraisal. Key components of the Conservation Area are described to include the landmark qualities of St Mary's Church, the presence of glimpsed views from the High Street towards the Adur, the pattern of narrow streets leading towards/beyond the railway and integrity of green spaces fronting the Adur and surrounding St Mary's Church.

The Conservation Area Appraisal identifies key views (at section 6.6) to include riverside views towards the Conservation Area and St Mary's Church from positions on the opposite embankment of the River Adur, from The Downs to the distant north and from Norfolk Bridge on approach to Shoreham. As described within the Conservation Area Appraisal these views best allow an understanding of Shoreham as a nucleated riverside settlement framed by The Downs to the rear with St Mary's Church representing the key feature of prominence within the townscape. The Conservation Area appraisal recognises that the narrowness of existing streets together with the density and height of existing built-form limits opportunities for comprehensive landscape/townscape views within the settlement envelope, but that the close-knit nature of existing layout/built-forms itself represents an important component of the Conservation Area.

The Conservation Area Appraisal does not identify Brighton Road as a key viewpoint and describes the quality of the Brighton Road approach as of comparatively poor quality, in part owing to the influence of the disused Parcelforce building present at the time of appraisal. Other forms of commercial development in the vicinity of the Conservation Area together with traffic and noise, particularly on the A259, are described as detractors to the quality of the Conservation Area and to a sense of arrival. The Conservation Area recommends that development seek to improve the quality of the built-environment at/within gateway areas, provide additional linkages, and areas of public open space, adjacent to the Adur and that traffic reduction/management measures are implemented wherever possible.

The Conservation Area Appraisal is specific to the significance of the Conservation Area, though, the analysis and identification of viewpoints contained within the Conservation Area also provides a good understanding of viewpoints relevant to an understanding of the setting of the majority of heritage assets contained within Conservation Area, inclusive of the Grade I St Mary's Church.

The site currently contains a single modern commercial building of utilitarian character. This building (and the wider site) is considered to possess no architectural merit or historic value, and is of a type generally described as a detractor to the sense of arrival to the Conservation Area on Brighton Road. The loss of the existing building, and redevelopment of the site, therefore, is not considered to detrimentally influence the setting of the Conservation Area or any heritage asset in the vicinity of the site.

The submitted Design and Access Statement (DAS) includes viewpoint analysis at pages 67-74 and which considers the likely visibility of the site in the surrounding townscape context, inclusive of existing committed development.

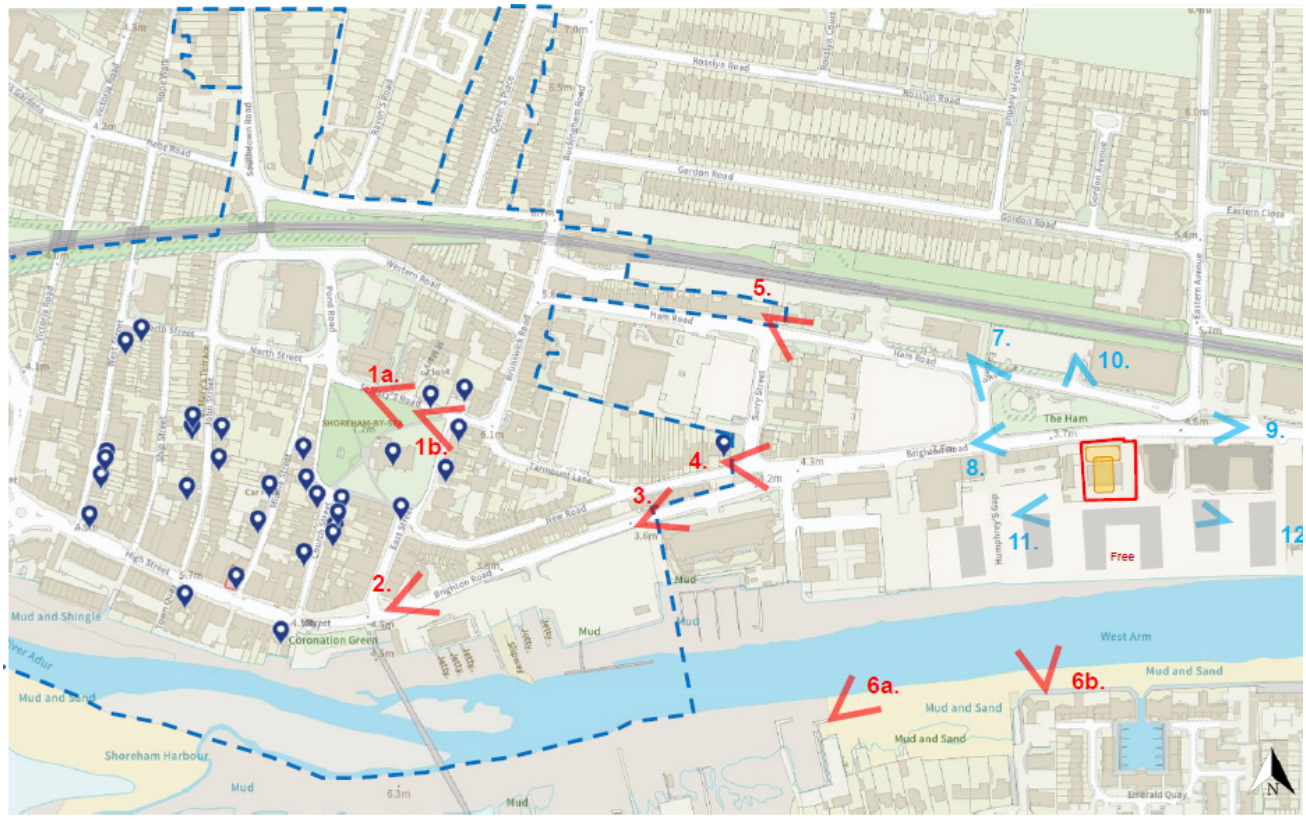

Figure 18 - Viewpoints Assessed within the submitted Design and Access Statement

More distant viewpoints considered/modelled within the submitted DAS suggest that the proposed development would not prove visible within more distant viewpoints from positions within the historic core of Shoreham at St Mary's Church and at the Brighton Road/East Street junction.



Figure 19 - Viewpoint 1b, view from edge of St Mary's Churchyard



Figure 20 - Viewpoint 2, view from junction of East Street and Brighton Road

Within closer viewpoints assessed within the DAS at the easternmost perimeter of the Conservation Area, the proposed development is modelled to be visible, although to a limited extent.



Figure 21 - Viewpoint 5, view from junction of Ham Road and Surry Street



View 4.

Figure 22 - Viewpoint 4, view west of junction between Surry Street and New Road



Figure 23 - Viewpoint 3, view on Brighton Road forward of Mariner Point

It should be noted that anticipated visibility from Viewpoints 3-5, at the edge of the Conservation Area, as depicted above is likely to be further inhibited by the consented redevelopment of the former Civic Centre and Frosts sites which sit to the foreground of the site and are not depicted within the viewpoint analysis.

Further to the viewpoints considered within the DAS, officers consider that two additional viewpoints are relevant to an understanding of the relationship between the site and Conservation Area as shown below. The first view shows the site from the Adur Ferry Bridge (which should be noted as 2019 photography pre-dating the Free Wharf development) and

its relationship with views to the eastern extent of the Conservation Area and the second view shows the site from Sussex Wharf to the east and potential for the site to influence return views back towards St Mary's Church and/or the Conservation Area.



Figure 24 - View from Adur Ferry Bridge (2019)



Figure 25 - View from Sussex Wharf and Bluebird Close (2024)

Within these additional viewpoints the scale, amount and height of riverside development consented at Free Wharf should be noted and which is largely predicted to obscure views of the site once completed. This is shown within the modelled viewpoints 6a/6b within the submitted DAS.

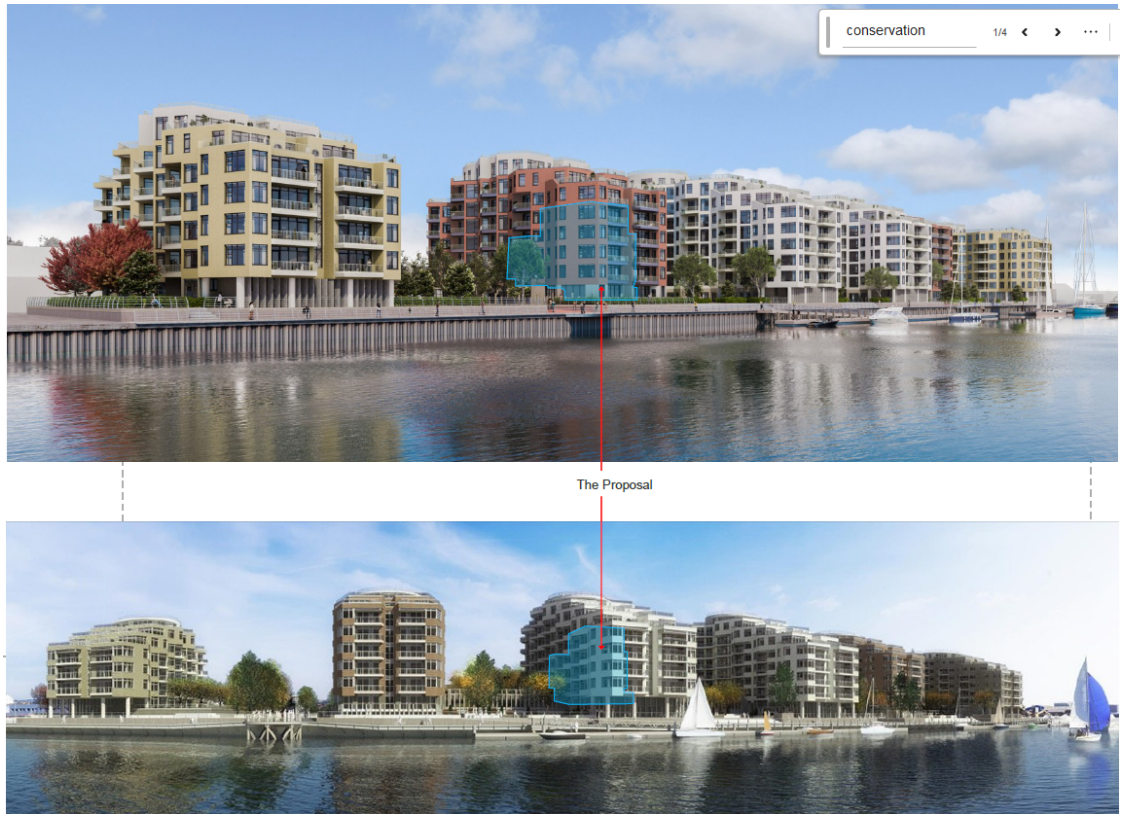

Figure 26 - Viewpoints 6a/6b, modelled views from opposite Adur embankment

On the basis of the available information, and following observations on-site, officers consider that the proposed development would sit appreciably beyond the immediate setting of any heritage asset, including the historic core and townscape of Shoreham Conservation Area and St Mary's Church and would only prove visible (and to a limited degree) within a small range of viewpoints from existing heritage assets. Similarly, the proposed development is not considered to harmfully interfere with townscape views of St Mary's Church and the Shoreham Conservation Area, including the degree to which this skyline is framed by The Downs to the rear, as perceived from the opposite embankment of the Adur as a consequence of the degree of intervening distance to the site and presence of significant existing/committed built-form within the Free Wharf development encompassing the site to the east and south.

It is deemed likely that the proposals would prove visible along the course of Brighton Road on eastern approaches to the site (as depicted within modelled viewpoint 8), though, are positioned/orientated in a manner which would not interfere with public views of any heritage asset.



Figure 27 - Viewpoints 8, modelled view on Brighton Road to east of site

Overall, in visual terms, the existing site makes no positive contribution to the significance and/or setting of any nearby heritage asset, with the site positioned and arranged in a manner which shares a negligible relationship with any heritage asset in the relevant vicinity. The proposals would not inhibit public views of any heritage asset to any greater degree than pre-existing and committed development and would not result in a harmful change to the visual setting of any heritage asset.

The secondary (non-visual) impacts of the proposed development, however, must still be considered. The submitted transport survey data estimates a minor increase in vehicular movements (up to 16x extra peak-time evening movements) relative to the pre-existing use of the site for commercial purposes. Demolition and construction activity, further, would likely negatively contribute to the acoustic setting of nearby heritage assets for a temporary period.

As the existing Conservation Area Appraisal identifies the poor quality of the acoustic environment and level of traffic on Brighton Road as detractors to the significance of the heritage asset, it cannot be said that a development expected to worsen those conditions would only have neutral effects upon the significance of town-centre heritage assets in a manner suggested within the submitted Planning Support Statement. It is, instead, considered that the proposals would result in less than significant harm, and at the lowest end of the scale, to the significance of town-centre heritage assets (Shoreham Conservation Area, individual listed buildings contained within the Conservation Area, 55-57 New Road and the Duke of Wellington Public House) as a consequence of increased vehicle movements and construction/demolition noise. No harmful effects are considered to result to any other designated or non-designated heritage asset beyond those found within the town centre as addressed above.

Pursuant to Paragraph 212 of the Framework any harm to the significance of a heritage asset attracts great weight. In the context of less than substantial harm to significance, Paragraph 215 of the Framework directs that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This balancing exercise will be returned to within the concluding section of this report.

The submitted supporting documents to the application do not describe and/or assess the

likely presence/absence of archaeological remains. The site, however, falls beyond the historic core of Shoreham where the likelihood of archaeological remains is reduced and as reflected in the absence of any archaeological designation. The absence of archaeological remains, however, cannot be conclusively presumed, and given the finite and vulnerable nature of archaeological remains, it is considered appropriate and proportionate to impose a planning condition requiring an archaeological investigation and assessment of any identified remains prior to the commencement of works which could result in the destruction of those remains. Subject to such a condition no conflict with the provision of the Framework at Paragraph 207.

Residential & Neighbouring Amenity

Privacy and Intervisibility:

The application site falls in close proximity to completed and committed residential development within the Free Wharf development. Free Wharf 'Block H' sits to the adjacent east of the site whilst 'Blocks C and D' would sit to the south of the site if completed in the future.

At its closest point the plans submitted in support of the proposed development indicate that the southernmost part of the proposed apartment block would be situated ~16.5m north of residential units featured within 'Blocks C and D' to the Free Wharf development. This relationship is below the 28m recommended for facade-facade relationships recommended within the adopted Space Around Dwellings and Flats Development Control Standard document and would inevitably give rise to a degree of mutual overlooking between existing and future occupiers.

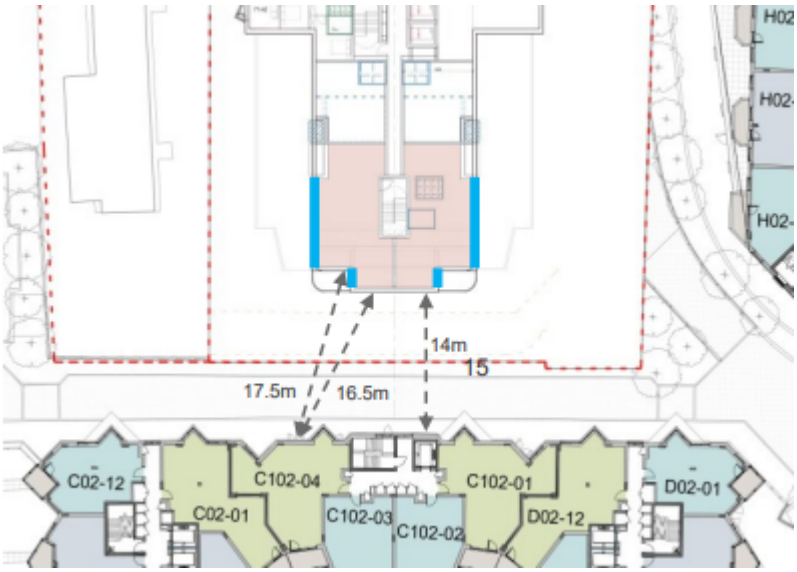

Figure 28 - Relationship between southern elevation and Free Wharf 'Block C/D'

Given the narrowness of the proposed 9x storey range at its southern extent (16.5m), any degree of mutual intervisibility would principally arise between proposed south-facing units

and those featured within the central part of ‘Block C’ to the Free Wharf development. This relationship of mutual intervisibility between proposed and committed units, though, is not of a directly facing nature with committed units within ‘Blocks C and D’ featuring oriel windows set at 45 degrees to the approved northern elevation.

In relation to Free Wharf ‘Block H’, the closest part of the proposed apartment block is the the north-eastern extent of the proposed 5x storey range, found ~20m from the substantially complete Block H. This relationship would be between the respective secondary elevation of completed/proposed units, which principally outlook to the north or south, with similar face-to-face separations noted to have been previously accepted in the vicinity between ‘blocks G and G1’ to the Free Wharf development.

The main component of the proposed development (the 9x storey range) is a further 6.7m set-back to the west relative to Free Wharf ‘Block H’. The majority of proposed units, therefore, would be situated at a distance from Block H which would be substantially concordant with adopted guidance.

Overall, it is accepted that the proximity of the proposed building to the completed and committed development at Free Wharf would inevitably give rise to a degree of mutual intervisibility between occupiers, and that separation distances between certain proposed and neighbouring units would be below recommended standards within the Space Around Dwellings and Flats Development Control Standard document.

Officers, however, do not consider that any relationship of mutual intervisibility resulting from the proposals would prove so significant as to compromise a reasonable standard of privacy for existing and/or future occupiers warranting objection in relation to the provisions of ALP Policy 15. While it would prove necessary to revisit any privacy and intervisibility implications through the prospective future approval of matters of layout, officers are satisfied as to the ‘in-principle’ acceptability of the proposed development on the basis of the details of scale and indicative details currently available.

Daylight:

The submitted application is supported by a Daylight Impact Assessment (WSP Ltd,ref: 70118838-DLA, dated November 2024), which considers potential impacts from the proposed development upon neighbouring living spaces contained within Free Wharf Blocks C/D.

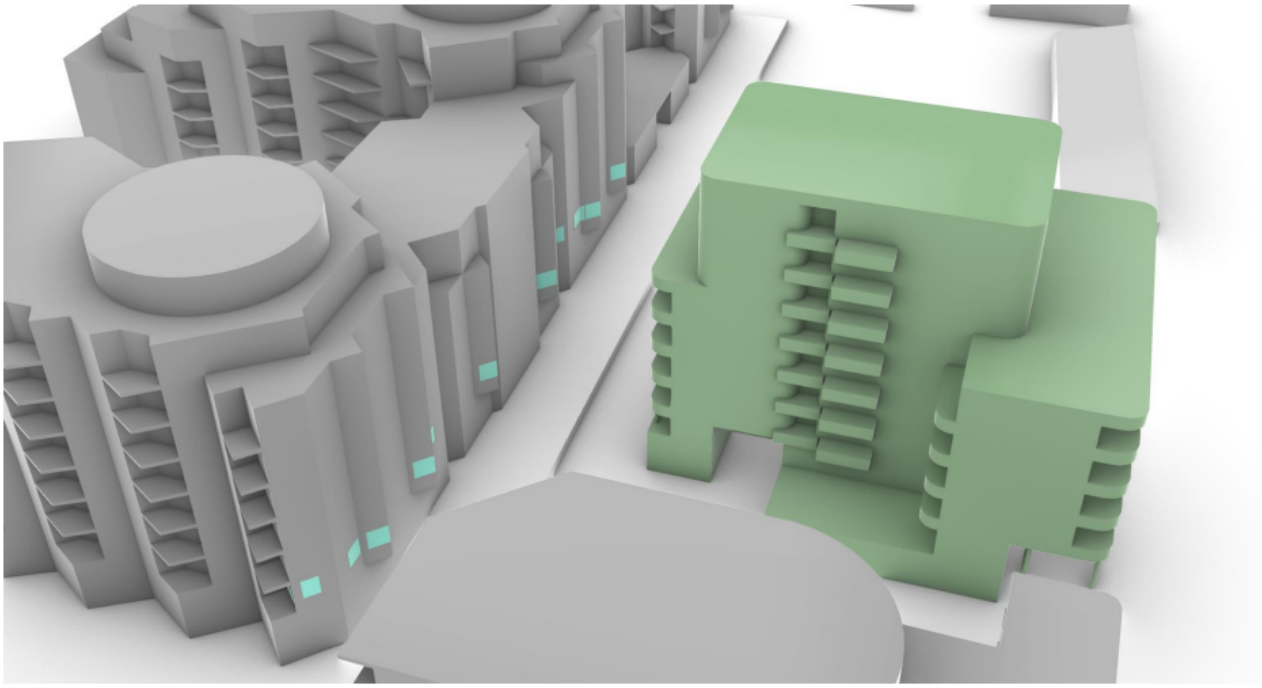

Figure 29 - Windows within Free Wharf 'Blocks C/D' surveyed within Daylight Assessment

The submitted Daylight Assessment considers the lowest (floor level 01) units within Free Wharf Blocks C/D on the assumption that these are those likely to experience the greatest possible adverse effects as a result of the proposals. The Assessment models effects in relation to 8x total bedroom spaces and 2x living/dining/kitchen spaces featured within the northern elevation of Blocks C/D serving 6x total residential units (all dual aspect) in relation to target illuminance levels stipulated within the British Standard EN 17037-2021 document. The Assessment employs a target illuminance level of 100 lux for bedroom spaces and 200 lux for multi-use or kitchen spaces during at least 50% of daylight hours.

The Daylight Assessment models that the proposed development would reduce the amount of daylight received to receptor living spaces with the greatest effects experienced within four bedroom spaces positioned centrally within the neighbouring northern facade. The level of light to be received by neighbouring receptors, however, would remain in compliance with relevant standards such as to indicate that no unacceptable diminishment in living standards would result to occupiers within Free Wharf Blocks C/D as a consequence of the proposed development.

In response to requests from officers, an additional Daylight Assessment (February 2026) has been conducted to consider the relationship between the proposed development and the adjacent Free Wharf Block H to the adjacent east of the development site. The February 2026 Assessment interrogates effects upon 99x residential windows featured to west facing residential units within Block H, noted to primarily consist of single-aspect units. The relationship between the proposed development and Block H is illustrated at Figure 30 below, where the increased height of the proposed development relative to Block H and a separation distance (between towers) of ~28m is illustrated.

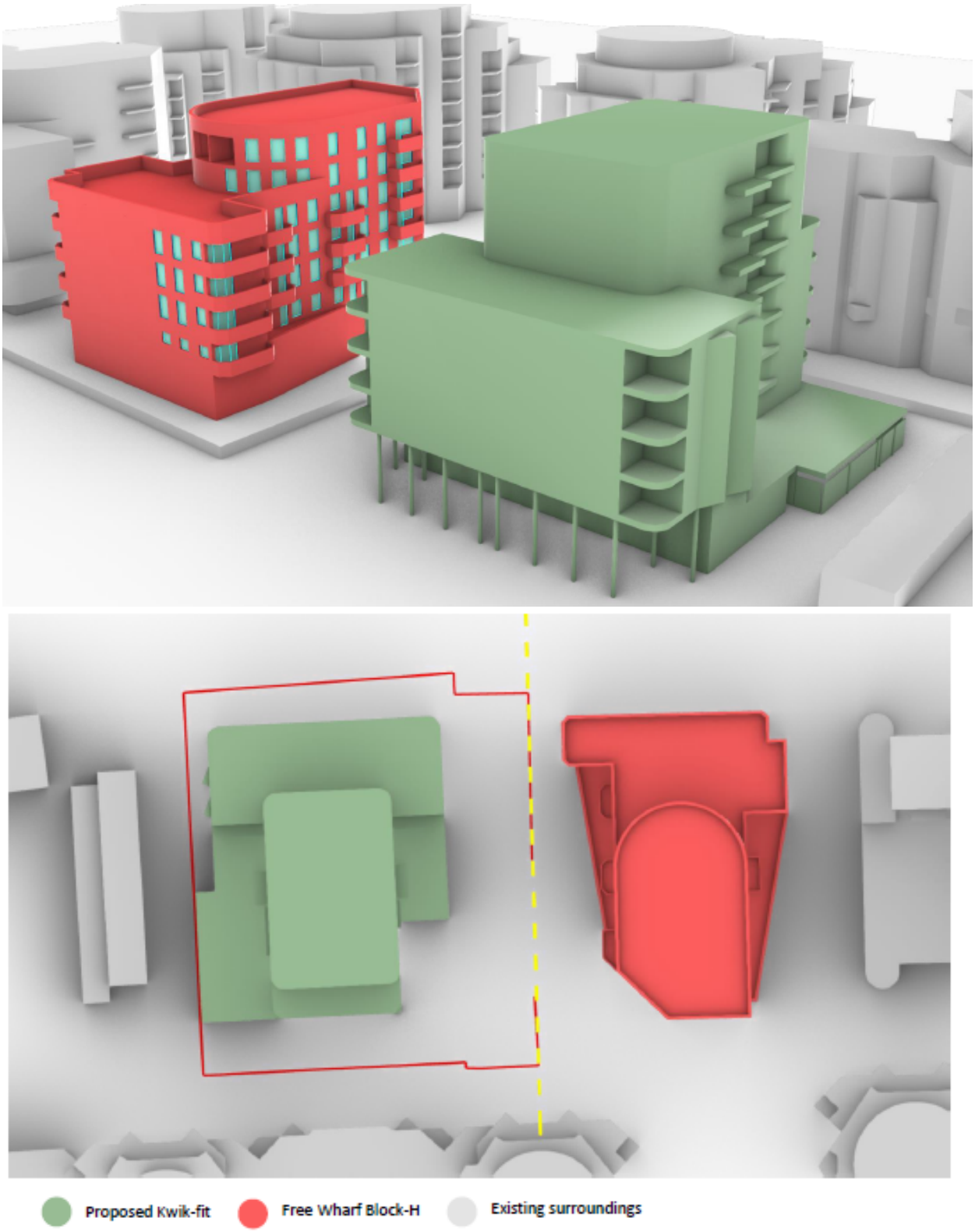

Figure 30 - Relationship between proposed development and Free Wharf Block H.

The February 2026 Daylight Assessment models daylight effects upon Block H compared to a 'mirror baseline' scenario, whereby the effects resulting from a building of the proposed scale are compared to a hypothetical building emulating the footprint, height and separation to the boundary as Block H. This hypothetical baseline is depicted at Figure 31 below.

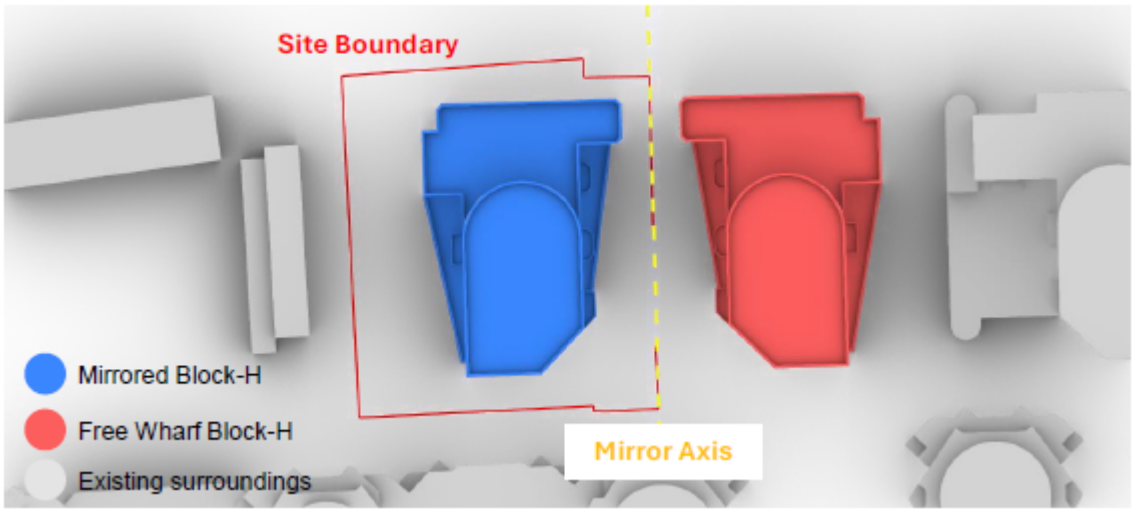

Figure 31- Hypothetical 'mirror baseline' for Free Wharf Block H.

The mirror baseline methodology employed by the February 2026 Daylight Assessment is considered justified in this instance. Guidance provided by the Building Research Establishment (BRE) recommends a mirrored approach to daylight assessment within higher-density settings and in the event that development has been previously unencumbered by residential development resulting in windows 'too-close' to the shared boundary. This is fair assessment of the site context, recognising that previous proposals at Free Wharf could not have had regard to any unknown intentions for the application site at the time of determination and noting that the hypothetical mirrored baseline depicted within the February 2026 Assessment is fundamentally comparable to the relationship between Free Wharf Blocks G1 and G2.

The February 2026 assessment concludes that all assessed windows within Free Wharf Block H would satisfy BRE standards for winter and summer daylight in addition to daylight distribution, with some improvements relative to the modelled baseline scenario for certain windows and units featured to Block H. This is considered likely a result of the increased separation between the main tower featured to the proposed development and that depicted within the mirror baseline scenario, notwithstanding the increased height of proposed built-form.

With regard to the findings of both Daylight Assessments conducted in support of the proposals it is considered that the proposals would result in no unacceptable effects upon the living conditions of nearby occupiers in respect of the receipt of natural light. The proposals, therefore, are considered to satisfy the requirements of ALP Policy 15 in this regard.

The prospect for a residential redevelopment of land west of the application site, inclusive of

the retained car-wash and neighbouring range of light industrial buildings fronting Brighton Road, forming the remaining balance of allocation WH6 within the JAAP are currently unknown. The main tower proposed in this instance, though, is noted to be some distance inset from the western site boundary (~9.5m), and at a comparable distance to the separation that Block H to Free Wharf sees to its respective western boundary (~10.5m). Given the scale of remaining land featured to allocation WH6, it is not considered that the proposals would prevent and/or prohibit a potential redevelopment of the remaining balance of WH6 for residential purposes, subject to future detailed design, such as to conflict with provisions of Policy CA7 of the JAAP in this regard.

With regard to the living conditions of future occupiers it is considered that these will be most appropriately assessed at future reserved matters stage at a time when the quantum of units, the layout of residential units and scale of relevant effects upon future occupiers can be determined.

In conjunction with a future reserved matters submission it is the expectation of officers that any scheme must address the level of daylight to be received by south-facing units, noting their relationship and proximity to Free Wharf Block C/D.

The level of daylight, and potential for light intrusion from any artificial lighting, featured to north-facing units at first storey level positioned directly below the oversailing 3rd-5th storey range, similarly, must be addressed by any future scheme and is considered of particular importance given the degree to which these units are likely to be extensively shadowed by proposed built-form. As unit number, and the layout of units, however, has not been finalised at this stage of assessment, the proposals cannot yet be prejudiced for this reason.

Internal Space

ALP Policy 20 sets an expectation that all dwellings are constructed to satisfy nationally described space standards. At this juncture, as matters of layout are reserved for latter consideration, the internal configuration of the proposed building and overall quantum of residential units is subject to change. There is no indication in the information currently before the Authority that the proposals would prove incapable of providing residential units which accord with minimum standards specified within the national Technical Housing Standards (2015) document.

Private Amenity Space:

Paragraph 3.7 to the adopted Space Around Dwellings and Flats Development Control Document (DCD) advises that for flatted development amenity areas should be provided equivalent to a minimum of 20sqm per flat, and which could be contained either within communal areas, private amenity spaces or a balance of both. Paragraph 3.7 to the DCD, further, advises that amenity areas must be usable (without refuse and/or utility infrastructure) and should be a minimum of 3m in width.

The indicative plans submitted with the proposals detail that each residential unit provided with the proposals would benefit from a private balcony. These are shown, indicatively, to

vary in individual size, though, all exceed 3m in width in accordance with minimum advisable standards set within the DCD document. Units at first floor level and fifth floor level are indicatively shown to benefit from larger private terraces with a communal terrace (approx 265sqm) also provided at fifth floor level.

The submitted Design and Access Statement (DAS) (at pages 45-46), describes the potential provision of an additional communal open space of approximately 170sqm at ground level to the rear of the proposed building in the event that the car-wash facility is redeveloped and the need to maintain a vehicular access to the car-wash falls away. The mechanism by which a future redevelopment of this space could be secured, presuming that the right of access persists at the time of a prospective future approval of matters of layout and landscaping, is not addressed within applicants submissions. The future availability of this space, further, should not be presumed as there is no guarantee that the right of access to neighbouring land will fall-away such that no decision as to the acceptability of the proposals in this respect be placed upon the assumed future redevelopment of this space.

As suggested on the indicative visuals featured within the DAS, if the ground floor space rear of the proposed building is redeveloped, the quality of this space, and range of open-space typologies which could be provided, would be highly influenced by its narrowness and the degree of enclosure from surrounding structures. Any communal open-space provision in this location, however, would be regarded as an improvement in the visual condition of the site and make a limited contribution to satisfying the open space requirements of the proposed development in quantitative terms. Any permission to be granted by the Authority must incorporate provisions requiring a redevelopment of this space in the event that the need to provide a means of access to the car-wash falls away and subject to details to be approved by the Local Planning Authority.

In respect of the provision of private and communal space no detailed land-budget has been provided in support of the proposals. Paragraph 6.101 of the submitted Planning Support Statement, indicates the provision of 623sqm of private amenity space in total and 150sqm of communal green space, comprising only the fifth storey communal terrace. The totality of indicative private/communal provision (773sqm), therefore, is below the 980sqm expected in association with the indicative provision of 49x units advised at Paragraph 3.7 to the DCD.

A prospective redevelopment of the car-wash access for use as a communal area would effectively address the deficiency in on-site provision, though, the future availability of this land cannot be assumed as this is likely contingent upon a redevelopment of the car-wash for alternative purposes. While it is recommended that the S.106 agreement seek to require the submission, approval and subsequent implementation of details for the redevelopment of the car-wash in the event that the need to maintain access falls away, the S.106 agreement cannot bind neighbouring land and cannot oblige a cessation of the car-wash access. This provision, therefore, should not be relied upon to resolve any identified shortfall in private/communal space.

The degree of overall shortfall in private amenity space, however, is not considered substantial and exceeds that made available within nearby development (inclusive of Free Wharf Block H). It is, further, possible that details to be submitted in relation to matters of layout and landscaping confirm additional provision relative to that currently indicated, or

otherwise reduce the quantum of proposed units such as to result in a reduced private amenity space need.. At this juncture, therefore, notwithstanding the indicative deficiency in the quantity of private open space, it is not considered that the degree of shortfall is incapable of being addressed at a latter stage of approval, or would fail to provide future occupiers acceptable living conditions warranting objection pursuant to ALP Policy 15.

Public Open Space:

In addition to areas of private open space to be provided to serve future occupiers, the proposed development will generate demand for public recreational and leisure spaces.

Policy SH8 to the JAAP requires new development to contribute to the provision of multifunctional public open space and green infrastructure, with regard to identified local needs and standards specified within the Shoreham Harbour Green Infrastructure Strategy. Policy SH8 to the JAAP, additionally, expects that development optimises onsite provision, though, recognises that all or part of open space needs may need to be accommodated by way of off-site provision, such as through the delivery of an enhanced public realm. Policy CA7 to the JAAP specifically identifies green infrastructure improvements on Brighton Road and/or open spaces at The Ham and Kingston Beach as potentially suitable to receive off-site improvements resulting from residential redevelopment within the WHA.

The Council's adopted Open Space Study (OSS) (2019) seeks to characterise and quantify the open-space needs of the District and the degree to which these are influenced by predicted future development. Table 7.4 to the OSS predicts a requirement for 19.32ha of open space within the District, predominantly in the format of accessible natural greenspace and parkland. The OSS, further, recognises that the predicted open space needs of the District may, at least, be partly compensated through investment in the quality and robustness of open spaces in order to improve quality and access where a shortfall in quantitative provision is assessed.

Table 8.2 to the OSS includes standards for individual developments across the open space typologies assessed within the OSS and recommends the delivery of 29.9sqm of total open space per person in association with individual developments. A breakdown of need within individual typologies (per person) is, also, provided within table 8.2 to the OSS together with an assessed need for a financial contribution of £1,281.90 per person in order to meet all open space needs associated with a development and assuming no on-site provision.

Appendix 1 to the submitted Planning Support Statement includes the Council's Open Space Cost Calculator and assesses a total requirement to provide 2,195sqm of public open space modelled to result from a development of the indicative scale. Consistent with assessed need within the District, the greatest demand predicted to result from the proposed development is within the parks and recreation ground and natural green space typologies. Relatively significant amenity green space need (at 484sqm) is additionally modelled, with 150sqm of assessed need for publicly accessible amenity green space depicted to be provided on site. Paragraph 6.101 to the Planning Support Statement would appear to suggest that this on-site provision takes the form of the communal terracing provided at fifth storey level.

The Planning Support Statement confirms the applicants willingness to pay a financial

contribution equivalent to the expected costs of delivering off-site public open space (minus need assessed to be satisfied through the provision of on-site communal terracing). Employing the Council's Open Space Calculator, the open-space needs of the proposed development (collectively) are effectively equivalent to the physical footprint of the application site at ground level. Given this total scale of demand, and the differing requirements for respective open space typologies, it is accepted that the public open space needs of the development cannot be accommodated on site given its scale and the nature of existing constraints. This conclusion is consistent with other recent redevelopment schemes in Western Harbour and nearby at the Mannings and former Civic Centre site.

The site is immediately opposite 'The Ham' public recreation ground, which includes a public skate-park, and is otherwise within relevant walking distances/buffers for parks and recreation grounds, youth-play spaces and amenity greenspace as assessed at section 7.3.1 of the OSS. An appropriate financial contribution towards the upgrade of pre-existing facilities, therefore, would be deemed an acceptable approach to offsetting increased demand for these typologies of public-open space as a consequence of the development proposals.

The site, however, is located beyond a modelled 10-minute walk to children's play spaces and accessible natural green space as respectively modelled at figures 7.5 and 7.7-7.10 of the OSS. In this context a financial contribution (cumulative with contributions received elsewhere) would be expected to be contribute to the delivery of an additional play facility or component of natural green space within the vicinity of the WHA, and which would be considered an acceptable approach to offsetting the open-space demands of the proposed development in these typologies.

In respect of the scale of contribution, employing the methodology contained within the Council's Open Space Calculator, it is noted that this is to be determined with regard to the expected population of the proposed development. As the internal configuration of the proposed building is not yet set, the quantum of units and respective mix of sizes could change at a later date such as to necessitate a recalculation of resultant open space needs.

Similarly, full details of the communal terrace are not currently before the Authority, though, it is recognised that this terrace is likely only to be made available to future residents as a form of communal open space as opposed to public open space. Depending on future access arrangements, therefore, it may be necessary to discount this provision from the quantum of amenity green space to be provided on-site given the characteristics of this typology as described at section 5.2.2 of the OSS as open to free and spontaneous public use.

At this juncture the Council would accept the provision of a financial contribution an acceptable approach 'in-principle' to satisfying the public open-space needs of the development. The precise financial contribution to be received, however, cannot yet be calculated with the quantum of development only provided in indicative terms and with the final details of any on-site provision reserved for the latter approval of matters of landscape and layout. Any grant of planning permission in this instance, therefore, would need to secure a future financial contribution calculated pursuant to the Open Space Calculator at the stage relevant inputs to the calculator (inclusive of development population and on-site open space provision) are understood.

Noise Disturbance:

Paragraph 198 to the Framework provides that planning decisions should ensure that new development is appropriate to its location, taking into account (including cumulative effects) of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or wider area to impacts which could arise from the development. Paragraph 198 to the Framework, further, confirms, *inter alia*, that planning decisions should avoid noise giving rise to significant adverse impacts on health and the quality of life (as characterised within the Noise Policy Statement for England) and otherwise mitigate and reduce to a minimum potential adverse impacts resulting from noise and new development.

Paragraph 200 to the Framework provides that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Paragraph 200 explains that existing businesses and facilities should not have unreasonable restrictions placed upon them as a result of development permitted after they were established, and that where the operation of an existing facility could have a significant effect on new development the 'agent of change' should be required to provide suitable mitigation before the development has been completed.

The application site is situated in an environment impacted and characterised by two main sources of noise pollution, first, road traffic noise from Brighton Road and, second, noise associated with commercial activity - most prominently derived from activity at the car-wash facility present to the adjacent west of the application site.

In support of the proposed development the applicant has provided a Noise Assessment (WSP Ltd, 70118838 002, May 2025), which seeks to describe likely impacts of noise upon future occupiers, characterise the extent of noise disturbance and detail any necessary mitigation measures. The scope of the submitted Noise Assessment is limited to a consideration of road traffic noise from Brighton Road and from commercial activity at the adjacent car-wash facility. No objection has been raised by the Council's Environmental Health officer to the scope of the submitted Noise Assessment, or as to the standards or methods employed in it.

In respect of disturbance from adjacent commercial activity, the submitted Noise Assessment concludes as to the likelihood of a significant adverse effect to future occupiers at the western facade of the proposed apartment building resulting from activity at the existing car-wash. The Noise Assessment notes, in particular, the intensity and frequency of noise associated with jet-washing at the car-wash as a particularly prominent source of noise and principal component of adverse noise effects. The Noise Assessment models (at first floor level) commercial noise to result in an 11-19 increase in sound pressure (dB) above assessed background noise levels, though, further advances that the degree of likely disturbance is likely reduced within individual apartments as the height of the building increases. A 10dB reduction is modelled above fourth floor level on the basis of an assumed solid balustrade and broken line-of-sight to commercial noise sources.

The submitted Noise Assessment, additionally, considers the effects of commercial noise upon users of external balcony spaces shown on the indicative floor and elevation plans to the western elevation of the proposed building. The Assessment notes that balcony spaces (below fifth storey level) are likely to be up-to 7dB above the 55dB LAeq,T upper guideline

required for external amenity spaces by BS 8233:2014. In order to reduce the potential for future noise complaints which could impact upon the existing commercial unit the submitted Noise Assessment recommends the omission of west-facing private balconies below the fifth storey of the proposed building, or their potential replacement with glass-enclosed balconies: winter gardens. This recommendation is not reflected in the indicative plans currently before the Authority, though, is capable of resolution through an approval of details of appearance and layout at the later reserved matters stage.

The loss of external amenity spaces (even through the introduction of winter gardens) should be acknowledged to represent a diminishment in the quality of accommodation afforded to relevant future occupiers, even if justified in acoustic terms. Other assumed parameters within the Noise Assessment, inclusive of the use of solid balustrading, similarly would represent an expectation for the future consideration of matters of appearance.

Where commercial noise is factored in combination with road traffic noise, the Noise Assessment models significant exceedance of relevant day and night time standards 30-45 dB LAeq,16hour or LAFMax,8hr (at third storey level) as detailed at Table 4-3 to the Noise Assessment. The most significant exceedance is predicted during the daytime within the northern facade, reflecting the intensity of road traffic noise on Brighton Road and during daytime hours in particular. Balcony spaces featured to the northern facade, similarly, are modelled to exceed the relevant 55dB LAeq,T upper guideline by 18dB.

In order to achieve acceptable noise standards, therefore, the Noise Assessment identifies a need to incorporate significant sound insulation within the northern and western facades sufficient to reduce internal sound levels by 43 dB and 36 dB respectively. This level of acoustic attenuation necessitates the use of a high acoustic specification glazing and is likely to inhibit the ability to introduce opening windows (beyond purge ventilation) and necessitate the use of mechanical ventilation as recognised at paragraphs 4.5.11-4.5.15 of the Noise Assessment. Very careful consideration, therefore, would need to be given to a future ventilation strategy in order to prevent potential overheating through the approval of details reserved by condition in order to achieve satisfactory future living conditions.

Unlike west-facing balconies, notwithstanding the modelled significant exceedance of guideline external amenity space values, the submitted Noise Assessment does not recommend the omission of north facing balcony spaces orientated towards Brighton Road; advancing that there remains a continued benefit to accessing outdoor amenity spaces and that a compromise between elevated noise levels and the convenience of living in a high noise environment should be reached. This arrangement has been accepted elsewhere in the vicinity of the site in respect of balcony spaces orientated towards Brighton Road, inclusive of the adjacent Free Wharf development, within a substantially identical acoustic context such as to be considered acceptable in this instance.

Officers note that no specific modelling of internal/external sound levels for east facing apartments, and associated requirements for the acoustic insulation, is contained within the submitted Noise Assessment, notwithstanding that this facade is predicted to be at overall ‘medium risk’ of noise disturbance. The Noise Assessment, however, anticipates further acoustic assessment at a finalised design stage in order to determine finalised sound insulation standards. As a lesser degree of noise disturbance is overall anticipated to the

eastern facade of the building, relative to the northern and western elevations, it is considered that an appropriately worded condition requiring the latter approval of a sound insulation scheme would satisfactorily ensure suitable living conditions to occupiers within east-facing units.

Flood Risk & Drainage:

Policy 36 to the ALP concerns flood-risk and drainage, and provides that development must be appropriately flood-resilient and resistant. ALP Policy 36 requires that any residual risk of flooding be appropriately managed, that development includes safe access and escape routes, that development will not increase flood-risk elsewhere, prove safe for its lifetime and give priority to use of sustainable drainage systems.

The application site falls within Flood Zones 2 and 3, by reason of proximity to the Adur, though, is not presently modelled as at risk of surface water flooding.

In sequential terms, the proposals are concordant with the provisions of the JAAP and ALP in terms of the redevelopment of the WHA. The proposals, therefore, benefit from sequential test undertaken in conjunction with the preparation of the ALP and JAAP. As directed by the NPPF at Paragraph 180 the sequential test does not need to be re-applied in this instance, as additionally recognised within the accompanying text to the JAAP at Paragraph 3.6.6.

In terms of the exceptions test, the proposals are supported by a site-specific Flood Risk Assessment (FRA). The submitted FRA identifies that the site is due to be protected from coastal/fluvial flooding by way of flood-defences set at 5.6m above OS datum (AOD) incorporated as part of the adjacent Free Wharf development, and as noted to be above recommended defence levels suggested within the Shoreham Harbour Flood Risk Management Guide Supplementary Planning Document (SPD).

Significant measures, however, are incorporated within the proposed design to lessen the risk of flooding and increase resilience in the event of a potential flood event. All vulnerable (residential) uses are noted to be proposed to be set a minimum AOD of 8m, representing a 2m+ freeboard above a 0.5% flood-level in the most extreme sea-level rise scenario to 2125.

The proposed ground-floor commercial development in addition to ground floor parking and service spaces would remain vulnerable in the most extreme modelled flood-event (and allowing for extreme climate change scenarios), being set at 4.40m AOD. These components of the proposal, however, should be recognised to represent ‘less vulnerable’ components to the risk of flooding - largely reflecting the reduced likelihood of threat to life.

The FRA, nonetheless, outlines several indicative measures to increase flood-resilience within the ground-floor layer, including the use of low-permeability and quick-drying materials, the use of non-return valves, installation of high-level electrics (set 600mm above the modelled 1:200 year flood level) and incorporation of temporary flood-barriers to the ground floor layer and car-park. Full details as to these measures would need to be sought in prior to the implementation of the proposed development and can be secured by way of appropriately worded condition.

The proposals, further, are supported by a detailed Flood Emergency Plan, which details intended emergency measures for residential/commercial occupiers during a flood-event, and detailed drainage strategy outlining measures for the control and disposal of surface water without increasing that risk elsewhere. The submitted drainage strategy outlines an intention to rely upon an existing outfall to the River Adur for surface water drainage purposes, with a general improvement in runoff rates predicted as a consequence of the incorporation of on-site water storage, use of permeable surfacing, bioretention and soft-landscape features (all presently absent from the site) at detailed design stage.

The proposals have been reviewed by both the Environment Agency and Lead Local Flood Authority, who have respectively responded to confirm no objection to the proposals, subject to the imposition of appropriately worded planning conditions. No objection, similarly, has been registered by Sussex Police and/or the Fire and Rescue Service in respect of flooding as an emergency event.

While, therefore, the development remains at risk of fluvial/tidal flooding it is considered that the proposals adequately demonstrate that more vulnerable occupiers would be protected during the most extreme modelled flood-event and that appropriate flood-resilient, resistance and emergency measures have been taken into account by the proposals. As considered elsewhere within this report, the proposals would convey substantial sustainability benefits, principally in the form of socio-economic benefits, deemed of sufficient benefit to outweigh the residual risk of flooding which would be presented to future occupiers. The proposals, therefore, are deemed to satisfy the requirements of the exceptions test and of Policy 36 to the ALP.

Ecology and Biodiversity

Designated and Priority Habitats:

The application site is located within a 2km radius of several designated habitat sites, inclusive of the Adur Estuary Site of Special Scientific Interest (SSSI), and known priority habitats as identified at tables 3-1, 3-2 and 3-3 of the Preliminary Ecological Appraisal (PEA) (WSP Ltd, ref: UK-70118838, May 2025) submitted in support of the proposals.

The submitted PEA is considered to accurately describe the relevant features of significance specific to each identified habitat site and to correctly categorise the range of priority habitats present within a 2km radius of the site. As the site does not contain any designated and/or priority habitats no direct loss of significant habitats would result from the development proposals.

The submitted PEA, further, accurately describes potential off-site effects to designated and priority habitats as a consequence of the development proposals, inclusive of increased recreational pressures within the Adur Estuary SSSI, the potential for increased dust from demolition/construction to the detriment of air quality and a potential diminishment in water quality as a consequence of pollution emanating from construction runoff.

Potential adverse effects as a consequence of demolition/construction, however, are considered capable of being appropriately mitigated through the imposition of appropriately worded conditions regulating construction activity (inclusive of dust and chemical control

measures) and requiring appropriate biosecurity measures. While the potential for increased recreational pressure within the Adur Estuary SSSI would remain subsequent to occupation, the response received from Natural England in relation to the development proposals indicates, in the view of the nature conservation body, that no likely significant effects upon statutorily protected sites would result from the proposals. Any likely impact upon the Adur Estuary SSSI as a result of increased recreational pressure, therefore, is likely to be below a significant level which could result in harm to the integrity of the SSSI alone or in combination with other plans and projects. It is, therefore, considered that no unacceptable habitats effects would result from the proposals subject to the imposition of appropriately worded planning conditions.

Protected and Priority Species:

The submitted PEA, at section 3.4, assesses the likely potential for individual protected and priority species within and in the vicinity of the site. A significant number of species records (1,669) (for the preceding 10 year period) are returned by a typical ecological records search, which near wholly consist of records for wading and aquatic birds. This is unsurprising given the proximity of the site to the Adur tidal estuary and priority mudflat habitats.

Notwithstanding the proximity of the site, however, the current condition of the site, as occupied wholly by hardstand or existing structure, however, render it unsuitable for foraging and/or nesting of protected and priority birds such that no adverse effects are likely to result from the proposals in this regard. Common and widespread birds, inclusive of wood pigeon, however, may nest within the site. This risk of harm to common nesting birds is capable of being appropriately controlled by way of measures incorporated within a Construction Environment Management Plan (CEMP) and through the appropriate timing of demolition operations.

The PEA, further, details the return of 6 species records for bats within a 2km radius of the site, with no recorded issue of a European Species Licence (EPS) for works involving bats within a 2km radius of the site within the preceding 10 year period.

The submitted PEA, and an associated Potential Bat Roost Assessment (PBRA), consider the suitability of the site for bats and advance that the site has no potential for suitable bat foraging habitat given its urban condition and substantial lack of vegetation. The existing car-servicing/repair building, however, was considered to possess low suitability for bat roosting necessitating further on-site investigation in order to accurately determine potential effects upon bats, and any associated need for mitigation measures. A Bat Survey Report (BSR) (WSP Ltd, ref UK-70118838-0002, May 2025) has been provided accordingly, and which includes the results of a dusk emergence survey undertaken in accordance with relevant professional (CIEEM) standards and methods. The dusk emergence survey returned no record of roosting bats, or wider bat activity, within the site such as to provide a high degree of confidence that bats are absent from the existing building to be demolished on site. No mitigation and/or avoidance measures are currently considered necessary.

The Bat Survey Report is regarded as ‘up-to-date’ as recently undertaken (May 2025) at the time of this determination. In accordance with CIEEM ‘best practice’ guidelines the survey would be considered to provide an accurate understanding of bat-activity within the site for a period of 18 months from May 2025. Beyond 18 months, but before a period of 3-years, also

in accordance with CIEEM guidelines, in the event that demolition operations were not yet undertaken, it would be necessary for an ecologist to review the continuing validity of surveys and as to whether a need to undertake fresh surveys arises as a consequence of a changed likelihood of bat activity. Confirmation as to the need for further surveys, and/or any specific necessary mitigation measures in the event that surveys are to undertaken, can be required by way of appropriately worded condition if demolition operations are not undertaken within a period of 18 months (from May 2025) from any grant of outline planning consent.

No potential for protected and/or priority mammalian, amphibian and/or reptile species is considered in this instance given the existing condition of the site and its surroundings.

Biodiversity and Green Infrastructure

The site presently contains no natural habitat, with the exception of a small managed grassed verge to the immediate south of Brighton Road. The site, therefore, effectively possesses no pre-existing general biodiversity interest and is accepted as exempt from statutory provisions for Biodiversity Net Gain (BNG) under the *de minimis* exemption. ALP Policy 30, together with Paragraph 187 to the Framework, nonetheless set an expectation that development contribute to the protection and enhancement of biodiversity in general terms.

The submitted PEA identifies several opportunities for general biodiversity enhancement, including through the incorporation of wildlife sensitive lighting, bat/bird boxes, and suitable planting inclusive of green walls, roofs and naturalistic planting in general. Some of these recommendations are reflected within the indicative plans and supporting design documents through the indicated incorporation of green roofs and limited tree planting forward of the indicative position of the proposed building.

Details of landscaping and appearance are not presently open to consideration, accordingly, detailed scrutiny of any planting proposals, the extent of planting and their suitability for wildlife cannot be afforded. In principle, however, all of the general biodiversity enhancements recommended within the PEA are capable of being secured by way of appropriately worded condition, and which would be deemed to satisfy the less stringent non-statutory requirement for general biodiversity enhancement reflected within ALP Policy 30 and Paragraph 187 of the Framework given the limited biodiversity value of the site at present.

Other Matters

Fire Safety

The matter of internal layout is reserved for consideration at a later stage through the approval of matters of layout. The proposals, however, have been subject to review by the Fire and Rescue Service with indicative fire-hose diagrams and internal layouts provided with the proposals. Indicative fire-hose routes are all noted to be within an appropriate distance (45m) of a fire appliance or dry riser and with the dry riser inlet also noted to be within an acceptable distance and line-of-sight to the pump operator. The indicative plans, further, show that two stairwells would be available to future occupiers at all storeys of the proposed development. The proposed site access, further, is dimensioned and arranged to allow access by a fire tender vehicle. No concerns, therefore, would be raised in respect of fire safety in conjunction with this outline application and subject to the future consideration of layout at reserved

matters stage.

Air Quality

The development proposals are supported by an Air Quality Assessment (AQA)(WSP Ltd, ref: 70118838 001, dated: May 2025). The submitted AQA is professionally prepared and takes account of both national and local (Sussex) standards and methods for Air Quality Assessment. The submitted AQA includes a damage-cost calculation reflecting the anticipated contribution to worsened vehicle air-quality (inclusive of particulate matters) of increased vehicle movements associated with the proposed development. A minor damage cost of £2,598 is assessed and deemed easily capable of being offset on-site through the incorporation of additional electric-vehicle chargers, cycle parking provision and/or low/no emission heating systems. Measures for the control of construction/demolition dust are capable of being secured within an appropriately worded Construction, Environment, Management Plan (CEMP).

Officers do not consider that future occupiers would be exposed to unacceptable air-quality conditions, or that the incorporation of an overhung range to the neighbouring car-wash to the frontage of the building would compromise the ability to achieve satisfactory living standards.

Marine Policy:

The application site falls within the area of coastline subject of the South Inshore and South Outshore Marine Plan (SMP) (2018). The SMP defines several objectives for the protection and promotion of marine assets, environments and habitats. The ecological and environmental components of the SMP are considered to be reflected within the current requirements of development plan policy, as assessed in detail within the preceding sections of this report, with no conflict considered with SMP policies S-CC-1-4, S-HER-1-2, S-MPA-1-4 and S-BIO-1-4.

The proposals, further, are not considered to adversely influence the health and sustainability of fisheries pursuant to SMP policies S-FISH-1-4 or the integrity of defence assets pursuant to SMP Policies S-DEF-1.

The proposals are within an area of historic port activity, though, have not contributed to marine activity in recent years and are now separated from the waterfront by the consented Phase 2 to Free Wharf. The adopted JAAP, jointly prepared with Shoreham Port, makes provision for the redevelopment of the Western Harbour Arm for residential, and other purposes, such that there is limited prospect of this part of the historic harbourfront returning to commercial port operation. It is not considered, therefore, that the proposals would result in significant adverse effects upon existing or future port operation for the purposes of S-PS-1 of the SMP.

Contamination

The proposals are supported by a professionally conducted Preliminary Risk Assessment (PRA) (WSP Ltd, ref: 70118838-PRA REV 01, dated May 2025). The submitted PRA considers likely preceding contaminating uses on and off-site and includes a conceptual

model of likely receptor / contaminant linkages and takes account of previous ground investigations undertaken in association with the development of the adjacent Free Wharf site.

The available information indicates a high likelihood of made-ground presence within the site and of individual contaminants in excess of relevant health standards as a consequence of historic and neighbouring commercial and industrial uses. A survey for unexploded ordnance, further, is recommended reflecting the unknown potential for wartime unexploded ordnance underlying existing hardstand. The PRA recommends that an intrusive site investigation be conducted to fully determine local ground and hydrological conditions and to establish necessary remediation measures and verification works.

The Council's Environmental Health team have raised no objection to the scope or method of the PRA as submitted. Subject to the imposition of relevant conditions it is considered that contamination risk can, first, be more comprehensively assessed following the demolition of existing structures and, second, subsequently subject to remediation works as necessary prior to the commencement of construction levels. Such conditions would prevent the potential exposure of receptors to contaminated materials in accordance with ALP Policy 34.

Minerals and Waste

The application site falls within the designated minerals safeguarding area of two temporary wharfs designated for the protection of minerals transportation at Policy Map 3 to the West Sussex Joint Minerals Local Plan (JMLP) (2018), which forms part of the adopted development plan. Policy M10 to the JMLP seeks to ensure that development near to temporary minerals sites would not prejudice the permitted period of operation of temporary infrastructure, or that development would otherwise convey socio-economic benefits that clearly outweigh the retention of minerals infrastructure.

One of the two temporarily protected sites (New Wharf), was allocated for redevelopment for mixed use purposes pursuant to Policy CA7 of the JAAP. The site has, since, ceased operation for minerals transportation purposes with relevant minerals processing infrastructure removed for the site. New Wharf is presently subject of a planning application for the installation of padel tennis courts for a temporary period of time (ref: AWDM/1228/25). Officers consider that there is no realistic prospect of minerals activity re-commencing at New Wharf such that the introduction of further residential development within the vicinity would jeopardise continuing minerals related development contrary to Policy M10.

Kingston Wharf, similarly, has ceased operation for minerals transportation processes and is in the process of being redeveloped for mixed use purposes pursuant to ref: AWDM/0511/21. No realistic prospect remains of Kingston Wharf returning to use as a minerals site.

In these circumstances, and given that the proposed development has, in any case, committed to the installation of acoustic attenuation necessary to provide sufficient living standards relative to the local acoustic environment, there is no realistic prospect that the proposals would prejudice the operation of existing minerals or waste infrastructure. No conflict in relation to the provisions of the JMLP, therefore, is considered in this instance.

Conclusions - Planning Balance

The proposals would provide for a residential-led redevelopment of previously developed land deemed in accordance with the provisions of Policy 2 to the ALP and CA7 to the JAAP.

The delivery of housing, of any type, attracts substantial weight in favour of the grant of planning permission, as reflected by Paragraph 61 to the NPPF, while the delivery of affordable housing at levels consistent with the requirements of ALP Policy 21 is deemed to attract very substantial weight.

Great weight, similarly, should be afforded to the redevelopment of previously developed land pursuant to Paragraph 125 of the NPPF, in addition to the economic benefits which would derive from the provision of a small commercial unit allied with the temporary benefits which construction would convey pursuant to Paragraph 85.

Beneficial weight, further, should be afforded to the active travel benefits which a dedication of the cycle route would convey and to the minor environmental benefits by way of biodiversity enhancements which could be realised by way of a redevelopment of the site.

As set out in detail within the preceding sections of this report, the proposals are not assessed to adversely impact upon local character and appearance, highway safety or operation, protected species and habitats sites, the living conditions of nearby occupiers, upon marine assets, minerals and waste operations, to increase the risk of flooding elsewhere, or to prejudice the strategic redevelopment potential of adjacent land allocated within the ALP subject to appropriate conditions and/or planning obligations. It is, further, similarly considered that the proposals can provide satisfactory levels of parking and can offset any expected additional pressure on public infrastructure, green spaces and services by way of appropriate financial contribution. These considerations are neutral in the planning balance and neither weigh in favour, or against, a grant of planning permission.

Some concerns have been expressed within this report in relation to the indicative housing mix, the design, including the facade fronting Brighton Road, the quantum of private open space and potential access arrangements for future communal terracing in addition to degree of potential exposure to noise disturbance arising from the adjacent car-wash premises which could also affect the use of these spaces. These concerns, however, relate to matters of appearance and layout, such that the current proposal cannot be prejudiced at this stage of outline assessment or are deemed capable of being appropriately redressed by way of planning conditions. Further assessment, including any related justification for these indicative arrangements, would be necessary in conjunction with a relevant reserved matters application.

Heritage Balance

The proposals are considered to result in less than substantial harm to the significance of Shoreham Conservation Area and other town-centre heritage assets as a consequence of a a minor increase in traffic movements on Brighton Road through Shoreham town centre (above and beyond those associated with the existing commercial use) and increased noise

disturbance likely to result from construction and demolition operations.

The degree of overall harm to significance is judged by officers to be at the lowest end of the less than substantial scale, and would reduce to a negligible level following the completion of construction operations.

Where less than substantial harm to significance is identified, Paragraph 215 to the Framework directs that such harm should be weighed against the public benefits of the proposal. This balancing exercise is separate from the general planning balance, and is intended to establish whether the proposals are capable of support in principle in heritage terms and does not diminish the 'great weight' to be assigned to the conservation of an assets significance within a wider planning balance as Paragraph 212 to the Framework directs.

In this instance (as assessed above) the proposals would deliver significant social and economic benefits, primarily through the appropriate redevelopment of previously developed land for mixed-use purposes. Significant positive weight should be attributed to the delivery of housing and the ground floor commercial unit, with very significant positive weight to be attributed to the delivery of on-site affordable housing. Officers are satisfied that the benefits of the development proposals in these respects are sufficient to outweigh the assessed degree of less than substantial harm to the range of heritage assets identified above. No in-principle objection, therefore, is warranted in heritage terms and which would prove capable of forming a 'strong' reason to withhold planning permission for the purposes of Paragraph 11(d)(i) of the Framework.

Conclusion - General ('Tilted') Balance

The Authority is presently unable to demonstrate a five-year supply of housing land, accordingly, the provisions of the development plan are out-of-date and a determination must be made pursuant to Paragraph 11(d)(ii) of the Framework. Planning permission, therefore, should be granted unless the benefits of granting planning permission were significantly and demonstrably outweighed, individually or in combination, when assessed against the provisions of the Framework as a whole and with particular regard to policies directing development to sustainable locations, making effective use of land, securing well-designed places and the provision of affordable homes.

The view of officers is that the proposals would, overall, deliver substantial socio-economic benefits in addition to minor environmental benefits as set out within the preceding sections of this report. No degree of conflict with national and/or local planning policy has been identified at this stage of assessment, with the exception of less than substantial harm (at the lowest end of the scale) considered to result to the significance of nearby heritage assets.

Less than substantial harm to the significance of any heritage asset attracts great weight in the planning balance pursuant to Paragraph 212 of the Framework, though, the view of officers is that the degree of harm in this instance does not significantly and demonstrably outweigh the scale of benefits which would be realised by the development proposals. The recommendation of officers, therefore, is to grant outline planning permission subject to appropriate conditions and planning obligations secured by way of S.106 agreement.

Recommendation:

To delegate the approval of outline planning permission (inclusive of the matters of access and scale) to the Head of Planning subject to the completion of a S.106 agreement and appropriate planning conditions as listed below.

Planning Obligations

Regulation 122(2) to the Community Infrastructure Levy (CIL) Regulations (2010) (as amended) (the CIL Regulations) provides that a planning obligation may only constitute a reason for granting planning permission if it is:-

a.) necessary to make the development acceptable in planning terms;
b.) directly related to the development;
c.) fairly and reasonably related in scale and kind to the development.

Adur District does not benefit from an adopted CIL charging schedule, accordingly, the infrastructure needs (and associated cost of relevant contributions) must be calculated on a bespoke basis for each individual application.

In determining this application the LPA has sought the advice of the County Council, acting as Local Education and Highway Authority, in addition to the NHS and Sussex Police. The LPA, further, has approached its own Environmental Health Team for comment and has considered its own published guidance in respect of the provision of affordable housing and public open space. It is considered that the range of advice sought and matters considered by the LPA capture the full range of potential infrastructure needs generated by the development and matters which must be secured by way of planning obligation.

At this juncture a determination is being made only in outline and with certain matters reserved for future consideration. All potential parameters relevant to a calculation of infrastructure obligations (inclusive of final development population, the precise number of affordable housing units and extent/type of on-site open-space provision) cannot yet be established with matters of layout and landscaping reserved for future consideration.

In response to the advice of the County Council and NHS, it is suggested that a S.106 agreement seek to incorporate a mechanism requiring the calculation (and subsequent payment of) financial contributions for education (Primary, Secondary, Further Secondary education and Library provision), fire and rescue and healthcare services/infrastructure at a point where the development population is known. Existing education, fire and rescue services and infrastructure are not deemed able to support the needs of the proposed development, accordingly, financial contributions within these categories to support the enhancement/improvement of services and accommodate the pressure generated by the development proposals is necessary and directly attributable to the development proposals.

There is no alternative mechanism (other than by way of planning obligation) by which a financial contribution can be secured. As any financial contribution within these categories, further, would be calculated in a manner specific to the precise population/scale of demand

arising from the development it follows that any contributions to be secured within these categories would prove fairly and reasonably related in scale and kind to the development.

Officers do not consider that a development proposal of the indicative quantum, and site of this physical scale, could physically and/or proportionately accommodate the delivery of on-site public education, emergency service or healthcare provision. The delivery of infrastructure off-site by way of financial contribution, therefore, is an appropriate mechanism to satisfying additional demands upon public infrastructure arising from the proposed development as recognised within Policy SH10 to the JAAP.

As articulated earlier within this report the open space and recreational needs of the development cannot be catered for on-site. The indicative open-space land budget submitted with the proposals (in the format of the Council's open space calculator) outlines an indicative cost (across all relevant open space typologies) anticipated to arise from a development of the predicted population and accounting for a potential quantum of open-space provision on-site. The submitted Planning Support Statement confirms an informal undertaking to pay a financial contribution equivalent to the expected costs of delivering off-site public open-space and recognising the inability of the scheme to deliver all relevant typologies and amounts on-site.

Similar to other infrastructure needs, there is a need to incorporate an obligation requiring the re-calculation of the public open-space land budget alongside matters of landscaping and layout, when the final development population and extent of open-space to be delivered on-site is also known. The resulting financial contribution should be paid upon first occupation to enable the enhancement of existing areas of public-open space within Shoreham, as identified within the Council's Open Space Study, and to avoid increasing pressures on existing areas of public open space beyond their available capacity. This infrastructure demand is a direct consequence of the proposed development, is necessary to ensure appropriate access/provision of public open and recreational space for future residents (as recognised by JAAP Policy SH8), and fairly and reasonably related to the proposed development.

The transport proposals rely on a package of measures, inclusive of the implementation of a travel plan over a period of 5-years, the adoption of a car-club arrangement, and safeguarding of land for the future provision of cyclepath south of the A259. This cyclepath reflects the aspiration of the JAAP at SH8, with the active travel contribution indicated as necessary by the LHA intended to fund the delivery of this cycle infrastructure consistent with other JAAP allocations/developments.

The safeguarding of land, travel plan and car-club management measures, together with the maintenance/retention of on-site parking facilities for the lifetime of development, exceed what can be achieved through the imposition of planning conditions. Obligations, therefore, are necessary to regulate the site in these regards, and to ensure the appropriateness of the proposals in terms of parking provision and active travel. The financial contribution, similarly, is directly related to the delivery of cycle infrastructure within the site and deemed a necessary and proportionate requirement to be placed upon the proposals where reflecting the known commitment made within the WHA allocation at JAAP Policy SH8.

A number of additional 'standard' obligations are necessary to incorporate within an eventual legal agreement pursuant to S.106 of the Town and Country Planning Act 1990. These include the provision of affordable housing as committed to within the applicants submissions, obligations requiring the future maintenance/repair of landscaping and green infrastructure within the site, the retention of necessary acoustic and ventilation standards for the lifetime of development and delivery of on-site air-quality mitigations sufficient to offset the identified damage cost calculation. These measures exceed what can be achieved by way of planning condition, are directly related to the development and necessary to establish the acceptability of the proposals in several regards.

In summary, officers consider that all obligations contained within its draft heads of terms to satisfy the requirements of the CIL Regulations at Regulation 122(2) and would render the development acceptable in policy terms.

Table 5: Heads of Terms to S.106 Obligations

	Obligation	Terms
	Highways, Access & Parking	
1	Highway Improvements Contribution	• £3,171 contribution per unit towards measures included within the Local Plan and JAAP
2.	Highway Improvements A259 Cyclepath	• Dedicate Cycle-Footpath land along A259 Brighton Road frontage on receipt of request from WSCC and/or • Uninterrupted public access to widened footpath.
3	Car club	• Provide [x no.] vehicles on first occupation • Provide [x no.] vehicles on full occupation • Procurement of a supplier to provide [x no.] cars • Paid membership per household for 2 years • £50 drive time per household • Monitoring, review and liaison with County and District Councils for five years from full occupation with consequent increase in vehicles where reasonably required up to a maximum of 8no.

4	Travel Plan	• Appointment of Travel Plan Manager coordinator for period of five years post initial occupation; • Liaison with County Council; • County Council monitoring fees
	Housing	
5	Affordable Housing	• Provision of at least 30% of approved residential units as Affordable Housing; • Provision of 75% of Affordable Housing as affordable rental units; • Provision of 25% of Affordable Housing as intermediate or shared ownership housing; • Affordable Rented Definition [social rent or rent set at LhA levels] • Nominations for Affordable Rented according to using Council's Standard Nominations agreement
	Open Space and recreation	
6	Open Space Land Budget	• Submission of a detailed Open Space land budget alongside details of the reserved matters of landscaping as calculated pursuant to the Council's Open Space Calculator; • Payment of a financial contribution for the improvement and/or provision of Open Space off-site prior to the first occupation of any approved unit as calculated through the submission of the Open Space Calculator;

7	Redevelopment of Potentially Redundant Car Wash Access	• Obligation requiring the submission of details for the approval of the Local Planning Authority for the removal and replacement of the retained car-wash access at the front and rear and side of the site in the event that the need to maintain a right of access to neighbouring land falls away; • Obligation requiring the implementation of any scheme approved for the removal and replacement of the car-wash access.
	Other Obligations	
8	County Infrastructure (non-highway)	Education • Obligation requiring the payment of a financial contribution towards the improvement of existing Primary, Secondary and Further Secondary Education facilities within Shoreham prior to first occupation of any approved unit; • Financial contribution to be calculated in accordance with following formula alongside matters of layout to be made subject of a future approval of reserved matters:- 1.) (Cost Multiplier (Primary) x Total Places Required = Primary Education Contribution 2.) (Cost Multiplier (Secondary) x Total Places Required = Secondary Education Contribution + 3.) (Cost Multiplier (Further Secondary) x Total Places Required = Further Secondary Education Contribution Libraries • Obligation requiring the payment of a financial contribution towards the improvement of existing Library facilities within Shoreham prior to first occupation of any approved unit; • Financial contribution to be calculated in accordance with following formula alongside matters of layout to be made subject of a future approval of reserved matters:- 1.) Extra library space in sqm. Per 1,000 population x

		library cost multiplier x Additional Persons. ● Obligation requiring the payment of a financial contribution towards the installation of additional fire safety equipment/smoke alarms to vulnerable person homes in Shoreham prior to first occupation of any approved unit; ● Financial contribution to be calculated in accordance with following formula alongside matters of layout to be made subject of a future approval of reserved matters:- 1.) Estimated adjusted increase in population x the cost of providing additional Fire and Rescue infrastructure per head in the Southern Service Division ● Sums to be reviewed and updated after 3 months of Committee resolution ● County Council monitoring fee of £810 per obligation
9	Healthcare	● Financial contribution towards delivery of primary healthcare floorspace within Shoreham; ● Scale of financial contributed to be calculated on a square-metre-per-person basis of 0.1142sqm/person employing NHS rates at the time of reserved matters approval; ● Final figure to be established once quantum of residential units and precise housing mix established in conjunction with approval of the reserved matter of layout.
10	Air Quality Mitigation	● Implementation of on-site air-quality mitigations identified at Paragraph 6.2.2 to the approved Air Quality Assessment (WSP Ltd, ref: 70118838 001, dated May 2025) of a collective value equivalent, or in excess of, the calculated air-quality damage cost calculation of £2,598, or as recalculated in accordance with finalised occupancy rates established in conjunction with the reserved matter of layout.

	Site Management	
11	Site Management	● Car Park Management and Servicing Plan ● Secure cycle stores to be maintained ● Implementation of Travel Plan ● All common areas to be maintained, including watering and pruning; ● Sustainable drainage, including arrangements for maintenance and end-of-life replacement. ● Maintenance of acoustic glazing and associated ventilation/ventilation systems ● Green roofs and other landscaped areas on buildings ● Bin stores and litter bins

Subject to conditions:-

1. 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.

Site Location Plan	KFSH-HMA-ZZ-ZZ-D-A-00001	16.06.2025

The building hereby approved shall not exceed the size, height, width, depth and footprint of that prescribed on the following plans, inclusive of the maximum height of 25.00m above Ordnance Survey Datum prescribed for the 6th storey set-back ranges positioned at the respective front (north) and rear (south) of the building.

Proposed North Elevation	ZZ-ZZ-D-A-00120 P05	28.10.2025
Proposed East Elevation	ZZ-ZZ-D-A-00121 P05	28.10.2025
Proposed South Elevation	ZZ-ZZ-D-A-00122 P05	28.10.2025
Proposed West Elevation	ZZ-ZZ-D-A-00123 P05	28.10.2025
Section 01	KFSH-HMA-ZZ-ZZ-D-A-00030	16.06.2025
Section 02	KFSH-HMA-ZZ-ZZ-D-A-00031	16.06.2025

The access hereby approved shall be implemented in accordance with the following plans:

Site Access Swept Path Analysis	8838-WSP-XX-XX-M2-PL-006	16.06.2025
Ground Floor Plan	KFSH-HMA-ZZ-00-D-A-00004	16.06.2025

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

Please note; plan refs: 8838-WSP-XX-XX-M2-PL-006 and KFSH-HMA-ZZ-00-D-A-00004, are approved only in the respect that these plans describe access arrangements

to the site. The ground floor layout, composition/extent of landscaping and layout of parking areas shown on these plans have been treated as indicative details noting that matters of layout and landscaping are reserved for future consideration.

Please note; plans refs: ZZ-ZZ-D-A-00120 P05, ZZ-ZZ-D-A-00121 P05, ZZ-ZZ-D-A-00122 P05, ZZ-ZZ-D-A-00123 P05, KFSH-HMA-ZZ-ZZ-D-A-00030 and KFSH-HMA-ZZ-ZZ-D-A-00031 are approved only in the respect that these plans describe maximum scale parameters for the development hereby approved, inclusive of ground levels, building heights, depths and widths. The layout of approved buildings, the form of those buildings (aside from the primary set-back components) and their respective design are reserved for future consideration pursuant to the matters of layout and appearance.

2. Time

Application(s) for the approval of Reserved Matters for the development hereby approved shall be made to the Local Planning Authority no later than 3 years from the date of this Permission. The development hereby permitted shall not begin later than two years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990.

3. Reserved Matters

Details of the appearance, layout (including internal roads, routes, turning and manoeuvering and parking areas and open spaces within the site) and landscaping, hereinafter called “the Reserved Matters”) of the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. The development shall be carried out as approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990.

4. Refuse Storage

Reserved Matters Condition: The submission of details of layout pursuant to a reserved matters application(s) following this outline planning consent shall include details of the location and scale of residential and commercial waste and refuse storage associated with the residential and commercial units hereby approved.

Waste and refuse stores shall, thereafter, be implemented in accordance with the approved details prior to the first occupation of any residential or commercial unit (as relevant) and maintained as such thereafter.

Reason: In the interests of visual amenity and to ensure that suitable provision is made for the needs of a commercial occupier in accordance with Policy 15 of the Adur Local Plan (2017) and Policy CA7 to the Shoreham Harbour Joint Area Action Plan

(2019)

5. Air Source Heat Pump and Ventilation Requirements

Reserved Matters Condition: The submission of details of appearance pursuant to a reserved matters application(s) following this outline planning consent shall include details of the location, scale and appearance of Air-Source Heat Pumps (ASHP), external vents, ducts and/or air-conditioning plant (together with any relevant enclosures). ASHP and ventilation equipment shall, thereafter, be installed as approved prior to the first occupation of the development hereby approved.

Reason: To ensure that ventilation and energy requirements resulting from the proposed sustainability strategy are considered at the appropriate stage of design and to afford control to the Local Planning Authority as to the effect of this equipment upon the external appearance of the building and its design quality pursuant to policies 15 of the Adur Local Plan and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.

6. Vehicle Parking:

Reserved Matters Condition: The submission of details of layout pursuant to a reserved matters application(s) following this outline planning consent shall include details of the location, amount, layout and internal means of access to vehicular parking spaces serving the approved development, including any spaces for car club vehicles. Vehicular parking spaces shall, thereafter, be provided in accordance with the approved details prior to the first occupation of any dwelling hereby approved and maintained as such thereafter.

Reason: To ensure that parking demand and provision are considered at the appropriate stage of design and to afford control to the Local Planning Authority as to the effect of proposed provision upon the layout of the approved development and its design quality pursuant to Policies 15 and 28 of the Adur Local Plan 2017 and SH5 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.

7. Rooftop Equipment/Plant:

Reserved Matters Condition: The submission of details of layout and appearance pursuant to a reserved matters application(s) following this outline planning consent shall include details of the location, amount, layout and any associated enclosure of any rooftop equipment, antenna and/or plant to be provided in association with the development hereby approved.

Reason: To ensure that the amount, position and visual effect of any necessary rooftop equipment, antenna and/or plant are considered at the appropriate stage of design and to afford control to the Local Planning Authority as to the visual effect of any such provision pursuant to Policy 15 of the Adur Local Plan (2017) and Policy CA7

to the Shoreham Harbour Joint Area Action Plan (2019).

8. Acoustic Design

Reserved Matters Condition: The submission of details of layout pursuant to a reserved matters application(s) following this outline planning consent shall include details of acoustic design and sound insulation as necessary, to ensure a suitable noise climate for residents of the development hereby approved. Approved acoustic design and sound insulation measures shall, thereafter, be installed strictly in accordance with the approved details prior to the first occupation of any residential unit hereby approved and permanently maintained thereafter.

Reason: To ensure that future occupiers are appropriately protected against unacceptable levels of noise disturbance and to ensure that the need for acoustic mitigations, including in respect of private balcony spaces, are considered at the appropriate stage of design in accordance with Paragraph 198 to the National Planning Policy Framework (2024), Policy 34 to the Adur Local Plan (2017) and Policy SH9 to the Shoreham Harbour Joint Area Action Plan (2019)

9. Surface Water Drainage:

Pre-Commencement Condition: With the exception of works of demolition, prior to the commencement of development, detailed designs of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall have regard to the submitted Surface Water Drainage Strategy (WSP Ltd, 70118838 Rev 2, Dated November 2025), and shall include:-

1. The provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events, including allowances for climate changes, including associated hydraulic calculations and detailed construction drawings;
2. A detailed drainage layout plan, which corresponds to any hydraulic calculations;
3. An exceedance flow routing plan, inclusive of proposed levels and expected flow-directions, demonstrating no increase in surface water flood risk in surface water flood risk on or off site;
5. A construction method statement for the surface water drainage system;
4. A maintenance and management plan for all components of the surface water drainage system.

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.

10. Foul Water Drainage:

Pre-Commencement Condition: With the exception of works of demolition, prior to the commencement of development, details of the proposed means for the disposal of foul-water shall be submitted to and approved by the Local Planning Authority in writing. The details shall be submitted shall include plans detailing the positions and layout of relevant drainage infrastructure together with associated technical specifications demonstrating that the proposed system is designed to be of sufficient capacity to support the development hereby permitted.

Reason: *To ensure that the development hereby permitted is appropriately drained and does not increase the risk of flooding 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.*

11. Flood Resistance and/or Resilience Measures

Pre-Commencement Condition: With the exception of works of demolition, prior to the commencement of development, full details of flood-resistance and resilience measures shall be provided to and approved by the Local Planning Authority in writing. The details to be submitted shall have regard to the recommendations of the Flood Risk Assessment (WSP Ltd, ref: 7011838 Rev 1, Dated September 2025), inclusive of the types, amounts and positions of any temporary flood-barriers, the design of internal electrics to reduce vulnerability to flooding and any use of fast-drying and/or low-permeability materials. The approved flood resistance/resilience measures shall, thereafter, be implemented as approved prior to the first occupation of any part of the development hereby approved.

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.*

12. Construction Environment Management Plan - Development

Pre-Commencement Condition: Prior to the commencement of development, inclusive of works of demolition, a Construction Management Plan shall be 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,
p) details of public engagement both prior to and during construction works including neighbouring and nearby residents, 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.*

13. Archaeological Investigation

Pre-Commencement Condition: Prior to the commencement of development, with the exception of works of demolition, an archaeological investigation, including below ground investigation, shall be carried out at the expense of the developer in accordance with a specification (a Written Scheme of Investigation) to be submitted to and agreed by the Local Planning Authority. The Written Scheme of Investigation shall detail any necessary measures for the protection and/or recovery, analysis and recording of potential archaeological remains and be implemented as agreed with the Local Planning Authority.

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

14. Bat Survey Reports

Pre-Commencement Condition: Following May 2028 no development, inclusive of works of demolition, shall commence unless and until an updated Bat Survey Report is submitted to and approved by the Local Planning Authority in writing. The Bat Survey Report shall assess the potential presence/use of the site by bats, inclusive of roost potential, and shall outline any necessary mitigation, avoidance and/or compensation measures in respect of bats in the event that these are identified to be present on-site. The development, thereafter, shall be strictly carried out in accordance with any mitigation, avoidance and/or compensation measures outlined within an updated Bat Survey Report.

Reason: *To ensure that the development is undertaken on the basis of up-to-date ecological information, and to avoid harm to protected species in accordance with the Council's duties pursuant to The Conservation of Habitats and Species Regulations 2017 and in accordance with Policy 17 to the Adur Local Plan.*

15. Energy and Sustainability

Pre-Commencement (Slab Level) Condition: Prior to the commencement of development above ground floor slab level a finalised sustainability statement shall be submitted to and approved in writing by the Local Planning Authority. The sustainability statement shall be prepared with regard to the Energy and Sustainability Statement (WSP Ltd, ref: 70118838_2 V1) considered at outline stage, and include calculations and measures detailing the energy performance of the residential units hereby approved and the associated reduction in Co2 emissions. The Statement shall distinguish between built-fabric measures to reduce energy use, and the incorporation of on-site renewable generation technologies. Measures outlined within the statement shall, thereafter, be implemented as approved by the Local Planning Authority prior to the first occupation of any dwelling hereby approved.

Reason: *In accordance with the submitted application, 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*

16. Acoustic Mitigation - Commercial Uses

Pre-Commencement (Slab Level) Condition: No construction work above ground floor slab level shall commence unless and until an insulation scheme for protecting approved residential units from noise from commercial spaces has been submitted to and approved by the Local Planning Authority. All works and relevant mitigations, which form part of the scheme, shall thereafter be implemented as approved and completed in full before the approved commercial unit is first 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*

17. Contamination

Pre-Commencement (Relevant Works) Condition: With the exception of the demolition of existing structures and removal of existing hardstanding, no works shall commence until the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

a) A detailed site investigation scheme, based upon the recommendations of the Preliminary Risk Assessment (WSP Ltd, ref: No.70118838-PRA Rev 01, dated May 2025), containing the results of an intrusive site investigation and providing an update to the conceptual site model as necessary;

b) Full details of any remediation measures required and how they are to be undertaken based on the results and recommendations of the site investigation scheme;

c) A verification plan providing details of data which will be collected in order to demonstrate that the remediation measures are completed and identifying any requirements for long-term monitoring of pollutant linkages, maintenance arrangements and contingency action where required.

The scheme shall be implemented as approved in advance of the commencement of construction operations.

Reason: *To ensure that vulnerable receptors are not placed at unacceptable risk of exposure to contaminated materials, and/or that the proposed development does not result in the distribution of contaminated materials into the wider environment and/or controlled waters in accordance with Policy 34 to the Adur Local Plan (2017).*

18. Unexploded Ordnance

Pre-Commencement (Relevant Works) Condition: With the exception of works of demolition and the removal of existing hardstand, no development shall commence unless and until a survey assessing the potential presence of unexploded ordnance has been submitted to and approved by the Local Planning Authority, in writing. Any

remedial, avoidance and mitigation measures shall, subsequently, be undertaken/implemented in accordance with the details approved prior to the commencement of development.

Reason: *To safeguard construction workers and the public from the potential threat of unexploded ordnance and as reflected within the recommendations of the Preliminary Risk Assessment WSP Ltd, ref: No.70118838-PRA Rev 01, dated May 2025 hereby approved.*

19. Foundation Details

Pre-Commencement (Relevant Works) Condition: Prior to the commencement of any works associated with the construction of foundations for the building(s) hereby approved full details of the composition, type and depth of those foundations shall be submitted to and approved, in writing, by the local planning authority. The details to be subject shall confirm whether piling and/or construction is required within the Chalk foundation underlying the site and shall be accompanied by intended techniques and measures to prevent the distribution of potentially contaminated materials into the Chalk foundation.

Reason: *To ensure that the Chalk aquifer underlying the site is protected from potential contamination resulting from construction operations and/or the disturbance of existing made ground in the interests of public health and Policy 34 to the Adur Local Plan (2017).*

20. Flood Emergency Plan

Pre-Occupation Condition: Prior to the first occupation of any part of the development hereby permitted, a Flood Emergency Plan shall be submitted to and approved by the Local Planning Authority in writing. The Flood Emergency Plan shall have regard to the recommendations of the submitted draft Flood Emergency Plan (WSP Ltd, ref: 70118838 Rev 1 dated November 2025) and include any arrangements for safe access/exit from the approved development during a flood event and the provision, updating and dissemination of flood-risk information to future occupiers.

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.*

21. Contamination Remediation

Pre-Occupation Condition: Prior to the first occupation of any part of the

development hereby permitted, a verification report demonstrating the completion of remediation works set-out within the approved remediation strategy together with the efficacy of remediation undertaken shall be submitted to and approved by the Local Planning Authority in writing. The report shall include results of any sampling, monitoring and/or testing undertaken in accordance with the approved verification plan in order to demonstrate that site remediation criteria have been met.

Reason: *To ensure that vulnerable receptors are not placed at unacceptable risk of exposure to contaminated materials, and/or that the proposed development does not result in the distribution of contaminated materials into the wider environment and/or controlled waters in accordance with Policy 34 to the Adur Local Plan (2017).*

22. Commercial Deliveries and Collections

Pre-Occupation Condition: Prior to the first occupation of the commercial unit hereby approved, details of arrangements for commercial deliveries and refuse collection, inclusive of the location of drop-off/collections and hours of drop-off/collection, shall be submitted to and approved in writing by the Local Planning Authority. Deliveries and collections shall, thereafter, be undertaken strictly and solely in accordance with the details approved.

***Reason**: To manage deliveries to in the interests of the safety and free flow of vehicular traffic and to protect future and neighbouring residential occupiers from unacceptable levels of noise disturbance in accordance with Policies 15, 28 and 34 of the Adur Local Plan and Policies SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

23. Additional Acoustic Mitigation for Disruptive Commercial Uses

Pre-Occupation Condition: Prior to the commencement of any use within Class E for any indoor sport, recreation or fitness or any creche, day nursery or day centre, details shall be submitted to and approved in writing by the Local Planning Authority including, measures to minimise risk of noise disturbance to neighbours, 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 and to minimise risk of conflict with neighbouring residents at the site or adjoining sites, in accordance with policies 8, 24 and 34 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

24. Commercial Signage

Pre-Occupation Condition: Prior to the first occupation of the approved commercial unit, details of any external signage associated with the commercial occupation (whether illuminated or non-illuminated) shall first be submitted to and approved in writing by the Local Planning Authority. Signage shall, thereafter, be installed strictly in accordance with the approved details. 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 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.*

25. Electric Vehicle Charging

Pre-Occupation Condition: 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 2019.*

26. Secure Cycle Parking

Pre-Occupation Condition: No dwelling shall be first occupied until covered and secure cycle parking spaces serving that 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 2019.*

27 Restriction Upon Changes to Commercial Uses

Regulatory Condition: The commercial unit hereby approved shall not be used for any purpose other than specified at Class E to the Town and Country Planning (Use Classes) Order 1987 (as amended). Notwithstanding the provisions of Schedule 2, Parts 3 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Act or Order amending, revoking and re-enacting the same) the

commercial unit shall not be used for any other purpose without the express written consent of the Local Planning Authority.

Reason: To ensure that the approved development contributes to the delivery and availability of employment floorspace within the Western Harbour Arm, to minimise risk of conflict with neighbouring residents at the site or adjoining sites and acknowledging the greater risk of flooding to the approved ground floor layer, in accordance with policies 8 & 28 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.

28. Permitted Commercial Operating Hours

Regulatory Condition: The commercial unit hereby approved shall only be used and/or open to customers and visiting members of the public between the following 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.*

29. Commercial Ventilation and Extraction

Regulatory Condition: No kitchen for the preparation of hot food shall be installed in the approved commercial space unless and until details of the means for the extraction and disposal of cooking odours (inclusive of relevant specifications for any apparatus, plant or equipment) have been submitted to and approved in writing by the Local Planning Authority.

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.*

30. Commercial Plant

Regulatory Condition: No external fixed plant serving the approved commercial unit shall be installed unless and until details of that plant have first been submitted to and approved in writing by the Local Planning Authority. The plant 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.

Reason: *To protect neighbouring residents from odour, noise and vibration and in the interests of visual amenity.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.*

31. Commercial Sound/Music Equipment

Regulatory Condition: No amplified sound equipment inside or outside the commercial unit hereby approved shall be used/played unless and until details have been submitted to and approved in writing by the Local Planning Authority, including proposed hours of use and calibration measures 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.f

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.*

32. Optional Limitation on Mains-Water Consumption

Regulatory Condition: The residential units hereby approved shall be constructed to achieve the optional standard for mains-water consumption of 110 litres/person/day as prescribed within Part G to the Building Regulations.

Reason: To limit the use of water resources and to comply with the requirements of ALP Policy 17.

33. Construction Hours

Regulatory Condition: All works of construction and/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.

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*

34. Restriction upon Subsequent Means of Enclosure

Regulatory Condition: With the exception of any details of fencing, walling, and/or means of enclosure hereby approved, or later pursuant to the reserved matters of Landscaping and/or Layout, notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Act or Order revoking and re-enacting that Order, no fences, walls or other means of enclosure shall be formed without the express written approval of the Local Planning Authority.

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.*

35. Ecological Protection

Regulatory Condition: The development hereby permitted shall be carried out strictly in accordance with the avoidance, mitigation and management measures stipulated within the submitted Preliminary Ecological Appraisal (WSP Ltd, ref: 70118838 Rev 1, dated May 2025) and related Bat Survey Report (WSP Ltd, ref: 70118838, dated May 2025).

Reason: *To ensure that development is undertaken in a manner which minimises effects upon protected and priority habitats and species in accordance with Policy 31 to the Adur Local Plan (2017).*