

Adur and Worthing Councils
Development Management
Place Directorate
Worthing Town Hall
Chapel Road
Worthing
West Sussex
BN11 1HA

19th February 2026

Dear Sir/ Madam,

RE: VARIATION AND REMOVAL OF CONDITIONS ATTACHED TO PLANNING PERMISSION AWDM/1228/25 (TEMPORARY USE OF LAND AS PADEL CENTRE COMPRISING SIX COVERED COURTS WITH ASSOCIATED CHANGING ROOMS, CAFE/RETAIL/RECEPTION AREA, CAR AND CYCLE PARKING) AT FISHERMANS WHARF, BRIGHTON ROAD, SHOREHAM-BY-SEA

This application includes the application form, relevant documentation and this covering letter.

The application primarily seeks to discharge relevant requirements for additional information secured by condition on the original consent (AWDM/1228/25). However, the application also seeks minor amendments to the requirements of Conditions 12 and 14 and is therefore submitted under Section 73 of the Town and Country Planning Act 1990 (as amended).

Requested details are submitted to allow conditions 6 (Construction Management Plan), 9 (Canopy Details), 10 (Surfacing Details), 12 (Surface Water Drainage Details), 13 (Landscaping Details), 14 (Verification Plan), 15 (External Lighting) and 16 (Foul Drainage Details) to be discharged/removed.

The main change to the conditions on the original planning consent is the amendment to Condition 12 to instead apply the requirements of the condition suggested by the Council's Sustainable Water Management Officer (WSP) in

their consultation response 17th December 2025. This wording will allow the applicant to implement the Lead Local Flood Authority's preferred surface water drainage strategy for the Shoreham Harbour area – with full details set out below.

Please therefore find enclosed details submitted for the variation of conditions 6, 10, 12, 13, 14, 15 and 16 and the removal of condition 9 attached to AWDM/1228/25. If considered necessary, condition 1 could also be varied to include the details submitted alongside this application.

Condition 6 – to be varied

Condition 6 requires the submission of a Construction Management Plan prior to the commencement of works onsite.

A fully detailed Construction Management Plan addressing each of the requested details and other relevant information is submitted alongside this application.

The works use modern methods of construction to ensure a compressed construction timeline and minimise potential disruption on neighbouring businesses and public infrastructure. Arrangements for construction traffic and site safety will allow the development to be undertaken safely and responsibly.

The condition can therefore be varied to remove the requirement for these details to be submitted and can instead only require implementation in accordance with these details. The suggested wording for Condition 6 is set out below:

"The development shall be implemented in accordance with the approved Construction Management Plan, with all relevant measures adhered to throughout the construction period unless otherwise agreed in writing with the local planning authority."

Reason: In the interests of highway safety and amenity having regard to policies 28 and 34 of the Adur Local Plan."

Condition 9 – to be removed

Condition 9 requires the submission of further details of the colour and appearance of the proposed canopies which form the external shell of the proposed building. The final specification of the building is set out at Section 14 of the submitted Construction Management Plan.

The supplier is able to provide the PVC canopy in four shades, with RAL 7038 (shown below) chosen as the most appropriate given the context of the site:



The aluminium frame structure will be powder-coated in the manufacturer's standards colour Noir 100 sablé.



Powder-coated aluminium frame

The applicant sought specific advice from the Council on the proposed material colour during pre-application discussions, with the Council advising that a light colour would be appropriate given the surrounding context of light-neutral coloured apartment buildings to the west and the approved blue/grey warehouse units to the north.

As the relevant condition only required submission of these details it can now be removed from the consent (or amended to “No longer needed” to preserve existing numbering

Condition 10 – to be varied

Condition 10 requires details of the external surfacing materials proposed to be submitted prior to the commence of works.

Full details are provided in an accompanying document entitled ‘external surfacing materials’.

The surfacing within the site needs to be appropriate for all users, as well as providing an appropriate base for the temporary buildings proposed and a robust hardstanding for the parking area.

As the site already features a concrete hardstanding across the entire site. It is proposed to avoid unnecessary groundworks with the reuse of these materials, patch repairs where required, and Dense Bituminous Macadam (DPM) proposed as a surface layer. The proposed works will improve the overall visual appearance of the site and will provide a durable and level surface that will avoid loose materials that could be displaced onto the adjoining highway.

The condition can therefore be varied to state:

“The development shall be completed in accordance with the approved external surfacing material details.

Reason: In the interest of the visual amenities of the locality having regard to policy 15 of the Adur Local Plan.”

Condition 12 – to be varied

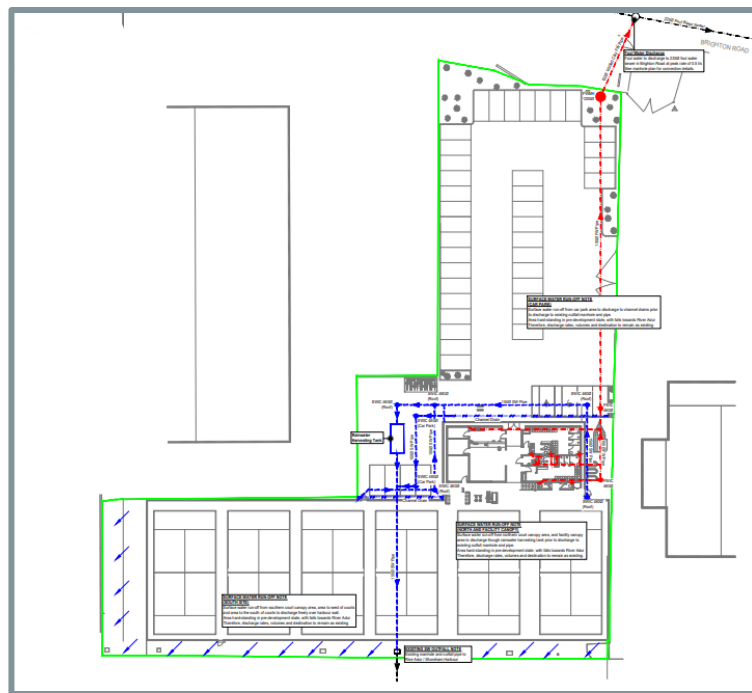
As currently worded, Condition 12 would prohibit the use of an ‘over-the-wall’ approach to surface water drainage which has been sought by West Sussex County Council as lead local flood authority (LLFA) within the Shoreham Harbour area through their developer guidance note¹.

The wording of the condition currently imposed on the permission also does not reflect the specific wording suggested by WSP as Sustainable Water Management Officer in their consultation response dated 17th December 2025 – which would have allowed for an Over The Wall approach.

¹ <https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/over-the-wall-drainage-project/>

The applicants intended drainage strategy was previously communicated to the local planning authority in a letter dated 28th November 2025 and included the use of an ‘Over The Wall’ drainage system. This approach is specifically advocated for by Lead Local Flood Authority as it avoids additional run-off to tidally constrained outfalls.

The drainage strategy therefore utilises this approach in parts of the site where it is possible to convey surface water runoff directly over the river wall – in this case run-off from the south-facing roof of the building.



Proposed Drainage Plan

A fully detailed drainage plan is submitted alongside this application (drawing number 1185/DR-101/P1 and supported by a Surface Water Management Report.

As stated in the guidance note to developers for the Shoreham Harbour Regeneration area (titled “Future Proofing against Climate Change & Sea Level Rise), the LLFA state that the Over The Wall approach provides benefits including “no flow restriction should be necessary for roof-originated

discharge”, “reduced drainage infrastructure and complexity associated with routing drainage down to seawall outfalls” and “a reduced / eliminated need to attenuate for any backwater associated with tidal restrictions on discharge”. However, given the lack of flow restrictions for elements of an Over The Wall system, this would not “prioritise the use of source control Sustainable Drainage Systems (SuDS)” as required by the condition as currently worded.

The Over The Wall system is preferred by the lead local flood authority in this riverside location as below ground drainage systems will only be able to discharge to the river during at certain times of day, creating risk that tide-locked surface water drainage systems will exceed capacity during rainfall events. The entire site gently slopes towards the boundary with the river, aiding over the wall drainage. We are therefore requesting a variation to the requirements of the condition to instead reflect that sought by the Sustainable Water Management Officer (WSP) at application stage. In addition to aligning with the LLFA’s Over The Wall strategy, this approach is also appropriate given the temporary nature of the proposed development and limited scope for groundworks.

The Sustainable Water Management Officer’s suggested wording would allow for the Over The Wall system to be used and it is requested that the requirements of Condition 12 be amended to reflect their suggested wording, detailed below:

“No phase of the development shall commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any infiltration drainage. Supporting calculations will be required to support the viability of drainage scheme. No part of the building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Adur and Worthing Council"

Notwithstanding the above, a fully detailed drainage proposal is submitted alongside this application. The applicant's surface water drainage strategy identifies that discharge to ground/infiltration is not viable in this location for the following reasons:

"BGS data shows the ground at the Site to be formed River Terrace Deposits (sand, silt and clay) over bedrock consisting of Tarrant Chalk Member (chalk).

BGS data also shows borehole log data approximately 200m of the Site, and within the same strata, which identify the Site to consist of made ground over clay to approximately 5.00m bgl over chalk, with groundwater strikes are at approximately 5.00m bgl (below clay and in chalk strata).

Clay is known to have exceptionally low or no infiltration rates, and in accordance with CIRIA 753 (various section), any infiltration structure / soakaway is to be at least 1.0m above known groundwater.

1.0m above the known ground water level is within the clay strata, and therefore, due to this and the relevant groundwater discharge to ground is not feasible.

Also, due to the close proximity to the River Adur and coast, it is likely that the groundwater will become shallow in high tide and extreme storm events."

As discharge to ground is not feasible for these reasons, no winter infiltration testing is required to support the proposed drainage approach.

In these circumstances, the surface water management hierarchy² therefore requires the applicant to discharge to a surface water body (such as the River Adur). The surface water drainage proposals have therefore been prepared in accordance with this requirement. Over The Wall drainage is utilised for roof-

² See Reference ID:7-056-20220825 of Planning Practice Guidance

originated discharge in accordance with West Sussex County Council guidance. All non-roof originated surface water will drain from the site via existing surface water drainage infrastructure.

Existing infrastructure has been subject to a CCTV survey that confirms all existing pipes are in an “acceptable structural condition” and are therefore suitable for reuse. The proposals incorporate additional onsite drainage infrastructure, including surface water storage, that will improve the drainage of the site compared to the existing pre-development state. Foul drainage will separately discharge to the public sewer at the northern end of the site (see Condition 16 below).

Full maintenance and management requirements are set out at Section 7 of the accompanying Surface Water Management Report.

As the full drainage details are now submitted and no winter infiltration testing is required, the condition 12 can be amended to state the following:

“No part of the building shall be occupied until the surface water drainage system serving the property has been fully implemented in accordance with the agreed surface water drainage scheme (drawing number 1185/DR-101/P1) and shall be maintained in good working order in perpetuity.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Adur and Worthing Council”

Condition 13 – to be varied

Condition 13 requires the submission of landscaping details.

Given the temporary nature of the development, the landscaping proposals are limited to container planting that can be removed from the site when the use ceases and the site has to be returned to its former condition in accordance with Condition 2. Planting locations are shown on the approved site layout plan.

Planting specifications are informed by the Shoreham Harbour Streetscape Guide (May 2012) which identifies suitable shrub planting for the coastal/riverfront environment. The proposed shrubs are as follows:

- Pittosporum tenuifolium
- Pittosporum tobira
- Olearia haastii
- Helictotrichon sempervirens
- Phormium spp
- Cordylines

Condition 14 – to be varied

Following a review of the works required to implement the temporary consent, Environmental Assessment Services Ltd have produced an updated Preliminary Contamination Risk Assessment (PCRA) which is submitted alongside this application.

This updated Assessment confirms that a gas-tight damp-proof membrane is only required below new areas of surfacing and that the existing concrete surfacing can remain in situ (see paragraph 9.3 and 10.3). The submitted surfacing materials details include the use of a liquid damp proof course/membrane below any new surfaces, which would be gas-tight as required by the updated PCRA.

The condition should therefore be varied to state:

“A gas-proof, damp-proof membrane should be laid under any new areas of surfacing to prevent the accumulation of radon gas in the buildings.

Reason: In the interests of environmental protection and public health and safety, in compliance with the National Planning Policy Framework and policies 34 and 35 of the Adur Local Plan.”

Condition 15 – to be varied

Full details of the proposed external lighting are submitted alongside this application.

Condition 15 can therefore be varied to state the following:

“External lighting shall be installed in accordance with the details approved in writing by the Local Planning Authority. All external lighting shall be switched off within 30 minutes of the end of the operating hours set out in Condition 3 and shall not be switched on again until within 30 minutes before the re-opening of the store.

Reason: In the interests of the residential amenities of the locality having regard to policies 15 and 34 of the Adur Local Plan.”

Condition 16 – to be varied

Condition 16 requires the submission of details of the proposed means of foul drainage disposal. A fully detailed drainage plan is submitted alongside this application, which details that the development will be connected to the existing public foul sewer on Brighton Road (A273). Full details have been submitted to Southern Water ahead of submission.

The condition can therefore be varied to remove the requirement for these details to be submitted and can instead only require implementation in accordance with the approved details. The suggested wording for Condition 16 is set out below:

“The development shall be completed in accordance with the approved foul drainage details.

Reason: To prevent pollution of the water environment by ensuring the necessary infrastructure is in place, in compliance with policies 29 and 35 of the Adur Local Plan."

Summary

We trust that the submission of these details allows for the variation and removal of relevant conditions attached to planning permission AWDM/1228/25 (so as not require their separate discharge).

If the Council require any further details, please contact joseph.pearson@lewisplanning.co.uk

Yours sincerely,

Lewis & Co Planning