ADUR DISTRICT COUNCIL

Mr Sam Sykes
ECE Planning Limited
64 - 68 Brighton Road
Worthing
West Sussex
BN11 2EN

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1450/21

Details of Development
ERECTION OF TWO BLOCKS OF DEVELOPMENT RANGING IN HEIGHT BETWEEN 3 - 9 STOREYS COMPRISING 159 RESIDENTIAL UNITS COMPRISING A MIX OF 1-BED, 2- BED AND 3-BED UNITS (INCLUDING A MINIMUM OF 30% OF AFFORDABLE HOUSING), COMMERCIAL (CLASS E) FLOORSPACE AT GROUND FLOOR, AND ASSOCIATED PARKING AND LANDSCAPING.

Location of Development
LAND EAST OF 1 TO 11 MERCURY HOUSE HAM ROAD SHOREHAM-BY-SEA WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 9th August 2021.

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

G Peck

Gary Peck
Planning Services Manager
24/04/2023

SCHEDULE

Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
LOCATION PLAN	PL-01 A	09.08.2021
PROPOSED ROOF PLAN	PL-30 P2	28.01.2022
PROPOSED BLOCK A ELEVATIONS	PL-42 P2 SHEET	28.01.2022
PROPOSED BLOCK A ELEVATIONS	PL-43 P2 SHEET 2	28.01.2022
PROPOSED BLOCK B ELEVATIONS	PL-44 P2 SHEET 1	28.01.2022
PROPOSED BLOCK B ELEVATIONS	PL-45 P2 SHEET 2	28.01.2022
PROPOSED STREET SCENES 1	PL-50 P2	28.01.2022
PROPOSED STREET SCENES 2	PL-51 P2	28.01.2022
EAST BLOCK PROPOSED BAY ELEVATIONS SHEET 1	PL-60 P2	28.01.2022
EAST BLOCK PROPOSED BAY ELEVATIONS SHEET 2	PL-61 P2	28.01.2022
WEST BLOCK PROPOSED BAY ELEVATIONS	PL-62 P2	28.01.2022
PROPOSED GROUND FLOOR PLAN	PL-10 P3	09.02.2022
BLOCK PLAN	PL-02 P5	09.02.2022
PROPOSED FIRST FLOOR PLAN	PL-11 P3	18.04.2023
PROPOSED SECOND FLOOR PLAN	PL-12 P3	18.04.2023
PROPOSED THIRD FLOOR PLAN	PL-13 P3	18.04.2023
PROPOSED FOURTH FLOOR PLAN	PL-14 P3	18.04.2023
PROPOSED FIFTH FLOOR PLAN	PL-15 P3	18.04.2023
PROPOSED SIXTH FLOOR PLAN	PL-16 P4	18.04.2023
PROPOSED SEVENTH FLOOR PLAN	PL-17 P4	18.04.2023
PROPOSED EIGHTH FLOOR PLAN	PL-18 P3	18.04.2023

Reference/Drawing Number	Version	Date Rec
ILLUSTRATIVE LANDSCAPE MASTERPLAN	LA-01 P5	09.02.2023
ILLUSTRATIVE LANDSCAPE MASTERPLAN WITH DRAINAGE OVERLAY	LA-02 P3	09.02.2023
DRAINAGE PLAN	10292/1061 P7	09.02.2023

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

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

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

03. Materials

Prior to commencement of any works above slab level details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 15 of the Adur Local Plan 2017 and paras 126 - 135 of the NPPF, 2021.*

04. Design Detailing

Prior to commencement of any works above slab level detailed, large scale drawings (typically at 1:20 scale and with cross sections) of the following external details shall be submitted to and approved in writing by the Local Planning Authority:

i. Windows, doors and frames,
ii. Roof intersections, eaves, soffits and parapets,
iii. Rainwater goods,
iv. Balconies, rails, balustrades and any screens
v. Grilles, including ventilation grilles
vi. Typical intersection between brickwork and other materials
vii Walls, ceilings and other external surfaces of the undercroft pedestrian path at Block B

Development shall be carried out only in accordance with the details thereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 15 of the Adur Local Plan 2017 and paras 126 - 135 of the NPPF, 2021.*

05. Design Code

Prior to commencement of any works above slab level a detailed code for the detailed design of commercial frontages and entrances, including materials, signage, fascias and advertisements, shall be submitted to and approved in writing by the Local Planning Authority. All commercial frontages, including any future changes, shall be in accordance with the approved design code unless the Local Planning Authority gives prior written approval for any variation.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in this highly prominent and important location, in accordance with policy 15 of the Adur Local Plan 2017 and paras 126 - 135 of the NPPF, 2021.*

06. Vehicular Access - Conformity and Visibility

No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving it, (including visibility splays of 2.4 x 43m at the vehicular access), has been completed in accordance with the details shown on the Site Access drawing numbered 10292_200, at Appendix B of the Transport Assessment by GTA Civils, March 2021. The visibility splays shall be kept permanently free of obstructions to visibility above 0.6m height.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and in accordance with policy 28 and paras 92 & 110 of the NPPF, 2021.*

07. Vehicular Access - Details

With the exception of any site clearance works, initial ground drainage and piling construction, no development shall take place until construction details of the vehicular access and manoeuvring, parking areas and footpaths within the site and their surface water drainage, including engineering cross-sections and specifications, and details of the design and surfacing of the public footpath, vehicular crossovers and kerb alignments at the site frontages, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details thereby approved and permanently maintained and retained.

Reason: *To ensure provision of robust and drained paths, access, parking and manoeuvring areas, including suitability for servicing, refuse and emergency vehicles, in accordance with policies 28 & 29 of the Adur Local Plan 2017 and the NPPF 2021.*

08. Gates or Barriers

Any gate or barrier to the car parking area on the site shall be sited at least 6m back from the edge of the public highway. Details of any gate and of any entry control system (if used), shall first be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding the

provisions of Schedule 2, Part 2, Class A of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order.

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

09. Parking and Manoeuvring

No part of the development shall be first occupied until the car parking and associated turning space serving it has been provided in accordance with the approved plans, including identified spaces for wheelchair users, car club vehicles, which shall be marked out and identified on site in accordance with details of marking out which shall be first submitted to and approved by the Local Planning Authority. The approved spaces shall thereafter be permanently retained for their identified purposes.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and adequate parking, including provisions for wheelchair users and for sustainable transport in accordance with policies 15 & 28 of the Adur Local Plan 2017 and paras 110 -113 of the NPPF, 2021.*

10. Electric Vehicle Charging

No part of the development shall be first occupied until live Electric Vehicle Charging spaces have been provided in accordance with plans and details, including number, location, power rating and charge rate, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of sustainable transport and air quality, in accordance with paras 110 -113 of the NPPF, 2021 and policy 28 of the Adur Local Plan 2017.*

11. Cycle Parking and Storage

No part of the development shall be first occupied until covered and secure cycle parking stores and cycle stands have been provided in accordance with details, including which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter these cycle stores and stands shall be retained at all times for their designated purpose.

Reason: *In the interests of sustainable transport and air quality, in accordance with paras 110 -113 of the NPPF, 2021 and policy 28 of the Adur Local Plan 2017.*

12. Accessibility

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

Reason: *To ensure accessibility for wheelchair users in accordance with policies 15, 28 & 32 of the Adur Local Plan 2017, and the NPPF 2021.*

13. Travel Plan

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: *In the interests of sustainable transport and air quality, in accordance with paras 112 -113 of the NPPF, 2021 and policy 28 of the Adur Local Plan 2017.*

14. Servicing Management Plan

No commercial unit shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Servicing Management Plan.

Reason: *To safeguard the operation of the public highway and in accordance with paras 110 -113 and policy 28 of the Adur Local Plan 2017.*

15. Recycling and Refuse Storage

No part of the development shall be first occupied until secure bin stores have been provided in accordance with the approved plans. The bin stores shall thereafter be provided in accordance with the details thereby approved and retained at all times for their designated purpose.

Reason: *To safeguard the operation of the public highway and in accordance with paras 110 -113 and policy 28 of the Adur Local Plan 2017.*

16. Sustainable Surface Water Drainage

Development shall not commence, other than works of site survey and investigation and installation of initial drainage infrastructure connections (excluding foundation works), until full details of the proposed surface water drainage scheme and measures to include the control of pollution (such as use of trapped gullies and/or oil interceptors) have been submitted to and approved in writing by the Local

Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage.

No 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 adequate surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere in accordance with policy 36 of the Adur Local Plan 2017 and paras 167, 169 & 174 of the NPPF 2021.*

17. Drainage Maintenance

No development above slab level shall commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and its maintenance is adequate for the design lifetime and does not increase flood risk elsewhere in accordance with policy 36 of the Adur Local Plan 2017 and paras 167 & 169 of the NPPF 2021.*

18. Drainage Verification

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

Reason: *To ensure an accurate record of drainage in accordance with policy 36 of the Adur Local Plan 2017and paras 167 & 169 of the NPPF 2021.*

19. Foul Drainage

With the exception of site clearance works and instillation of initial infrastructure connections (excluding foundation works), no development shall take place until details of the foul drainage have been submitted to and approved in writing by the Local Planning Authority in liaison with Southern Water. Details shall including timing of first occupation of the development which shall align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. No part of the development shall be occupied until the drainage works have been carried out in accordance with the approved details.

Reason: *To ensure appropriate foul drainage, in accordance with policies 29 & 36 of the Adur Local Plan 2017.*

20. Remediation: Investigation and Scheme

A. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

(i) A remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any subsequent changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority).

B. A Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: *To prevent harm to human health in accordance with paras 183 - 185 of the National Planning Policy Framework 2021 and Policy 34 of the Adur Local Plan 2017.*

21. Remediation: Precaution

If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development associated with the area of contaminated land shall be carried out until it has been investigated by the developer (unless otherwise agreed in writing with the Local Planning Authority). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: *To prevent harm to human health in accordance with paras 183 - 185 of the National Planning Policy Framework 2021 and Policy 34 of the Adur Local Plan 2017.*

22. Piling and Groundwater

Piling or deep foundation using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: *To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the paras 183 - 185 of the National Planning Policy Framework 2021 and Policy 34 of the Adur Local Plan 2017.*

23. Flood Risk Mitigation and Levels

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: 'Flood Risk Assessment Former Adur Civic Centre, Ham Road, Shoreham By Sea', prepared by GTA Civils, dated: October 2020) and the following mitigation measures it details:

i. Finished floor levels of the Residential Flats shall be set no lower than 6.50m above Ordnance Datum (AOD) (section 3.7 of the FRA), and

ii. Finished floor levels for the commercial spaces are set no lower than 3.85m above Ordnance Datum (AOD) at Block A and 3.70m above Ordnance Datum (AOD) at Block B

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: *To reduce and manage the risk of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and para 167 of the NPPF 2021.*

24. Flood Risk Management Plan

No part of the development shall be first occupied until a Flood Risk Management Plan has been submitted to and approved in writing by the Local Planning Authority. It shall include the ongoing arrangements for the provision, dissemination and updating of flood risk information and means of safe access and escape for occupiers of the site. The Plan thereby approved shall be implemented upon the first occupation of the development and permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.

Reason: *To manage residual risks of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and para 167 of the NPPF 2021.*

25. Sustainable Construction and Energy

A. With the exception of any site clearance works, excavations and drainage works, no development shall take place until an amended strategy for energy, heating and water has been submitted to and approved in writing by the Local Planning Authority, to include:

i) Energy efficient building fabric and any mechanical ventilation with heat recovery,
ii) Details of heating
iii) LED internal & external lighting,
iv) Efficient water goods and fixtures to achieve a usage of <105L/Person usage/day.
v) Operational waste management.
vi) Inclusion of renewable energy prediction on site
vii) Calculations of carbon dioxide reductions achieved by i - vi

B. The development hereby approved shall be implemented in full accordance with the details contained at A (i-vii) above. Written confirmation, including professional verification by a suitably qualified person, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have been fully implemented and achieved the calculated carbon reductions and efficient water usage. The verification document shall include any proposed and timetabled remedial measures if these carbon reductions and water usage rates have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: *To ensure efficient and renewable energy provision and sustainable construction in accordance with policies 18 & 19 of the Adur Local Plan 2017 and paras 152-158 of the NPPF, 2021.*

26. Acoustic Insulation & Ventilation

A. No development above slab level shall take place until detail measures or systems:

i) of noise mitigation, including specifications of acoustic insulation and glazing, and

ii) to reduce and minimise risk of overheating of the building (including the air-change rates and acoustic performance specification of any mechanical ventilation system),

iii) and arrangements for the on-going maintenance of noise mitigation and overheating reduction measures

have been submitted to and approved in writing by the Local Planning Authority.

B. Neither of the blocks of flats hereby approved shall be respectively occupied until written professional verification by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority, to confirm that these detailed measures in A above have been fully and effectively implemented, including a sound-test and air-change test for each respective block of flats to demonstrate that the approved acoustic specifications and air change rates have been met. The verification document shall include any proposed and timetabled remedial measures if these sound reduction and air change rates have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

The measures and systems approved under A i) & ii) above shall be permanently maintained to ensure that they continue to meet their approved specifications and remain fit for their purpose, and in accordance with the on-going maintenance arrangements approved under A iii) above.

Reason: *To protect residents from noise, vibration and overheating in accordance with Policies 15 & 34 of the Adur Local Plan 2017 and the NPPF 2021.*

27. Landscaping & Biodiversity

With the exception of any site clearance works or works up to slab level, no development shall take place until a detailed timetabled scheme of hard and soft landscaping in accordance with the submitted Illustrative Landscape Masterplan 2890-LA-01 P5 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

i) landscape planting, including species, size and number or planting densities,
ii) details of any tree pits, planters or other planting structures,
iii) details of protection measures to minimise risk of damage to planting or other landscaping elements

iv) detailed measures for the enhancement of biodiversity,
v) ground surfacing materials: type, colour, texture and finish,
vi) a maintenance plan to ensure establishment and ongoing management of this detailed scheme of landscaping and biodiversity enhancement measures.

These details and timetable shall be adhered to throughout the course of development works. All planting, seeding, turfing, biodiversity enhancement measures and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

Reason: *To enhance the character and appearance and biodiversity value of the site in accordance with Policies 15, 30 & 31 of the Adur Local Plan 2017 and paras 126-135 &174 of the NPPF, 2021.*

28. Boundaries and Accessible Gates

No development shall be occupied until all boundaries, external enclosures and gates have been completed in full accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Details of gates shall include provision of access for people with disabilities and details of the southern boundary shall include provisions to manage surface water flow.

Reason: *To ensure appropriate means of enclosure and accessible gateways, in the interests of safety and the amenities of the area and for residual management of surface water in accordance with Policies 15 & 28 of the Adur Local Plan 2017 and paras 126-135 & 92 of the NPPF, 2021.*

29. Boundaries - Permitted Development Limitation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order. No additional means of enclosure shall be erected forward of any part of any façade of the buildings hereby approved facing a public highway, other than those which are shown on the plans hereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 15 of the Adur Local Plan 2017 and paras 126 - 135 of the NPPF, 2021.*

30. Lighting

A detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, including measures to:

i) avoid any negative impact on railway safety (in consultation with Network Rail), in cases where lighting may be seen from seen from operational railway land, and

ii) to provide for the safe use of communal areas within the development, and

Iii to minimise light pollution in all cases

Thereafter the lighting shall be provided and maintained in accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside the site without the prior approval in writing of the Local Planning Authority.

Reason: *In the interests of railway safety, safety of residents and to safeguard the residential amenities of the area and minimise light pollution in accordance with Policy 19 of the Adur Local Plan 2017 and para 185 of the NPPF 2021.*

31. Security

No development above slab level shall take place until details of secure entrances to buildings, lighting within the site and security for cycle and bin stores have first been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented and fully adhered to.

Reason: *To ensure a well-designed, good quality and safe environment in accordance with Policy 19 of the Adur Local Plan, para 167 of the NPPF 2021and section 17 of the Crime & Disorder Act 1998 and paragraph 92 of the NPPF, 2021.*

32. Levels

With the exception of any site clearance works development shall not commence until a survey and plan of existing and proposed site and slab levels, including provision of access for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

Reason: *In the interests of clarity and accessibility and because changes in levels may materially affect the impact of the development.*

33. Aerials and Antennas

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

Reason: *To avoid multiple aerial/antenna and / or satellite dishes, in order to safeguard the appearance of the development.*

34. External Plant

No external fixed plant, or mechanical vent or duct shall be installed until a scheme has first been submitted to and approved in writing by the Local Planning Authority. All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

Reason: *To safeguard the residential amenities of the area in accordance with policies 15 & 34 of the Adur Local Plan 2017.*

35. Fire Hydrants

In the event that the need for additional fire hydrants or other water supply are required as part of the Building Regulations Approval process, the following details shall be submitted:

1. No works above slab level shall proceed until details showing the proposed location and timetable for installation of fire hydrants or other water supply and their connections to a water feed supply (which is appropriate in terms of both pressure and volume for the purposes of firefighting), shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

2. No part of the development shall be first occupied until the fire hydrants / water storage and supply approved under a) above in the approved location (s) to BS 750 standards.

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

36. Air Quality

The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the mitigation shall be at least equal to a

value of £23,060 as identified in the addendum of January 2022 to the emissions mitigation assessment contained within Section 7 of the Air Quality Impact Assessment produced by Phlorum dated March 2021.

Reason: *To minimise emissions and impact on air quality in accordance with Policy 34 of the Adur Local Plan 2017 and paras 174 and 186 of the National Planning Policy Framework, 2021.*

37. Public Art

Prior to any development above slab level,(or at such other time as shall be first agreed in writing by the Local Planning Authority, details of a scheme for public art shall be submitted to and approved in writing by the Local Planning Authority. This shall include a description of the type and location of art and arrangements for its procurement and implementation, including timing of this. The approved details shall thereafter be adhered to in the development hereby approved.

Reason: *To ensure the provision of public art in the development hereby approved, in accordance with Policy 15 of the Adur Local Plan 2017, the Council's Developer Contribution Guidance document 2013 and the National Planning Policy Framework, 2021.*

38. Construction Management Plan

No development shall take place, including any works of demolition, site remediation or preparatory works associated with the development until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

a) the anticipated number, frequency and types of vehicles used during construction,
b) method of access and routing of vehicles construction traffic during construction,
c) parking of vehicles by site operatives and visitors,
d) the loading and unloading of plant, materials and waste, including use of a banksman as appropriate,
e) the location of any site compound, office, welfare facilities,
f) the location of storage of plant and materials used in construction of the development,
g the erection and maintenance of security hoarding and gates, which shall include out-of-hours contact information for site management and images of the approved development,
h) site lighting, including measures to minimise light nuisance,
i) a commitment to no burning on site,
j) 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),

k) arrangements for regular and responsive traffic management liaison with other imminent or active development sites in the Western Harbour Arm and A259 Brighton Road,
l) details of public engagement, including neighbours both prior to and during construction works,
m) a register of complaints received and response/action taken should be maintained and the Construction Management Plan reviewed and updated if necessary,
n) methods to control dust and fumes from the site,
o) methods to manage the impact or noisy activities,
p) construction waste management strategy,
q) best practical means in accordance with British Standard Code of Practice BS5228:2009+A1:2014 to be employed at all times to minimise the emission of noise and dust from the site,
r) measures for mitigating construction impacts on air quality, as contained within Section 5 and Appendix D of the Air Quality Impact Assessment produced by Phlorum dated March 2021 .

Reason: *To minimise and manage risks of nuisance and pollution in the interests of the amenities of the area and highway safety during the construction phase in accordance with policies 28, 34 & 35 of the Adur Local Plan 2017 and paras 185 - 186 of the NPPF, 2021.*

39. Hours of Development Work

No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 07:30 and 18.00 on Mondays to Friday and between the hours of 08:00 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

Reason: *In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with Policies 15 & 34 of the Adur Local Plan 2017.*

Informatives / Notes to Applicant

01. Legal Agreement

This planning permission is subject to the s.106 legal agreement dated 21st April 2023 concerning provisions and contributions in relation to matters including affordable housing, highway and transportation measures; car club; health, education, libraries, fire & rescue; open space; site management and car park management; neighbouring premises and noise; noise mitigation measures; air quality and public art.

02. West Sussex County Council Highway Authority

i) Works within the Highway - Implementation Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place. https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/

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

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

iii) Temporary Works Required During Construction

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

iv) Temporary directional signs to major housing developments

The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here:

https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview

v) Provision of Adoptable Highway

If it is the intention of the applicant to offer any of the roads and associated highways infrastructure for adoption under S38 of the Highways Act 1980, the applicant should apply to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

03. Southern Water

Southern Water has advised the following:

Public Sewer: A sewer now deemed to be public crosses the site and the applicant is advised to contact Southern Water Developer Services, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel 0330 303 0119) or www.southernwater.co.uk or email developerservices@southernwater.co.uk to discuss the matter prior to commencing the development.

Drainage Connection: In accordance with conditions of this Planning Permission details of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. The previous initial assessment by Southern Water does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Water Supply: Southern Water investigations indicate that it can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements.

For further advice, please contact: Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

04. South East Power Networks

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

05. SGN Gas

Gas pipe locations are now available online at www.linesearchbeforeudig.co.uk. Not only can you access information about the location of our gas pipes in your proposed work area, but you can also search for information on other utility companies' assets at the same time.
All requests for maps and plant location information must now be submitted through this online service, please visit www.sgn.co.uk/Safety/Dig-safely/ for safety information and links to www.linesearchbeforeudig.co.uk, where you can register for our online service and view our gas pipe locations. If you have any questions about our new plant location online service, please contact us on 0800 912 1722 or if you have any system queries contact Linesearch on 0845 437 7365

06. Fire Safety and Design

A Fire Safety Assessment is required under the Regulatory Reform (Fire Safety) Order 2005 and Housing Act 2004 and under Building Regulations for each building including materials, layout and safe escape routes. The applicant should contact a Building Regulations and Fire Safety advisor for guidance. Any amendments resulting from a requisite detailed fire safety qualitative design review which affect the Design, layout or appearance of the development subject of this Planning Permission, may require further planning approval. In that event that applicant should also contact the Local Planning Authority at Adur District Council for planning advice.

Advice, including water supply / hydrants can also be obtained from the Water and Access Manager, West Sussex Fire and Rescue Service, Bognor Fire Station, West Meads Drive, Bognor, PO21 5TB
Phone: 0330 222 3117 | E-mail: frs.waterandaccess@westsussex.gov.uk

07. Network Rail

Due to proximity to operational railway land the applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/.

Network Rail also strongly recommends that the applicant / developer engages with Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing

and prior to the submission of lighting details under condition 30 of this planning permission. This will allow the Network Rail ASPRO team to review the details of the proposal to ensure that development operations and light does not pose a risk to the operational railway and to obtain any separate consent if required from Network Rail.

Network Rail Property (Southern), 1 Puddle Dock, London, EC4V 3DS
Email: AssetProtectionLondonSouthEast@networkrail.co.uk
Website: www.networkrail.co.uk

08. Sussex Police

Sussex Police has advised that secure entrances, windows, cycle and bin stores should have regard to www.securedbydesign.com for both the residential and commercial parts of the development. Detailed guidance is contained in the Sussex Police letter 4th January 2022 (Reference: LM/ADU/21/07A) and it is recommended that this is taken into account in the submission of details required under condition 31 of this Planning Permission.

09. Wildlife and Countryside Act

The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000. Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in roost at the time of inspection. The Act also similarly protects nesting bird. All trees and vegetation should therefore be thoroughly checked for the existence of bat roosts and bird nests prior to any works taking place. If in doubt, the applicant is advised to contact:

- Bat Conservation Trust, 15 Cloisters House, 8 Battersea Park Road, London, SW8 4BG.
  Email: enquiries@bats.org.uk Tel: 020 7627 2629 and
- Royal Society for the Protection of Birds (RSPB), The Lodge, Potton Road, Sandy SG19 2DL.
  Email: wildlife@rspb.org.uk Tel: 01767 693690 (9:30-16:30, Monday to Friday).

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

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

12. Party Wall Act

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

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

Ref: AWDM/1450/21

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

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

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

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990..

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

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

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

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