



ADUR DISTRICT C O U N C I L

13 July 2017

Adur Planning Committee

Date: 24 July 2017

Time: 7:00pm

Venue: Queen Elizabeth II Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chairman), Brian Coomber (Vice-Chair), Les Alden, UKIP vacant seat, Stephen Chipp, Emily Hilditch and Geoff Patmore.

NOTE:

Anyone wishing to speak at this meeting, on a planning application before the Committee, should register by telephone (01903 221006) or e-mail heather.kingston@adur-worthing.gov.uk before noon on Friday 21 July 2017.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage if such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting. Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

3. Confirmation of Minutes

To approve the minutes of the Planning Committee meeting held on 26 June 2017, which have been emailed to Members.

4. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent.

5. Planning Applications

To consider a report by the Director for the Economy, attached as Item 5.

6. Public Question Time

To receive any questions from Members of the public in accordance with Council procedure Rule 11.2.

(**Note:** Public Question Time will last for a maximum of 30 minutes)

7. Adur Infrastructure Contributions - Way Forward

To consider a report by the Director for the Economy, attached as Item 7.

Part B - Not for publication - Exempt Information Reports

None.

Recording of this meeting
The Council will be voice recording the meeting, including public question time. The recording will be available on the Council’s website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Ruth Pallister Lawyer 01903 221050 ruth.pallister@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



**ADUR DISTRICT
COUNCIL**

Planning Committee

24th July 2017

**Agenda Item 5
Ward: ALL**

Key Decision: Yes / No

**Report by the Director for Economy
Planning Applications**

1

Application Number: AWDM/1953/16 Recommendation – Refuse

**Site: Grazing Land South West of Flyover, Steyning Road,
Shoreham by Sea**

**Proposal: Outline planning permission for the erection of up to 52 no. dwellings (including the provision of 30% on-site affordable housing), internal roads and parking, informal open space and landscaping together with an enlarged vehicular access on the south-eastern side of the site onto Steyning Road (all matters reserved apart from the access).
Proposed realignment of the Adur Tidal Wall flood defence scheme as an amendment to that approved under reference AWDM/1614/15. The application is accompanied by an Addendum to the original Environmental Statement.**

2

Application Number: AWDM/0721/17 Recommendation – Approve

Site: The New Sussex Hotel, 182 South Street, Lancing

Proposal: Extension and re-configure new accommodation to rear of existing hotel to include a new function room, conference room and new enlarged kitchen with 11 new hotel rooms over first and second floors. No hotel parking is accommodated on site. Proposed on site 3-bedroom family home for the applicants to the west (rear) of the hotel with parking provision for two cars (re-submission of AWDM/1804/16).

3

Application Number: AWDM/0801/17

Recommendation – Refuse

Site: 25 Freshbrook Road, Lancing

Proposal: First-floor side and rear extension to north and east elevations (re-submission of AWDM/0319/17).

Application Number: AWDM/1953/16

Recommendation – REFUSE

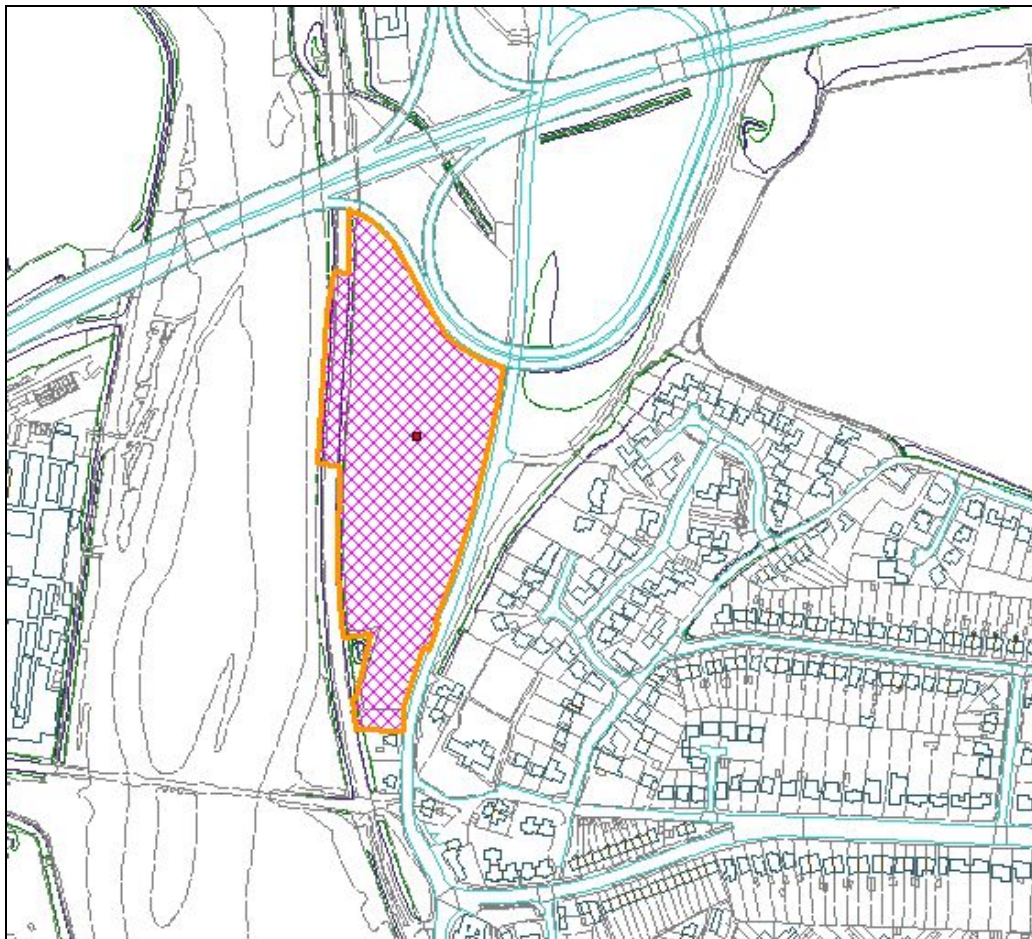
Site: Grazing Land South West Of Flyover, Steyning Road
Shoreham-By-Sea

Proposal: Outline planning permission for the erection of up to 52 no. dwellings (including the provision of 30% on-site affordable housing), internal roads and parking, informal open space and landscaping together with an enlarged vehicular access on the south-eastern side of the site onto Steyning Road (all matters reserved apart from the access).

Proposed realignment of the Adur Tidal Wall flood defence scheme as an amendment to that approved under reference AWDM/1614/15. The application is accompanied by an Addendum to the original Environmental Statement.

Applicant: Cobbetts Developments Ltd
Case Officer: Peter Barnett

Ward: Buckingham



Not to Scale

Site and Surroundings

The site measures approximately 2.67ha and is an elongated triangle in shape which is currently used as grazing land for horses. It is on the north-west edge of Shoreham, outside of the built up area boundary. The western boundary is bounded by the River Adur and the Downs Link bridleway for a length of approximately 355m. It sits at a lower level than the proposed new flood defence alongside the river by up to 3m. The A283 Steyning Road forms the eastern boundary. To the north is the elevated A27 Shoreham Flyover with the South Downs National Park beyond. There are dwellings to the south of the site and opposite the southern end of the site. A Southern Water pumping station is located adjacent to the SW corner of the site.

The Old Shoreham Conservation Area adjoins the site to the south and east which contains a number of listed buildings including the Grade I listed St Nicolas' Church and the Grade II* listed Old Shoreham Bridge.

The site was previously located within the Shoreham-Lancing Local Green Gap but has recently been removed following the Inspector's Proposed Modifications to the forthcoming Adur Local Plan. The site does, however, remain outside of the built-up area boundary and is within the countryside.

Proposal

The application is a hybrid which seeks:

1. Outline planning permission for the erection of up to 52 no. dwellings (including the provision of 30% on-site affordable housing), internal roads and parking, informal open space and landscaping together with an enlarged vehicular access on the south-eastern side of the site onto Steyning Road (all matters reserved apart from the access).
2. Full planning permission for the proposed realignment of the Adur Tidal Wall flood defence scheme as an amendment to that approved under reference AWDM/1614/15. The application is accompanied by an Addendum to the original Environmental Statement.

The application is accompanied by a Planning Statement, Design and Access Statement (D &A), Phase 1 Habitat Assessment, Heritage Assessment, Noise Impact Assessment, Air Quality Assessment, Flood Risk Assessment, Contaminated Land and Water Quality Assessment, Landscape Visual Impact Assessment and a Transport Statement.

The outline application includes an illustrative masterplan, elevations, sections and floor plan. The plans indicate that up to 52 dwellings are proposed which are described as being three storeys high. However, the elevations include a roof terrace access structure at third floor level. The proposal includes 30% affordable housing.

The development would be accessed from Steyning Road towards the southern end of the site, utilizing an existing access which would be widened with a bellmouth splay to 17.5m to accommodate a two-way entry point. The layout shows 17 detached houses on the western side of the site with 35 terraced flats and houses on the opposite side curving away from Steyning Road, following the line of the proposed realigned bund, which would also act as a landscape buffer.

Car and cycle parking are to be provided for each unit with an indication that one car parking space is to be provided for each one-bedroom flat (4 units) and two spaces for each house (10 x 2 bed and 38 x 3 bed). A play area is also proposed.

Gabion walls 2.5m and 3.5m high are proposed on the west side of the site to act as acoustic barriers to road traffic noise.

The application is in outline and therefore it should not be determined on the basis of specifically 52 no. dwellings of any particular design, appearance or layout as all submitted information is illustrative only (with the exception of the means of access). However, the submitted information is useful as it gives an indication of the possible scale of development and enables an assessment of the impact of such development on the surrounding area.

The design and layout of the houses, while reserved, has been the subject of pre-application discussion including presentations to a Design Review Panel. Initial discussions included a commercial element within the development which has not been progressed.

The final scheme is proposing 52 dwellings at a density of 31 dwellings per hectare. The Design and Access Statement sets out the reason for the indicative scale of development proposed:

“The approach to the scale and massing of the built form relates to the scale within Shoreham adding to the scheme’s sense of place, creating prominent visual references for the development when viewed externally and when entering the site. Height and scale are also influenced by the constraining factors of flood plain and noise where habitable space is only acceptable above the 5.0m AOD flood line and acoustic walls which are required to be 2.5- 3.5m in height.”

The dwellings are shown to be flat roofed with a contemporary design, including projecting bays and balconies, and with a small palette of materials such as brick and timber with a mix of zinc, sedum and terraced areas for the roofs. The D& A Statement concludes that:

“The resulting proposed scale and appearance, particularly when viewed from the surrounding area, will create a character development very much influenced by the distinct Shoreham vernacular.”

The full application for the realigned flood defence bund proposes that the tidal wall runs approximately 95m further north along the course of the River Adur before curving south east around the edge of the application site.

The approved bund, currently under construction, is 104m long. The proposed additional riverside bund will be 122m long with a 190m long bund across the site. This equates to a net increase of 208m from the original planned alignment. Additional vegetation will need to be removed and replanted.

Landscaping is reserved but the D&A Statement advises that:

“Whilst in its purest engineering form the bund will appear man-made and artificial, the proposed alignment feels more appropriate to the shape of the field than the approved EA alignment which unsympathetically dissects the field in two. Furthermore, there are clear potential advantages, as part of the development, for the outward faces of the bund to be graded more gently into the existing landform and field shape to soften its otherwise artificial appearance.”

A diverse grass mix and native plant species are proposed for the bund to help soften and screen views of the development.

Consultations

West Sussex County Council: First response: Outline planning consent is sought for access only at this stage to the application site. The proposal is located on to the north of Shoreham-by-Sea. The site is accessed from Steyning Road which is classified as part of the A283. Steyning Road links to the A27 to the north which runs east to west. Steyning Road is subject to a 60mph speed limit. Consultation was undertaken in 2014 with the Local Highways Authority (LHA), Adur & Worthing Council (AWC) as Local Planning Authority (LPA) and Highways England (HE) regarding the previous proposals for the scheme, which comprised of 49 residential units and a car show room with associated service centre. The proposals have moved forward since this time to include the latest proposals.

The LHA cannot comment on behalf of the Highways England in terms of requirements for the A27. The LPA should contact the HE directly to determine if they require any assessment work to be completed for junctions onto the A27. The application site is currently used as a field for the grazing of horses. The proposed development comprises a total of 52 residential units. This will comprise of:

- 4 one-bed flats
- 10 two-bed houses
- 38 three-bed houses

There will be a single point of vehicular access from Steyning Road into the proposed development in the form of a priority junction. No street lighting or direct pedestrian footways are provided at present adjacent to the site. The proposals are supported by way of a Transport Statement (TS) which includes Trip Rate Information Computer System (TRICS) data, ARCADY roundabout assessment information and a speed survey.

Access and Stage 1 Road Safety Audit (RSA)

The proposal includes a new priority junction onto Steyning Road. There will be three points of pedestrian and cycle access into the proposed development. Primary access will be taken at the main site access junction off Steyning Road and a further two stepped accesses, at either end of the site, will link the development to the existing footway that runs along the existing river embankment (The Downs Link coastal path).

As advised at the pre-application stage for the earlier proposals, a speed survey has been undertaken and concludes that 85th percentile speeds are 41.6 mph in both directions. Visibility splays of 120 metres have been provided at the site access. As the application exceeds 10 units, it is current WSCC Policy to request that a Stage One Safety Audit (RSA) and Designers Response are provided in support of the proposal. These documents must be signed and dated by the respective authors. Given that this information is missing, a holding objection would be raised pending the receipt of these documents.

Clarification is also sought as to the impact the Adur Tidal Wall (ATW) scheme will have on the proposed site access arrangements. The ATW scheme has come forward as a planning application in its own right (AWDM/1614/15) and was granted consent in June 2016. These proposals would involve significant modifications to the A283 including the raising the level of the highway. The impact of these works on the highway is quite significant and could affect the proposed visibility splays of 120 metres; the RSA should also consider these works. Has this been taken into account within the proposed design?

Layout and Parking

Although layout and parking are not to be approved at this stage, there would be no concerns with the indicative layout. The application form does not indicate if the internal road will be offered for adoption. In principle, the layout should be designed in accordance with Manual for Streets (MfS) parameters. The applicant proposes a 'Shared Surface' arrangement, in principle this would be accepted in line with MfS parameters of up to 100 vehicle movements per hour. Consideration has been given to turning for larger vehicles. Swept diagrams have been provided demonstrating how larger vehicles can turn within the site. 118 car parking spaces and a 104 cycle spaces are to be provided. Parking provision has been demonstrated to be in accordance with the requirements of the WSCC Parking Demand Calculator, the outputs from this have been provided within the appendices. The LHA are satisfied with the parking allocations proposed, and this should be taken forward into any future reserved matters application.

Capacity

In assessing trip generation and its impact, it is standard practice to do this on an hourly and daily basis in order to establish the day to day impact resulting from a development proposal. In addition to the information submitted by the Applicant, the LHA have used the Trip Rate Information Computer System (TRICS) to assess the likely trip generation of the proposed use. This is industry standard software that is supported as an assessment tool through the WSCC 'Transport Assessment Methodology' and the archived DfT 'Guidance on Transport Assessment'.

The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. The recognised peak of 08.00-09.00 and 17.00-18.00 has been used, and the trip rate generated provides a realistic indication of likely trip generation from the new dwellings. It suggests that there will be 22 two way movements in the morning and 27 during the evening peak hours.

This proposal would not trigger the 30 vehicle movement threshold to warrant formal junction assessments. It is recognised that this proposal would give rise to a more intensive use of Steyning Road; however, this proposal is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework. An ARCADY assessment has been undertaken, while this has not been reviewed in detail, given previous comments about thresholds the exercise does demonstrate that the operation does have minimal impact on the operation of the junction.

Sustainability and Accessibility

There is currently no pedestrian footway adjacent to the site along Steyning Road or at the current site access road off Steyning Road. There is a footway on the eastern verge of Steyning Road opposite the current site access which provides pedestrian facilities for the houses fronting Steyning Road, but this footway discontinues to the south where the houses stop. The footway continues on the western (opposite) side of Steyning Road (the development site side) providing pedestrian facilities for the houses to the south of the proposed development site, and this footway continues to the Steyning Road/Old Shoreham Road roundabout which links the southern end of Steyning Road and the development site to the edge of Shoreham and the local bus stops.

The LHA acknowledge that whilst there is a limited range of services and facilities within the immediate vicinity; other services that are available are within reasonable walking and cycling distance of the development when assessed against current guidance for the provision of journeys on foot. Opportunities to travel by passenger transport are limited.

Outside of the site the LHA accept that traffic conditions within the local area are conducive for walking and cycling, this will be improved with the proposed pedestrian footway improvements as part of the application. Local bus services can be accessed from the A283 Steyning Road, Old Shoreham Road, Upper Shoreham Road and Connaught Avenue. The nearest bus stops to the proposed site are located on A283 Steyning Road. The southbound stop is located within 180m of site adjacent to the Red Lion pub just north of the A283 Steyning Road/Old Shoreham Road junction and the northbound stop is located within 250m of site to the south of A283 Steyning Road/Old Shoreham Road junction.

In terms of actual facilities there is a limited range of services and facilities within the local area that could be reached by foot or cycle from the site. Notably, the only facility that could be used to meet some day to day needs is the retail outlets in Shoreham centre located from Shoreham High Street. This would not, though, meet all needs and travel to a larger retail store such as the Holmbush Centre where there are two large supermarkets would be necessary. There are however areas of employment,

retail and health provisions within the town or the surrounds that could reasonably be reached on foot.

There is no dedicated cycle infrastructure or off road cycle routes located along this section of Steyning Road or to the south into Shoreham town centre. The lower vehicular speeds may facilitate cycle movements along Upper Shoreham Road and the A259 High Street; however the narrow carriageways and potential of vehicle/cyclist conflict may make routes leading to Shoreham to the south-west unattractive. Journeys to wider services and employment centres of Worthing and Brighton would be mainly along busier routes and are not conducive to safe cycling due to higher speed limits, traffic volumes and road layout.

Shoreham-by-Sea railway station is located approximately 1.4 km southeast of the proposed development site. It is within 20 minutes walking distance from the site, or accessible by bus from one of the local bus stops on. The station has cycling parking facilities and is principally served by Southern rail services including services to Brighton and London.

The National Planning Policy Framework (NPPF) states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. In this respect, the site is located within a reasonable walking distance of the village store and passenger transport infrastructure. Paragraph 29 of the NPPF also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Whilst paragraph 29 goes on to say that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas, residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs.

The Planning Authority should give suitable consideration to and consider on balance the matters of sustainable access along with other associated matters in deciding this proposal. Should permission be granted, it is recommended that a TAD contribution be sought to enable the County Council to progress work schemes identified in the various studies that have been undertaken in the local area. These studies identify improvements to the local network to enhance sustainable transport.

Conclusion

Prior to the LHA making a formal recommendation, a Stage One Road Safety Audit and Designers Response is required and further clarification on the proposals visibility with the above mentioned ATW application. For that reason, a holding objection would be raised at this stage.

Section 106 Contributions

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service

infrastructure, other than highways and public transport that would arise in relation to the proposed development.

The basis for my advice is contained in the adopted Supplementary Planning Guidance document “The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1.

The planning obligation formulae below are understood to accord with the Secretary of State’s policy tests outlined by the in the National Planning Policy Framework, 2012.

The advice is as follows:

1. School Infrastructure Contribution

1.1 The Director for Children and Young People’s Services advises that it appears that at present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. However, the situation will be monitored and further advice on all of the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean social rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the education catchment area; the County Council’s adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

DfE Figure x ACP = School Infrastructure Contribution where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a

subsequent reserve matters planning application. The following criteria are used to generate a child product:

Dwelling Size	Occupancy	
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

Using the above occupancy rates to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) school building costs per pupil place (for pupils aged 4 to 16) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2014/2015 are – Primary £15,558, Secondary £23,442, Further Secondary £25,424), updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The contributions generated by this proposal shall be spent on additional facilities at Swiss Gardens Primary School.

The contributions generated by this proposal shall be spent on additional facilities at The Shoreham Academy.

The contributions generated by this proposal shall be spent on additional facilities at The Shoreham Academy Sixth Form.

2. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by Shoreham Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace or facilities at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed

development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the library’s catchment area; the County Council’s adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L/1000 \times AP = \text{Libraries Infrastructure Contribution}$ where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following figures are given as a guideline:

Dwelling Size	Occupancy	
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

$L/1000 = \text{Extra library space in sqm. per 1,000 population} \times \text{the library cost multiplier}$ (which currently for the financial year 2016/2017 are 30sq.m and £4,560 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on providing additional stock at Shoreham Library.

3. Fire & Rescue Service Infrastructure

3.1 Fire Stations

The County Fire Officer advises that a financial contribution from the proposed development towards the cost of fire and rescue infrastructure, principally fire stations and services serving the area within which the proposal stands, would be required. This is necessary due to proposed development in the Southern division and the resultant need to improve service provision across the area. The proposed development should proportionately contribute towards the cost of necessary infrastructure needed to support development.

3.2 Financial Contribution (excluding provision of fire hydrants)

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the fire service provision area; the County Council's adopted standards of fire service cover provision; and the estimated costs of providing additional fire stations. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the fire service contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Fire and Rescue Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$Y \times (Z / M) = \text{Fire and Rescue Infrastructure Contribution where:}$

Note: / = divided by, x = multiplied by.

Y = The estimated adjusted increase in population generated by the development using the following figures as a guideline:

Dwelling Size	Occupancy	
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

Z = the estimated costs of providing additional Fire and Rescue Infrastructure in the Southern Service Division of West Sussex at the time of payment (which, for information, for 2007/2008 was £5,530,000).

M = the projected population of the Fire and Rescue Service Southern Service Division of West Sussex in 2016 at the time of payment (which, for information, for the 2007/2008 financial year was 429,647).

4. Transport (TAD) Contribution

4.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = $(C - D) \times E$, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the following figures as a guideline:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £600

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1200

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

The contributions generated by this proposal shall be spent on improvements to the A27/A283 Steyning Road Junction in accordance with the Shoreham Harbour Transport Strategy.

General points

Please ensure that the applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or ourselves.

Second response: Access and relationship with the proposed Adur Tidal Wall (ATW)

Confirmation sought was an understanding of what has been agreed in terms of design principles in respects of the changes to the A283 with the proposed Adur Tidal Wall (ATW). The ATW scheme has come forward as a planning application in its own right (AWDM/1614/15) and was granted consent in June 2016. These proposals would involve significant modifications to the A283 including the raising the level of the highway. The impact of these works on the highway is quite significant and could affect the proposed visibility splays of 120 metres; the RSA should also consider these works. The applicant has confirmed that as part of the earlier pre-application at the site the proposed residential access was subject to a Departure from Standards (DfS) which was accepted by WSCC. The Local Highways Authority (LHA) would concur with the consultant's stance that this application's access arrangements are an improvement to the previous access arrangements.

Stage 1 Road Safety Audit (RSA)

We understand that the applicant is intending to undertake a Stage 1 RSA. The LHA would still request the submission of an RSA in support of the application.

The **County Archaeologist** has no objection on archaeological grounds subject to the preparation and implementation of a Written Scheme of Archaeological Investigation and mitigation strategy, to be secured by a planning condition imposed upon any permission granted for this Outline planning application.

The **Principal Landscape Architect** objects. He advises that the Adur Tidal Wall scheme (AWDM/1614/15) near to the application site allows the flood defences to be raised, a 3m publicly accessible path and banks planted with a deciduous native shrub mix. Existing planting is to be retained where possible. The application documents, associated with the Tidal Wall scheme, pick up on the sensitivity of the Old Shoreham Conservation Area (VP10), the Downs Link (VP9) and the listed Shoreham Tollbridge (VP29)

The raised path and new deciduous shrub planting will increase the potential for landscape impacts from the proposed development by giving the users of the Downs Link a further elevated position and allowing views into the application site during the winter.

The new raised path from the Downs Link to Steyning Road would cross the paddock that currently makes up the application site.

The landscape documents also discuss the desire to open up some existing views between the path, St Nicholas, Old Shoreham Conservation Area and the River Adur

The current application site benefits those using Steyning Road, Shoreham Tollbridge and the Downs Link. It provides a setting to the River Adur, the wider river corridor and the countryside; it is experienced outside the urban edge of Shoreham and represents the nearest bit of undeveloped land.

If those characteristics were no longer valued and it was necessary to try to screen the application site, it would be difficult due to the heights, variety and proximity of receptors. This would also result in the loss of the amenity mentioned above.

It is therefore not possible to design out all landscape impacts and consequently only the degree of impact needs to be assessed together with the effects of the mitigation measures.

The landscape quality of the application site has been downgraded in the assessment due to its current use; however this is not a permanent state and could easily change over a short period of time. Land beyond the urban edge of settlements is often influenced by these types of lands uses. The development of the site into a residential area would be an irreversible and permanent change.

Downs Link - Popular cycling and walking route. The application site is experienced after users have left the urban edge of Shoreham. Peripheral influences are present, from across the river and from the A27, however the River Adur, views towards Mill Hill and South Downs National Park are more prominent.

Shoreham Tollbridge – Open views across the water are provided along the whole length of this listed structure. It is a location that is used by transitory users (mostly cyclist and walkers) and also as a destination by those using it as a giant viewing platform.

St. Nicolas Church – Views from the grounds of the Church look out over the southern part of the application site and towards Lancing College Chapel.

Old Shoreham Conservation Area - The view north along Steyning Road and out across the application site is identified in the conservation area report map as an “important view”. The Conservation Area boundary is very close to the application site

Lancing College Chapel – Those leaving Shoreham on the Steyning Road experience views across the application site to this landmark building. Although largely a transitory view it is a distinctive way to emerge from Shoreham.

Design

Over half of the planting used for mitigation of the proposed development, from the Downs Link is not owned or under the control/management of the applicant. The

degree of mitigation and therefore the impact of a finished scheme is reliant on other landowners and how they choose to manage their estate.

The proposals open up physical links to the Downs Link, which makes sense from a permeability and accessibility viewpoint; however these will increase the visibility of the development

The narrow strip of vegetation between the application site and the Old Shoreham Conservation Area is outside the ownership and control of the applicant. The impact on the view from St Nicholas Church, the Conservation Area and Valentine Close would not be reduced by any mitigation measure within the application site.

The 5m maintenance buffer zone around the base of the bunds seems to include private gardens, this is problematic given the expectations the new residents will have for use of their gardens. Waterside developments also normally seek to maximise views to the water and where this is not explicit during construction it is often implicitly as resident take ownership and seek to influence neighbouring land uses.

The height of buildings and acoustic barriers may make sense from the perspective of a noise or flooding engineer but they increase the visual impact of the development. In particular the height of the buildings is likely to be greater than the existing mitigation planting, where it exists.

Landscape Mitigation – Little is shown in terms of landscape mitigation. The illustrative design for the southern end of the site does not have space to accommodate substantial planting. This design seeks to recreate the existing buffer with the Downs Link to the north but this is unlikely to be sufficient for winter views.

Landscape and Visual Impact Assessment

The document mentions being carried out in Sept 14, July 15, Dec 16. The viewpoint photos show the vegetation in full leaf but would have been better taken in winter to show the effect of deciduous planting.

On a matter of technicality the viewpoints sensitivities are not correctly assessed in accordance with the Guidelines for Landscape and Visual Impact Assessment, third edition. The sensitivity scoring has been adjusted for distance, level of screening and context; however the score should be as a result of the viewpoints inherent sensitivity, the degree to which a change affects the viewpoint should only influence the “magnitude of change” otherwise effects can be double counted or diluted.

While I broadly agree with many of the values given for the sensitivity of the receptors, many of the sensitivity and predictions of change scores, which leads to the assessed level of impact, I would challenge in particular the impacts upon character and visual impacts upon Old Shoreham Conservation Area, St. Nicolas Church, the Downs Link, Shoreham Tollbridge, Valentine Close and Steyning Road.

The proposed mitigation measure seems to focus on the buildings, rather than seeking to integrate the development, they seek to create a new character for this

area. This is certainly a valid approach where sites are not inherently valued or contributing to their context, however I would challenge that view for this site.

The scale, massing and layout of the proposed buildings have not been altered to fit with the context of the site. Additional mitigation measures to integrate and connect the proposals to the surroundings are not evident. Overreliance on the mitigation effects of land outside the ownership and control of the applicant.

Conclusion

The principle of development with an acceptable degree of landscape impact has not been established.

The current design is dictated by the flooding parameters and not by the need to reduce the impacts upon character or visual impact. The mitigation of the proposed development relies heavily upon structures and planting that is not in the ownership or control of the applicant.

Adur & Worthing Councils: The **Environmental Health** officer (first response) - When I was contacted by Ramboll in December 2014, I was advised that their proposal was for a mixed use site of both residential and commercial property. The commercial property being closest to the flyover. Obviously this application does not reflect that conversation and on the current proposals I would have requested different baseline monitoring positions. Therefore paragraph 2.5 of the Noise Impact Assessment should be read with this in mind.

The noise objectives that I would expect for the dwellings are those set out in the Planning Noise Advice Document: Sussex. Para 5.5.2. Design control measures should aim to meet the recommended standards set out in table 4 of BS 8233:2014 and the night time LA_{max} level recommended in the World Health Organisation's Night Noise Guidelines for Europe (2009), unless there are particular reasons why this is not considered appropriate. In such cases, a clear explanation of the reasons should be provided.

I would also want to see as far as reasonably practicable the WHO guidelines for external amenity areas achieved.

Comparing the baseline figures from the actual monitoring against the DEFRA noise maps, it is fair to conclude that there could be an under reporting of the night time noise levels. The applicant is reporting night time LA_{eq}'s of 51 and 50dB(A) at monitoring locations 2 and 3. Where-as the DEFRA maps show night time levels up to 55dB(A), in the area proposed for dwellings close to the flyover. Which, of course, would not be unusual given this area is closer to the noise source than the monitoring position. Given that the acoustician has not reported L_{max} levels, I am uncertain as to whether the above noise objectives will be achieved. I am aware that the acoustician is using continuous day time noise levels to assess bedroom integrity for night time noise, however, there is no mention of whether they are considering maximum noise levels in this report. Therefore there is insufficient information for me to make a

judgement on whether noise mitigation is sufficient and I would have to object to the application as it stands.

Please note that Ramboll's report refers to the Planning Noise Advice Document: Sussex but seems to ignore the section on what information the Council would require in a noise report. For instance:

Para 1.3.6. For a new noise sensitive development near an existing source of transport noise (road, rail, ports or aircraft) the LAeq (16hr day and 8hr night), or the shortened calculation method, should be measured, as agreed. In addition, suitable shorter term LAeq, LA90, LA10 and LAm_{ax} would be expected to give a clearer picture of the existing noise environment. This could also apply to extensions/alterations to existing development

Para 1.3.9. Background noise monitoring can create a large volume of information. The analysis and interpretation of this data should be set out within the report. The raw data should also be included as an appendix.

I would also need to see the acoustic details of the proposed glazing and ventilation systems.

I would request that further baseline noise monitoring is undertaken so we can establish what the maximum noise levels are, particularly along the building line near to the flyover. Given that the initial readings are two years old and there have been new applications for plant across the river at Ricardo, it would be good to see the existing noise figures for the area.

With regards the actual acoustic design of the development. I note they are using the buildings themselves to act as a barrier to achieve World Health Organisation guidelines for external amenity areas, although these guidelines are not met in a number of areas. I also note that acoustic barriers are being strategically placed to assist in noise mitigation. However, given the noise source is above the development i.e. traffic on the A27 and the slip road, I would have thought that the barriers would be better placed along the road itself to control the source of the noise. Such a scheme would also improve the acoustic environment for existing households and I wonder whether this option should be explored.

I also understand that the Steyning Road is going to be raised by about 2 metres as part of the Adur Tidal Walls project. If this is correct then the acoustic scheme will need to consider this.

At this stage I would request the further information covered above.

Second Response following receipt of further information from applicants:

I am concerned that the design of the development relies solely on acoustically sealing the property to achieve internal noise guidelines for the habitable rooms. This combined with the proximity of some of the homes to the A27 and associated traffic pollution is a worry. The aims of the Noise Policy Statement for England would have been better achieved if consideration for controlling traffic noise at source, such as a

scheme for noise barriers along the main carriageway and slip roads was included in the application. A view supported by the applicants own acoustician.

"We support the view that the noise barriers placed along the elevated roads would be more effective to control the source of noise, for both the existing and the proposed dwellings".

I would also have preferred further separation by distance of the homes from the A27 because of the impact of noise and pollution, the impact of the latter has yet to be quantified.

Should permission be granted then I would ask for the following condition to protect homes from excessive noise:

The development hereby permitted shall not be commenced until schemes for protecting individual dwellings and outside amenity areas from noise has been submitted to and approved in writing by the Local Planning Authority. The schemes shall demonstrate good acoustic design and shall comply with the internal noise level guidelines set out in BS8233:2014. The scheme shall also try and achieve as far as reasonably practicable the WHO guidelines for external amenity areas. All works which form part of the agreed scheme shall be completed before the permitted dwellings are occupied.

I would also recommend a condition controlling hours of construction.

The **Environmental Health Officer (Air Quality) (first response)**: The Air Quality Statement uses the IAQM guidance and Adur DC diffusion tube results at incomparable sites to conclude that an air quality assessment is not required. I suggest this methodology is flawed for a number of reasons.

1. The site is adjacent to the A27. This section is regularly congested and queuing traffic will result in elevated levels of pollutants in the vicinity. Whilst I appreciate the proposed site is below the A27 and in an open area which will aid dispersion of pollutants, simply dismissing an assessment on the basis of levels at incomparable sites elsewhere is invalid.

2. The lack of an impact assessment overlooks the cumulative impact of the large number of developments planned for the area. This development cannot be considered in isolation as the combined impact on traffic flow and vehicle numbers from the many developments proposed in the area is likely to be significant. To simply ignore this is unreasonable. The impacts on existing receptors, new receptors on the site and the nearby AQMA must be considered.

3. This is a major development and as such the applicant should have followed the Air Quality & Emissions Mitigation Guidance for Sussex (2013), which is freely available and signposted on our website (<https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/air-quality-and-planning/>). This states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely

impact on air quality. This includes an air quality impact assessment and emissions mitigation assessment (see flowchart below). The purpose of an emissions mitigation assessment is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment, even if an air quality impact assessment has concluded the national air quality objectives will not be breached. The intention of the guidance is to identify and ensure the integration of appropriate mitigation into a scheme at the earliest stage, so the damage costs on health can be mitigated.

This procedure must be followed in this case. An emissions mitigation assessment must use the most up to date emission factors. The emissions assessment and mitigation calculator provides a formula to calculate the emissions resulting from a development and produces a cost for mitigation measures and/or compensation and a subsequent list of mitigation suggestions. Mitigation should include consideration of the promotion of cycling and walking, public transport, car club contributions and low emission vehicle infrastructure. A development such as this can have a major influence on public behaviour. For example by providing 3 or 7kW home charge points /on-street charging bays, residents can be helped to switch to low emission vehicles. Additionally charge points are much cheaper and easier to install during the construction phase rather than as a retrofit

4. In terms of construction impacts caused by dust I recommend that a mitigation scheme be submitted, secured by a condition such as

Construction work shall not commence until a scheme for controlling dust arising from construction activities has been submitted to and approved by the local planning authority.

Second Response following receipt of further information from the applicants:

The proposal appears to predetermine that the development will be acceptable on air quality grounds - i.e.

1. That future residents will not be exposed to elevated levels of traffic related air pollution particularly with such an unusual setup with the road above the proposed development; and,
2. That traffic movements associated with the development will not adversely impact upon other areas of Shoreham where levels are already elevated - i.e. the AQMA.

I would argue that without a proper air quality impact assessment such a statement is hard to defend. Ultimately it is up to planning to decide. I cannot object on AQ grounds as I have no information on which to object, but by the same token they have no information on which to say it will be ok.

The **Engineer** advises that the site lies in flood zone 3 and is subject to surface water flooding which he has seen from above when driving past this site. The FRA lacks information, as this site is A) close to the river and B) known to having significant areas prone to flooding and ponding after heavy rain. He recommends that long term ground water analysis should be a pre requisite.

The tanked permeable system is a good idea but what happens if the proposed pumping station (which itself is subject to separate EA approval) fails? And the system is not permeable when frozen or covered in snow therefore it would afford no storage.

What happens when utilities perforate the tanking, whilst undertaking works?

As this is an outline application he suggests that at least 1 years ground water level monitoring needs to be provided, this should be directly linked to tidal water level data, this will confirm if the site is affected by tidally affected river flows, currently suds infiltration is discounted based upon historic borehole data.

He also recommends further investigation of the existing ditch system, to understand how this works especially as it takes flows from the A27 and whether it could be utilised in the design rather than constructing a pumping station (would this need to accommodate flows from the A27 too?). The FRA does not indicate that backflow from the River Adur causes current flooding of the site. However, the FRA suggests that a combination of ground levels, tide levels and the potential for sea level rise dictate that the site needs to be drained by means of a pumped rather than a gravity system. He ask what happens if the pumping station fails.

Finally he is not sure that a 30% increase in flows for climate change is still appropriate, FRA para3.4.3, I believe this could now be 40%

The site area is 2.67ha which equates to 26700m².

The impermeable area is proposed to be 28% = 7476m² (stated to be 7433m² at FRA para 3.5.1)

Impermeable road area is 3350m². (FRA para 3.5.6)

So slightly less than 50% of the impermeable area is roads and paths.

Intention is to store all surface water runoff in the road for a 1:100year event total runoff approaches 240m³ therefore storage is full so if the pumping station is not working where is the next rainfall to be stored?

Comments on ES Addendum

At paragraph 2, the author is suggesting that the Environment Agency do not construct the closure length of the northern section of E3. About 1/3 of this bund section has already been constructed by the EA after protracted discussions broke down because the developer cannot reach a financial / alignment agreement with the EA.

To proceed with the proposals in this EIA the developer will have to import and place all the additional material to construct his proposed closure bund prior to excavating and disposing of the bund currently being constructed by the EA. (This will probably be an EA requirement to maintain the defence level provided to Shoreham by the completed scheme.)

Therefore in table 4.1

Statements for air quality are wrong

Statements for nature conservation are wrong

Statements for Noise and Vibration are wrong – they do not include for waste disposal

Statements for material assets are wrong – they do not include for waste disposal.

The proposed site plan shows a pink alignment currently under construction and the proposed blue alignment – to which I would have no objection.

The illustrative plan on within the figures section of the Allen Scott report details no provision for surface water ditches, and shows playgrounds in potentially wet areas. The plan also shows a 5m wide maintenance buffer zone, which should be 8m according to the EA letter of 30 January 2017.

There is no reference in the document as to who will own and maintain the buffer strip. Surface Water Drainage from the site can either be via surface features ditches etc. or via pipes. If ditches are used, as now, then they will need to pass under the new embankment for which EA consent must be gained. They can then discharge as now under gravity or by means of pumps – a method which is not sustainable and could possibly lead to flooding issues, should the pumps ever fail (who will maintain the pumping system?). These same arguments apply to a piped system.

I note that the EA comments voice similar concerns. I do not consider the content of the EIA Addendum to resolve any of my concerns, and as it has been surpassed by works on site part of it is irrelevant. The report needs to look at the construction of the extra length and then the disposal of the chalk material used in the EA defence.

The **Housing Officer** welcomes the applicant's commitment to provide an on-site affordable housing contribution of 30% (16 units).

The housing register and the recent Objectively Assessed Need (OAN) 2015 study demonstrates the ongoing requirement for rented accommodation. The Housing Strategy requires a tenure split of 60/40 in favour of rented which in this case would equate to 10 rented units and 6 intermediate. We would anticipate the intermediate units to consist of shared ownership tenure.

Ordinarily we would anticipate that the affordable housing percentage would reflect the unit sizes being provided on site and thus include a proportional share of all unit sizes. However, as the application contains a high number of 3 bed units we would anticipate a higher proportion of 1 and 2 bed units due to benefit cap restrictions and that the shared ownership would consist predominantly of 3 bed units.

In light of the above we would anticipate an indicative mix as follows:

Rented: 2 x 1 bed (3 person)
6 x 2 bed (4 person)
2 x 3 bed (5-6 person)

Shared ownership: 2 x 2bed
4 x 3bed

The **Planning Policy** Officer **objects**. The development conflicts with Saved Policies AG1, AC1, AB16 of the Adur Local Plan 1996, and Policies 2, 11, 13, 16 and 17 of the emerging Adur Local Plan (Submission Adur Local Plan 2016, together with Main Modifications published June 2017).

[Planning policy is discussed in much more detail in the next section].

Highways England: No objection

Historic England: Objects. The site lies adjacent to and within the vicinity of a number of designated heritage assets, some of which are highly graded and include the Church of St Nicholas (grade I listed), the Old Shoreham Bridge (grade II* listed), the Old Shoreham Conservation Area, Shoreham Airport (containing listed buildings and a Scheduled Monument) and Lancing College complex (grade I, II* and II listed buildings). St Nicholas' Church is an important mid-12th century church with pre-conquest origins located on the northern edge of the conservation area. It sits within a verdant, spacious churchyard on rising land, set up above Steyning Road with attractive cottages below it. Its sturdy tower is a local landmark in both close views of the conservation area and also in longer views from across the river. The conservation area contains a number 18th and 19th century cottages (some grade II listed), including two inns, and forms the historic core of what was the rural parish of Old Shoreham. The buildings here have a small domestic scale, vernacular character and appearance and are loosely grouped around the church and along the roads.

Directly west of the church and conservation area, is Old Shoreham (toll) bridge, a timber shallow arched road bridge constructed in 1781 and which continued to carry traffic up until the 1970's, but is now for pedestrian/cycle use only. It forms a very attractive feature crossing the river. The bridge, church and historic buildings in the conservation area, together with the river and what remains of the undeveloped river plain, form a very picturesque grouping in views and have very high aesthetic value. This scene has been admired over the years for its beauty against the backdrop of pine trees and Downs and has been captured in paintings and photographs. In addition, the relationship of the church, conservation area and bridge to the open river plain is important in helping to understand their origins and that of the settlement of Old Shoreham and its historic development.

Old Shoreham and its historic development.

The site can also be seen within views towards and from the nationally important Lancing College. The college complex is set up high, on a beautiful exposed hill and dominates the skyline in views across the application site from the church, bridge, Old Shoreham Conservation Area and from the surrounding footpaths.

In addition, the application site can also be seen in views looking across the river towards the church and Downs from Shoreham Airport. The airport site contains the scheduled dome gunnery trainer, the grade II* listed terminal building and a grade II listed hangar. The hangar, terminal building and airfield have special group value for their functional interdependence. The dominance of the terminal building and strong airside building line are significant features of the airfield character in the flat, open, grassed river plain setting.

Impact

The application seeks outline consent for the erection of 52 dwellings on part of the flat narrow flood plain between the eastern side of the River Adur and the A283

Steyping Road. All matters are reserved apart from access and the re-alignment of the new Adur Tidal Wall Flood Defence. The Design and Access statement submitted with the application illustrates how the site would be developed which has been partly informed by the need to address the issue of flooding, and the requirement that no habitable rooms are below 5 metres, as well as providing noise attenuation to amenity spaces from the A27 flyover. The result is a scheme that is predominantly three storeys in height formally arranged in long uniform lines around the perimeter of the site.

As explained above, the undeveloped river bank character of the site forms part of the setting to a number of designated heritage assets, some very highly graded, and contributes to both their aesthetic and historic values. Its development, and particularly in the manner proposed, therefore has the potential to cause harm to these values and thereby to significance. In addition we are also aware that there are other large scale developments proposed on the other side of the riverbank and which will be visible in views from some of the same heritage assets affected by this proposal. There I therefore the issue of potential cumulative harm to the significance of the heritage assets.

Policy

There is a statutory requirement to have special regard to the desirability of preserving listed buildings, their settings and any features of special interest (ss.16, 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) which must be taken into account by the local planning authority when making its decision on any proposals for development where those interests would be affected.

The National Planning Policy Framework sets out that local planning authorities should require an applicant to describe the significance of heritage assets, including the contribution made by their setting; and that the level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance (para. 128). Our guidance 'Conservation Principles' explains that the significance of a heritage asset is based on its evidential, historic, aesthetic and communal values and that significance is determined not only by the physical fabric of a place but also by its appearance, its associations with other places and its relationship with its surroundings. We consider 'setting' to be the surroundings in which an asset is experienced. Your authority should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance (para.137 NPPF).

Historic England's recommended approach to the assessment of setting can be found in our Good Practice Advice Note, 'The Setting of Heritage Assets' (GPA 3). Settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance. If a proposal cannot be amended to avoid all harm, where it would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para.134, NPPF). While planning decisions should not impose architectural styles or stifle innovation through unsubstantiated requirements to

conform to certain development forms or styles, it is proper to seek to promote or reinforce local distinctiveness (para.60 NPPF).

Position

Our initial view is that the proposal would be likely to have harmful impacts on a number of heritage assets. We acknowledge that the setting of the assets we have identified has been impacted by modern development to a degree, but as set out above, we think that there remains a great sense of an open landscape where important views are possible and historic connections can be made between assets themselves, and their landscape setting. We also acknowledge that this application is for outline planning consent only, however the level of information submitted in support of the proposals in relation to understanding such impacts falls very short of what should be required to be able to identify the potential levels of harm.

The heritage statement provided is extremely brief containing only an outline of the scope of the work that would need to be covered by a full heritage impact assessment that would be submitted at the reserved matters application. We do not think this approach is appropriate, as the outline application will establish the principle of development at this site, as well as numbers of dwellings, and a layout that is constrained by flooding and noise issues. The Landscape and Visual Impact Assessment does provide some assessment of visual impacts on heritage assets, although we do not necessarily concur with these findings), however it does not provide an analysis of the significance of the heritage assets affected, as required by para 128 of the NPPF, nor does it explore how the site may contribute to that significance such as through the historic relationship between places or aesthetic considerations.

We therefore do not consider it appropriate to determine the application without a full and proper analysis of the impacts of the proposal on the significance of heritage assets being carried out and, especially as the site is within the vicinity of many assets, some highly graded. We would also expect cumulative impacts from other proposals within the vicinity to be also included within this assessment. We recommend that our published guidance on the “Setting of Heritage Assets” is used in the preparation of this and for there to be sufficient information to judge the levels of harm to the significance of designated heritage assets. The assessment should include accurate visual analysis (AVR’s) to identify how the development will appear from important viewpoints to illustrate any levels of potential harm.

Recommendation

Historic England objects to this application without a full heritage impact assessment being provided to assess the potential impacts to designated heritage assets from the development. We do not think this application should be determined without this assessment being submitted.

Sussex Police: The design and layout and has created a development with dwellings that face outward onto the street layout, while this creates a good active frontage to the development it allows easy access to the rear of plots 27 – 52. SBD discourages public footpaths that run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. I therefore recommend the

removal of the proposed shared surface on the bund directly behind these plots. With respect to the proposed footpaths, SBD recommends a minimum width of 3 metres to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles.

The play area located adjacent to plot 26 does not have any natural surveillance from any overlooked nearby dwellings. The close proximity of the play area to plot 26 may impact upon the resident's amenity. I recommend it is enclosed with railings and a gate to create a dog free environment.

Consideration should be given to vehicle mitigation measures to prevent unauthorised parking on the grass verges of the bunds. This could take an aesthetic form of mitigation and consist of a small ditch or bund to prevent rogue parking.

South Downs National Park: Object. The northern edge of the site is located within close proximity of the boundary of the National Park along the A27, and next to the Shoreham flyover junction. In the wider context, to the south the river Adur, is a SSSI

The site, with the downland setting behind, can be seen from the listed toll bridge across the river Adur; this is one of many key public viewpoints that should be considered as part of the landscape and visual impact assessment of the scheme on the setting and special qualities of the South Downs National Park. With this in mind, the SDNPA are concerned that notwithstanding the existing road infrastructure of the A27 bypass, the proposed extended urbanisation at the density and layout proposed, close to the boundary of the National Park and close to the river Adur, would overall be detrimental to the open outlook and aspect from Mill Hill LNR / LWS and designated Open Access Land – with the aforementioned toll bridge and river valley setting in the back ground.

Due to the intersection of the A283, this site does not link to the main urban context of Shoreham, in this river valley location and appears somewhat detached from the main urban built form to the east. In this context, it is also considered that the layout of the proposed scheme lacks an essential significant landscape buffer around northern and western boundaries; the landscaped buffer should be of a significant depth and type that would protect and provide a natural and gradual transitional buffer to ensure that the built form would be well away from the river and the boundary of the National Park, in this semi-rural location; such a buffer would also reduce the visual impact of the scheme by a reduced density of built urban environment and improved layout.

Turning to the height of the proposed buildings, it is considered that 4 stories would be too high and would be visually dominant in this location; a maximum of three stories located on the east side of the site with smaller buildings to the north and west would, together with the above, reduce the impact of the development in this exposed river valley, and on the setting of the National Park; the combination of a significant landscape buffer and appropriately located building heights would also help to lessen the impact of the development on the users of the Downs Link cycle path and other footpaths along the riverside.

If the development is approved it would be appropriate to consider improvements to road safety and how the layout of the site can provide sustainable access by foot and

cycle in to the National Park, including where possible linking up with existing access in to the Park; there is a footpath directly opposite the site which is currently hard to access.

In addition, internal and any external lighting required in connection with this proposal would also have the potential to have significant effects on the dark skies of the National Park. In May 2016 the South Downs National Park became the world's newest International Dark Sky Reserve (IDSR). Therefore all development should include a full appraisal of both any internal and external lighting to consider what impact such may have on the dark skies of the National Park and if is appropriate and if so if/how it can be mitigated to meet the lighting standards of the Institute of Lighting Professionals (ILP) for this zone.

Finally, it was noted that the Red line of the submitted location plan shows the incorporation of Downs Link and Adur wall; perhaps this can be checked and clarified. In conclusion, for the reasons given the South Downs National Park Authority have serious concerns about this development and consider that as proposed the development would be detrimental to the setting and special qualities of the South Downs National Park.

Southern Water: Recommend condition – “Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

Environment Agency: No objections subject to conditions:

1. To be built in accordance with FRA, including finished floor levels or habitable above 5.6m AOD.
2. Not to be occupied until completion of Tidal Walls.
3. 8m wide maintenance buffer zone alongside flood defences to be provided.

The LPA must decide whether they are satisfied that the application demonstrates there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The Sequential Test is mentioned at section 3.2 of the submitted Flood Risk Assessment (FRA) (Ramboll ref. 61033777-ENV-R-05 Rev C, dated December 2016), but no evidence appears to have been submitted to demonstrate that an assessment of alternative sites has taken place.

We strongly recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

We advise that a pumping station as means of surface water disposal is not considered sustainable and not an option we would generally support. A management plan/ maintenance regime/ emergency plan would likely need to be implemented, particularly should breakdown occur.

[Work has commenced on the construction of the Tidal Wall bund as approved but the Environment Agency has stated that the applicants would be allowed to move the bund at their own expense].

West Sussex County Council as Local Lead Flood Authority: The proposed site is at low risk from surface water flooding although the land along the western boundary is shown to be at higher risk. The area of the proposed development is shown to be at high risk from ground water flooding based on the current mapping.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority.

Development shall not commence until full details of the maintenance and management of the SUDs system, including the SW pumping station, is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.

Natural England: No objection. Natural England is satisfied that there is not likely to be an adverse effect on the SSSI as a result of the proposal being carried out in strict accordance with the details of the application as submitted. The authority should consider securing measures to enhance the biodiversity of the site from the applicant.

Suggest that at the detailed design stage, precaution is taken to put in measures to see that the quality of the water entering the estuary does not deteriorate. It does however appear in the design proposal that these issues will be addressed. Within the design proposal green or 'sedum roofs' are referred to, they consider this an excellent way to deal with potential water concerns and would be happy to offer further advice on these so that they could benefit the Adur Estuary as well as the birds that habituate along its riparian corridor.

Representations

47 letters of objection have been received from numerous addresses in Shoreham:

- Site is unsuitable for development
- Close to River Adur and is on a flood plain
- Adverse impact on birds and other wildlife
- Steyning Road is already very busy and dangerous with fast traffic and large HGVs
- Queuing at Upper Shoreham Road A283 junction will worsen
- Steyning Road is gridlocked if there is an incident on surrounding roads
- Risk to highway safety
- Increased traffic and congestion
- Increased noise
- Increased air pollution – pollution levels are already high from flyover and Steyning Road traffic
- Flood risk caused by increased hard surfacing
- Inadequate infrastructure to serve new dwellings
- Adverse impact on character of the area and views from old Tollbridge and riverside walk (Downs Link)
- Lack of local shopping facilities – local shop recently closed
- Inadequate parking provided
- Overdevelopment and too high density
- Height of buildings is inappropriate
- Overbearing and out of scale
- Unattractive industrial, box design, out of character and harmful to views as one approaches Shoreham
- Should be no more than 2 storeys high and be of more traditional character
- Harmful impact on setting of Old Shoreham Conservation Area, National Park, St Nicholas Church
- Will be an incongruous eyesore
- Water comes up through ground and floods this area. It will be trapped behind flood wall.
- Noise levels for future residents will be high
- No safe pedestrian access to this site, i.e. no pavements, lights
- Lack of pedestrian crossing across A283
- Doubt that sewage infrastructure can cope
- Loss of green field
- Adverse impact on property values
- Layout could create crime risks
- Increases sprawl of Shoreham beyond existing boundaries
- How will this enhance Shoreham, or maintain its character and healthy environment

Relevant Planning Policies and Guidance

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AC1, AC4, AB11, AB16 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.2 'Space Around New Dwellings and Flats'

Submission Adur Local Plan (2016) Policies 1, 2, 3, 11, 13, 15, 16, 17, 21, 22, 35
National Planning Policy Framework (March 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application 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 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Policy Background and 5 Year Housing Land Supply

Paragraph 14 of the NPPF states that Local Plans should meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This paragraph makes it clear that local planning authorities should plan positively to meet the development needs of their area and should meet objectively assessed needs unless there are significant adverse impacts of doing so.

The Core Planning Principles set out in paragraph 17 of the National Planning Policy Framework (NPPF) include the need to: “take account of the different roles and character of different areas.”

Paragraph 151 of the NPPF states that Local Plans should be prepared with the objective of contributing to the achievement of sustainable development. The NPPF’s definition of sustainable development has three dimensions: economic, social and environmental. The approach of seeking to achieve a balance between meeting needs for development and seeking to manage land uses outside the Built Up Area Boundary, the protection and enhancement of countryside and landscape character within the Adur Local Plan area (as reflected in the emerging Adur Local Plan) is consistent with this definition.

Chapter 12 of the NPPF addresses the historic environment, including the desirability of new development making a positive contribution to local character and distinctiveness.

The development plan currently consists of the saved policies of the Adur Local Plan, adopted in 1996, together with the emerging Adur Local Plan, the latest iteration of which is the ‘Submission Adur Local Plan (2016)’. This was submitted in October 2016 and hearings were held 31st Jan – 8th Feb 2017. Following this, Main Modifications were published for a six week consultation period commencing 15th June 2017. As a result, the Submission Adur Local Plan 2016 should be read in conjunction with the

Main Modifications. The Inspector's Final report is anticipated in late summer this year, and it is anticipated that the Plan will be adopted later in 2017.

As defined by the Adur Local Plan 1996, the site lies outside of the Built Up Area Boundary (AG1) within the countryside (AC1) and Lancing - Shoreham-by-Sea Strategic Gap (AC4).

With regards to the emerging Adur Local Plan, the Submission Adur Local Plan 2016 had designated the site as both countryside and Local Gap. However, modifications proposed by the Council in response to a request by the Inspector and now incorporated into Main Modifications published for consultation on 15th June 2017 (MM28), amends the Local Green Gap between Lancing/Sompting and Shoreham, thus excluding this site. As a result Policy 14 of the emerging Adur Local Plan will not be applied in this case. However, the site remains in the countryside (and Policy 13 applies).

In the context of this policy background, the proposed development would be in conflict with a number of planning policies.

The site lies outside of the Built-Up Area Boundary and does not comply with the other policies referred to; therefore the principle of development in this location is not compatible with Saved Policy AG1. As with Policy 13 of the emerging Adur Local Plan, this proposal is also not consistent with the appropriate countryside activities indicated in Saved Policy AC1 (criterion a) and it therefore conflicts with this policy.

Saved policy AB11 states that new development, or its design and materials, should not affect the setting of a listed building.

Saved policy AB16 states that: "in order to protect and enhance the important amenity value of the River Adur, development which adversely affects views along and across it between Surry Hard and the A27 will not be permitted."

Policy 2 of the emerging Local Plan sets out the approach to the delivery of development in Adur up to 2032 and guides development to the most appropriate (sustainable) locations. Greenfield sites appropriate for development are listed; this site is not one of them, and therefore conflicts with this policy.

Policy 3 sets out the amount of new homes to be delivered in Adur up to 2032. Adur cannot meet its objectively assessed need figure of 6,825 dwellings over the Plan period (325 per annum) and the Policy proposes a capacity based delivery target of 3718 dwellings up to 2032 (177 per annum). The Inspector has not proposed a modification to this figure and it can be assumed that the approach of the Adur Local Plan with regard to housing delivery has been accepted as sound.

With regard to 5 year housing land supply, the Planning and Heritage Statement submitted with the application was prepared by the applicant's planning consultants prior to the Local Plan examination held in January 2017. The conclusions in this document were based on the assumption that Adur cannot meet its full objectively assessed need figure of 6,825 dwellings up to 2032 and does not have a five year

housing land supply. Evidence submitted to the Local Plan examination within the Housing Implementation Strategy 2016 identifies a supply of sites which are considered deliverable and developable within the five year timeframe 2016-2021. The housing trajectory demonstrates that the housing supply is sufficient to meet (and exceed) targets for this five year period with 6.1 year supply of deliverable sites (including a 5% buffer as required by the NPPF. In calculating the five year housing land supply, the Sedgefield approach was used in accordance with the NPPF).

Notwithstanding the fundamental objection in principle to the development of this site for housing, there are a number of other relevant policies which support a refusal of this application.

Policy 11 is a 'place-based' policy for Shoreham-by-Sea. It states:

"...The setting of the River Adur will be protected and opportunities taken through new development and other measures to improve public access to and along the river (where consistent with this aim) and open up views to it. New development adjacent to the river must respect its location and character. Sites on the waterfront will provide new and improved access to the water including a new waterside cycle and walkway, and slipways where appropriate, in conjunction with flood defence works where necessary..."

It is considered that this development would have an adverse impact on the setting of the River Adur in that it does not take account of its countryside location or character (and will not open up views - in fact is likely to have the opposite effect) and therefore does not comply with this policy.

Policy 13 relates to Adur's Coast and Countryside. It states:

"Outside of the Built Up Area Boundary, development will only be permitted where the need for a countryside location is essential; it is for quiet informal recreation or the essential needs of agriculture or horticulture, flood management, or is otherwise consistent with this Local Plan (or subsequent DPDs)...The landscape character of Adur and other areas of countryside, the coast, river, and settlement pattern will be protected and where possible enhanced. Any development or activities within the countryside must respect and where appropriate reinforce the distinctiveness and sense of place of the above areas, taking into account the various elements which contribute to their distinctiveness such as geology and landform, biodiversity, scenic quality, strategic views, tree cover, settlement patterns, heritage and local vernacular, and land use. The setting of the South Downs National Park must be respected..." (Submission Adur Local Plan 2016).

The Inspector's Preliminary Findings recommended the following Main Modification 27

"Any development or activities within the countryside must respect and where appropriate reinforce the setting, distinctiveness and sense of place of the above areas."

The proposed residential use does not 'require' a countryside location, and does not comply with the requirements for uses appropriate to the countryside. Furthermore it is considered that the proposals would have an adverse impact on the landscape character of the countryside and river, and fail to reinforce the setting. It is also not considered to respect the setting of the South Downs National Park. This issue is discussed in more detail in the next section.

Policy 15 relates to Quality of the Built Environment and Public Realm and requires that:

- Development should be of a high architectural quality and respect and enhance the character of the site and the prevailing character of the area...
- Make a positive contribution to the sense of place, local character and distinctiveness of the area...
- Respect the existing natural features.

This application is in outline only and so, were the application to be considered acceptable in principle, these matters would need to be taken account of in any subsequent reserved matters application.

Policies 16 and 17 seek to conserve and enhance the historic environment and character of Adur, including the setting of any heritage assets. Where a proposed development would lead to substantial harm to, or total loss of a designated heritage asset, this will not be permitted unless there are compelling circumstances.

For the reasons stated above, there are considered to be strong policy objections to the development of this site for residential purposes.

Landscape Impact

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). It states that the wider landscape around the site is highly valued, which is reflected in the National Park designation and the ecological and visual sensitivity of the River Adur. This value is offset, however, by the presence of the elevated A27 flyover, buildings at the Ricardo Technical Centre, and the airport.

The applicants consider the site's landscape sensitivity to change to be low due to its existing use as grazing land with stables but its edges, particularly southern and western boundaries, are considered to be moderate due to their proximity to the river, exposure to views from the National Park and proximity to the Conservation Area and Listed church. The part of the Conservation Area closest to the site has a high sensitivity to change.

The most visually sensitive boundaries are identified as being the north and west due to the more open nature of the landscape and the setting of the river. The site lies on lower ground than the Downs Link path to the west and the LVIA considers that the site is visually contained by the path and associated vegetation to the west. The LVIA considers that proposed landscape mitigation proposals, such as the Tidal Walls earth bund and new planting, will improve screening to the north and east.

With regard to the impact on views from the Downs Link, the LVIA concludes that users of the Link will be primarily focused on the river and that the visual impact of the proposal will be limited by new planting.

With regard to impact on the Conservation Area, the applicants argue that the development would have a “moderate but beneficial” impact as it would create “a more sympathetic setting for the Conservation Area enabling more accord with the river.”

In longer distance views, such as from Mill Hill, the LVIA suggests that views of the Church will remain unobstructed while the development will be seen as a small component in the context of the existing built form. The A27 and Ricardo buildings are considered to dominate views.

The applicants argue that “sympathetic building materials, boundary treatments, siting and orientation of buildings to ensure permeability through the site (as shown illustratively on the indicative layout plan) will satisfactorily mitigate the impact of the proposed development. It is considered that the overall effect of the proposed development is entirely within acceptable norms.”

The County Landscape Architect disagrees with these conclusions. He considers that the site currently benefits those using Steyning Road, Shoreham Tollbridge and the Downs Link as it *“provides a setting to the River Adur, the wider river corridor and the countryside; it is experienced outside the urban edge of Shoreham and represents the nearest bit of undeveloped land.”*

He acknowledges that *“the landscape quality of the application site has been downgraded in the assessment due to its current use [as grazing land for horses]”* but goes on to state that *“this is not a permanent state and could easily change over a short period of time. Land beyond the urban edge of settlements is often influenced by these types of lands uses. The development of the site into a residential area would be an irreversible and permanent change.”*

He acknowledges that peripheral views of the site are possible from the Downs Link but that the River Adur, and views towards Mill Hill and the South Downs National Park are more prominent. However, from the Old Shoreham Tollbridge open views across the water are provided along the whole length of this listed structure. He notes that *“it is a location that is used by transitory users (mostly cyclist and walkers) and also as a destination by those using it as a giant viewing platform.”*

With regard to the Old Shoreham Conservation Area, the view north along Steyning Road and out across the application site is identified in the conservation area report map as an important view.

He expresses concern that *“over half of the planting used for mitigation of the proposed development, from the Downs Link, is not owned or under the control/management of the applicant. The degree of mitigation and therefore the impact of a finished scheme is reliant on other landowners and how they choose to manage their estate.”*

While in outline only, the height of buildings and acoustic barriers is a concern as they will increase the visual impact of the development. In particular the height of the buildings is likely to be greater than the existing mitigation planting, where it exists.

Little is shown in terms of landscape mitigation. The illustrative design for the southern end of the site does not have space to accommodate substantial planting. This design seeks to recreate the existing buffer with the Downs Link to the north but this is unlikely to be sufficient for winter views.

He has challenged the LVIA in its assessment of the visual impacts upon Old Shoreham Conservation Area, St. Nicolas Church, the Downs Link, Shoreham Tollbridge, Valentine Close and Steyning Road.

He advises: *“the proposed mitigation measure seems to focus on the buildings, rather than seeking to integrate the development, they seek to create a new character for this area. This is certainly a valid approach where sites are not inherently valued or contributing to their context, however I would challenge that view for this site.*

The scale, massing and layout of the proposed buildings have not been altered to fit with the context of the site. Additional mitigation measures to integrate and connect the proposals to the surroundings are not evident. Overreliance on the mitigation effects of land outside the ownership and control of the applicant.”

The South Downs National Park Authority has also objected on landscape grounds. It advises that, *“notwithstanding the existing road infrastructure of the A27 bypass, the proposed extended urbanisation at the density and layout proposed, close to the boundary of the National Park and close to the river Adur, would overall be detrimental to the open outlook and aspect from Mill Hill LNR / LWS and designated Open Access Land – with the aforementioned toll bridge and river valley setting in the back ground.”*

The scheme is considered to lack an essential significant landscape buffer around northern and western boundaries which *“should be of a significant depth and type that would protect and provide a natural and gradual transitional buffer to ensure that the built form would be well away from the river and the boundary of the National Park.”*

Your officers agree with the concerns of the County Landscape Architect and National Park Officers and consider that the site makes a particularly strong contribution to the landscape setting of the River Adur and as a ‘gateway’ to the north of Shoreham. The concentration of nationally important designations within the immediate landscape context of the site provide additional evidence for the relatively high value of this local landscape; the wetland habitats within the River Adur corridor are nationally designated for their biodiversity value and the cluster of historic buildings within the Old Shoreham Conservation Area is centred on the Grade 1 listed Church of St Nicolas and the historic tollbridge, which are inherently related to the River Adur at this historic river crossing point.

The Council commissioned an Assessment of Landscape Sensitivity for the Adur Local Plan Area (Sheils Flynn 2016). It found that the landscape of this relatively small landscape character area is vulnerable to change because:

- it is part of the landscape setting for the complex of historic riverside buildings within the Old Shoreham Conservation Area, including the parish church of St Nicolas (Grade 1 listed) and the Shoreham Tollbridge (Grade II* listed);
- this part of the River Adur corridor, where the River Adur cuts through the southern ridge of the South Downs, contributes to the landscape setting of the South Downs National Park, a nationally important landscape;
- it is an important component of the landscape setting of the River Adur and forms the foreground to, and gateway views from, the A27 and A27/A283 junction at the point where the river meets the South Downs. It is a significant part of the sequence of views and spaces on the northern edge of Shoreham and, at a gateway strategic scale, is a component of the wider landscape setting of Lancing

It is therefore considered that this development would have an adverse impact on the setting of the River Adur in conflict with Policy 11.

Despite being at outline stage, where final design of buildings is not for consideration, there is no justification in principle for allowing development of this site. Clearly the proposed residential use does not 'require' a countryside location, and does not comply with the requirements for uses appropriate to the countryside. Furthermore it is considered that the proposals would have an adverse impact on the landscape character of the countryside and river, and fail to reinforce its setting. Furthermore it is not considered to respect the setting of the SDNP. The site is located at one of the principal gateways to the South Downs National Park (SDNP). It is located alongside the road and public right of way used by local communities from the urban areas along the coast to access the SDNP and so constitutes an important component of the National Park's landscape setting.

The site forms part of the landscape setting of the town of Shoreham-by-Sea and is located alongside one of the principal gateways to the town (by car) from the north and on foot/by bike from the west and south. The undeveloped land within the Shoreham Gateway site extends the open landscape across the river and further eastwards from Lancing, giving a more open feel than would arise if development abutted the river.

The retention of this land as undeveloped countryside, with an open, pastoral character, would enhance the landscape setting of the River Adur, contributing to the visual continuity provided by the river channel and the pastures alongside as the river passes beneath the A27 bridge structures and the perceived 'green river valley link' between the Downs and coastal plain. Importantly, retention of this open area of countryside would provide a natural landscape setting to the settlement of Old Shoreham.

It is considered that development of the proposed site would have the following impacts:

- Degradation of the distinctive rural character and landscape setting of the River Adur valley at a strategic, gateway location

- Degradation of the landscape setting of Shoreham as experienced in the gateway approach to the town from the A27/A283 from the north.

The proposal is therefore in conflict with Policy 13 of the emerging Local Plan.

Design, Scale, Density, Mix and Massing

These matters are all reserved for future consideration. However, the illustrative information submitted with the application demonstrates that the design, height and form of the proposed dwellings would be unsympathetic, inappropriate and out of character with its riverside setting and its setting on the edge of the Conservation Area. It would be out of scale with existing residential development to the south and east and would have a greater density.

The three to four storey buildings proposed would conflict with what generally two-storey development is surrounding the historic church. Furthermore the proposed development (as illustrated) would adversely impact on views of the Church, reducing any views to 'glimpses' between the tall unsympathetically- designed buildings.

Policy 21 of the Local Plan requires new residential development to incorporate a range of dwelling types, tenures and sizes that reflect and respond to Adur's identified housing needs and demands.

The preferred mix (based on evidence from the Objectively Assessed Housing Need Update 2016) is:

1 bed 5-10%
 2 bed 40-45%
 3 bed 40-45%
 4 bed 5-10%

The current outline application proposes the majority of the dwellings to be 3 bed houses which equates to the following mix:

1 bed 4 units	11%
2 bed 4 units	11%
3 bed 28 units	77%

Should this form of development be considered appropriate in this location then the proposed mix should be amended to more closely reflect the housing need, with a more even split between the 2 and 3 bed dwellings.

Affordable Housing

The Council's Strategy and Development Manager has based his comments on the Housing Strategy requirement for a tenure split of 60/40 rented/intermediate housing. The Submission Local Plan has a preferred mix of 75% social/affordable rented and 25% intermediate housing. This has not been subject to any modification and will be reflected in the emerging Housing Strategy. The Strategy and Development

Manager has advised that he is happy that the mix required should be 12 rented and 4 intermediate dwellings.

It is not possible to comment on the unit sizes at this stage and the mix of market housing will need to be discussed should this application progress.

Impact on heritage assets

The application is accompanied by a Heritage Statement. It identifies The Old Shoreham Conservation Area, which contains a number of listed buildings including the Grade I listed Church of St Nicholas, and the Grade II* listed Old Shoreham Bridge as being heritage assets within the immediate vicinity of the site. There are also assets at further distance, such as Lancing College and Shoreham Airport buildings. However, the Statement makes little attempt at assessing in any detail the impact of the proposed development on these heritage assets, instead suggesting that further assessments be carried out in tandem with the preparation of the final layout, landscaping and appearance of the development.

Historic England has objected to this approach Historic England and advises that the application should not be determined until a full heritage impact assessment has been provided.

Their initial view is that the proposal would be likely to have harmful impacts on a number of heritage assets. They consider that *“there remains a great sense of an open landscape where important views are possible and historic connections can be made between assets themselves, and their landscape setting.”*

However, without a full and proper analysis of the impacts of the proposal on the significance of heritage assets the application falls short of what would normally be required.

It should be remembered that the application is in outline only with scale, layout, appearance and landscaping all reserved for future consideration. In this respect it is not possible to carry out a specific analysis of the impacts of the development on heritage assets. However, at the scale and density proposed in the illustrative material, it is likely that the development will have a substantial visual impact which would be harmful to the landscape character of the area and would detract from the setting of the Conservation Area, the Listed Church and Tollbridge.

As such the development would fail to meet the requirements of policy 16 and 17 and paragraphs 126-141 of the NPPF which seeks to conserve and enhance the historic environment.

Residential amenity for proposed occupiers and impact of road traffic noise

The application is accompanied by a Noise Impact Assessment which considers the suitability of the proposed site for residential development given its proximity to the A27 and the resulting road traffic noise. The measurements and predictions of traffic noise from the survey indicate that daytime noise levels are likely to be up to 70dB

close to Steyning Road and 65dB along the western (river) site boundary. The inner parts of the development are predicted to have noise levels of 60dB.

The Assessment suggests that enhanced window glazing and building ventilation will be required for most dwellings.

The draft layout has been designed to maximise noise screening to the garden areas of the houses, with 2.5m and 3.5m high noise barriers proposed to be provided to certain garden areas. The Assessment predicts that most of the gardens would experience noise levels below the criterion of 55 db but those gardens nearest to Steyning Road would experience levels up to 60dB. A few properties closest to Steyning Road and the A27 on the north side of the development are predicted to exceed the target noise level in gardens.

The Council's Environmental Health Officer considers that there could be an under reporting of the night time noise levels and advises that there is insufficient information for him to be able to make a judgement on whether noise mitigation is sufficient

He has therefore requested that further baseline noise monitoring is undertaken to establish what the maximum noise levels are, particularly along the building line near to the flyover.

With regards the actual acoustic design of the development, he has advised that noise barriers would be better placed along the A27 itself to control the source of the noise, rather than within gardens.

He is also concerned that the design of the development relies solely on acoustically sealing the dwellings to achieve internal noise guidelines for the habitable rooms. This combined with the proximity of some of the homes to the A27 and associated traffic pollution is a concern. He also advises that further separation by distance of the homes from the A27 because of the impact of noise and pollution, the impact of the latter has yet to be quantified, is recommended.

It is clear therefore that there are legitimate concerns about the impact of traffic noise on the amenity of future residents and that insufficient information has been provided by the applicants to allay these concerns to date.

Transport, accessibility and parking

The applicant's Planning Statement advises that:

"In terms of vehicular access there is an existing point of entry from the A283 Steyning Road which is proposed to be upgraded to provide a widened bell mouth and necessary visibility splays of 120m in both directions. These visibility splays will be compliant with the Design Manual for Roads and Bridges. Additionally, two pedestrian access points are proposed along the western boundary to provide access to the raised footway and cycle network on the attenuation bund."

The means of vehicular access is not reserved and is therefore to be considered as part of this application. Two pedestrian points of access onto the Downs Link are also proposed at either end of the development. In addition, it is proposed to provide a pedestrian and cycle connection from Steyning Road to the Downs Link on the top of the flood defence. The flood defence bund will link into the A283 Steyning Road which is to be raised to achieve a crest level of 5.00m AOD.

The application is also accompanied by a Transport Assessment (TA). It estimates potential vehicular trip generation arising from this proposal. The recognised peak of 08.00-09.00 and 17.00-18.00 has been used, and the trip rate generated provides a realistic indication of likely trip generation from the new dwellings. It suggests that there will be 22 two way movements in the morning and 27 during the evening peak hours. The TA concludes that the traffic impacts of the proposed development upon the local highway network will be *“insignificant.”*

While the roundabouts at the junctions of the A283 and Upper Shoreham Road and the A283/A27 are known to regularly suffer from queuing traffic and congestion and are acknowledged to be operating at over capacity, the TA concludes that the local highway network will continue to suffer *“unacceptable junction performance.... with or without the proposed development.”*

West Sussex County Council Highways advises that *“This proposal would not trigger the 30 vehicle movement threshold to warrant formal junction assessments. It is recognised that this proposal would give rise to a more intensive use of Steyning Road; however, this proposal is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework. An ARCADY assessment has been undertaken, while this has not been reviewed in detail, given previous comments about thresholds the exercise does demonstrate that the operation does have minimal impact on the operation of the junction.”*

With regard to sustainable means of transport, WSCC advises that *“there is currently no pedestrian footway adjacent to the site along Steyning Road. There is a footway on the eastern verge of Steyning Road opposite the current site access which provides pedestrian facilities for the houses fronting Steyning Road (Valentine Close), but this footway discontinues to the south where the houses stop. The footway continues on the western (opposite) side of Steyning Road (the development site side) providing pedestrian facilities for the houses to the south of the proposed development site, and this footway continues to the Steyning Road/Old Shoreham Road roundabout which links the southern end of Steyning Road and the development site to the edge of Shoreham and the local bus stops.”*

They acknowledge that *“there is a limited range of services and facilities within the immediate vicinity”* although other services are available are *“within reasonable walking and cycling distance of the development when assessed against current guidance for the provision of journeys on foot. Opportunities to travel by passenger transport are limited.”*

Local bus services can be accessed from the A283 Steyning Road, Old Shoreham Road, Upper Shoreham Road and Connaught Avenue. The nearest bus stops to the proposed site are located on A283 Steyning Road. The southbound stop is located within 180m of site adjacent to the Red Lion pub just north of the A283 Steyning Road/Old Shoreham Road junction and the northbound stop is located within 250m of site to the south of A283 Steyning Road/Old Shoreham Road junction.

There is no dedicated cycle infrastructure or off road cycle routes located along this section of Steyning Road or to the south into Shoreham town centre and journeys by bicycle are not likely to be attractive to future residents.

Shoreham-by-Sea railway station is located approximately 1.4 km southeast of the proposed development site. It is within 20 minutes walking distance from the site, or accessible by bus from one of the local bus stops on.

WSCC consider that the site *“is located within a reasonable walking distance of the village store and passenger transport infrastructure.”* The village store on Upper Shoreham Road has recently closed however. WSCC conclude that *“residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips”* and that *“the Planning Authority should give suitable consideration to and consider on balance the matters of sustainable access along with other associated matters in deciding this proposal.”*

It is clear that the site is not within a particularly sustainable location, being on the edge of Shoreham, fronting a busy road with poor footpath access from Steyning Road. Local services are limited and residents of the development will be reliant on the private car for the majority of trips. While there will be access provided to the Downs Link, overall the site is not considered to be in a sustainable location.

Air Quality

The application is accompanied by an Air Quality Statement. It identifies that the site is not located in an Air Quality Management Area (AQMA) and concludes that the proposed development would not lead to a harmful increase in nitrogen dioxide (NO₂) or particulate matter (PM₁₀) or cause adverse impacts upon other areas of Shoreham which are within AQMAs.

However, the Council's Environmental Health Officer (Air Quality) considers that the methodology used by the applicant's consultants is flawed. In particular, the assessment does not take into account the cumulative impacts arising from other developments planned for the area during the Local Plan period. The consultants have also not followed the Air Quality & Emissions Mitigation Guidance for Sussex (2013).

They have responded by stating that they expected that planning conditions would be imposed requiring a full Air Quality Assessment to be undertaken rather than to provide it at this stage.

However, without a full assessment it is not possible to conclude whether the development would be acceptable in air quality terms.

Flood risk and amendment to Tidal Walls scheme

The application is accompanied by a Flood Risk Assessment. It identified that the site lies within Flood Zone 3a where there is a high probability of flooding. The application is proposing to realign the tidal walls flood embankment from its approved position to enable the development to take place at the scale proposed. However, work has already commenced on the flood defences and there is some doubt as to whether the application, if approved, would be built as submitted. The Environment Agency has advised that they are not prepared to relocate the embankment but would allow the developers to move it at their own expense. Following completion of the Tidal Walls scheme, the site would be classified as having a medium probability of flooding and would therefore be more suitable for residential development in flood risk terms, subject to meeting the Sequential and Exception Tests as set out in the NPPF.

With regard to surface water runoff, the application is proposing to discharge runoff to the River Adur via a pumping station. The Council's Engineer has expressed concerns with his approach, particularly if the pumping station fails. He also considers that further ground water level monitoring is needed, which should be directly linked to tidal water level data, to confirm if the site is affected by tidally affected river flows.

The Environment Agency has also expressed concern at the use of a pumping station. However they have not objected to the proposal subject to conditions, primarily relating to the construction and completion of the Tidal Walls. Finished floor levels of habitable rooms should also be above 5.6m AOD.

However, the scheme fails the Sequential Test as set out in the NPPF which seeks to direct new development to areas at lower risk of flooding. It also fails the Exception Test as there are other sites which are less constrained and more readily developable than this site. This is borne out by the recent Inspector's Report into the Adur Local Plan which has excluded this site from inclusion in the Plan.

Contaminated land

The Contaminated Land and Water Quality Statement submitted with the application states that the site was formerly a salt marsh with a pumping station in the southern part of the site. The Downs Link was formerly a railway line.

The Statement recommends that ground investigation is required plus remediation measures. The Council's Contaminated Land Officer concurs and has recommended that the full contaminated land condition is imposed should permission be granted.

Ecology and biodiversity

The applicants have carried out a Phase 1 Habitat Survey. The Adur Estuary SSSI is 20m from the western boundary of the site. The site itself however comprises "*poor semi-improved grassland that was heavily overgrazed (by horses) with little to no sward present.*" No amphibian or reptile species were observed. The site offers little to support other species, although the hedgerow on the western and southern

boundaries do provide habitat to support nesting birds and habitats east and west of the site could support bat foraging.

Overall, the habitat is poor and any new development should include wildlife friendly gardens and roosting habitats for bats. Lighting should be kept to minimum, particularly along the south and west hedgerows. Any hedgerows lost during construction works associated with the Shoreham Adur Tidal Walls project in the north western portion of the site should be reinstated with appropriate species.

Proposed realignment of the Adur Tidal Wall flood defence scheme as an amendment to that approved under reference AWDM/1614/15 and addendum to the original Environmental Statement

As the application proposes an amendment to the approved position of the Tidal Wall across the site, an addendum to the original Environmental Statement (ES) submitted with application reference AWDM/1614/15 has been prepared. The application is proposing an amendment to the approved alignment within a small section at the most northerly point of section E3 of the Adur Tidal Wall Scheme (ATWS). The amendment will involve the tidal wall running approximately 95m further north along the course of the River Adur before curving south east around the edge of the application site.

The approved bund, under construction, is 104m long. The proposed additional riverside bund will be 122m long with a 190m long bund across the site. This equates to a net increase of 208m from the original planned alignment. Additional vegetation will need to be removed and replanted. Such areas will need to be checked by an ecologist prior to clearance.

The ES concludes that:

“the overall impacts of the proposed amendment to the Shoreham Adur Tidal Wall alignment are considered to be negligible. Slight increases in impacts on air quality, nature conservation, water environment and material assets are anticipated, however to a negligible degree due to the small scale of the works when compared with the overall scale of the ATWS project and the recommended mitigation measures. A small enhancement in socioeconomics is anticipated and the other disciplines assessed are anticipated to show no variance in impact.

The realigned route of the flood wall represents a minor change with any impacts being very similar to the current proposals as assessed in the ES. The overall impact assessment and mitigation measures set out in the Shoreham Adur Tidal Wall ES remain valid and applicable to the proposed route amendment.”

Notwithstanding the conclusions of the ES, the revised alignment will move the wall further to the north and will change its form to a more curved design, with an increase in length of 208m. It is considered that the increased length and curve of the wall has the potential to have a greater visual impact than the approved design. However, consideration of the merits of this part of the application are considered to be premature as the principle of allowing the residential development which will

necessitate the realignment of the tidal wall has not been established and, indeed, that part of the application is recommended for refusal.

Furthermore, there is doubt as to whether the wall as shown on the submitted plans will be built as the Environment Agency has stated that it will only carry out the realignment at the developer's expense. The applicant has been requested to clarify whether they can meet the full cost of realigning the wall without impacting on scheme viability and the applicant's ability to meet development contributions and/or affordable housing requirements.

Recommendation

A. REFUSE Outline planning permission for the erection of up to 52 no. dwellings (including the provision of 30% on-site affordable housing), internal roads and parking, informal open space and landscaping together with an enlarged vehicular access on the south-eastern side of the site onto Steyning Road (all matters reserved apart from the access) for the following reasons:-

1. The site lies outside of the built up area boundary and is within the countryside where development will only be permitted where the need for a countryside location is essential. No overriding need for the provision of housing on this site has been successfully demonstrated. The proposal therefore represents an unsustainable form of development and conflicts with saved policy AC1 of the Adur District Local Plan, Policies 1, 2, 3 and 13 of the Submission Adur Local Plan and the relevant paragraphs of the NPPF.
2. The proposal would have a detrimental impact on the landscape character and appearance of the site and on the wider area, the gateway setting of Shoreham, its riverside setting and the setting of the Conservation Area and the Listed Buildings within it. The proposed development therefore conflicts with saved policies AB11 and AB16 of the Adur District Local Plan, policies 11, 13, 15, 16, 17 of the Submission Adur Local Plan and the relevant paragraphs of the NPPF
3. It has not been adequately demonstrated that the proposed development would not result in harm to future residents through unacceptable noise disturbance as a result of the site's proximity to the A27 flyover or that any impacts could be successfully overcome. The proposal therefore conflicts with policies 15 and 35 of the Submission Adur Local Plan and the relevant paragraphs of the NPPF.
4. It has not been adequately demonstrated that the proposed development would not have an adverse impact on air quality or that any impacts could be successfully overcome. The proposal therefore conflicts with policy 35 of the Submission Adur Local Plan and the relevant paragraphs of the NPPF.

B. REFUSE Proposed realignment of the Adur Tidal Wall flood defence scheme as an amendment to that approved under reference AWDM/1614/15 for the following reason:

1. The proposed realignment of the flood defences will result in a greater length of bund which will have a more significant visual impact to the detriment of the character and appearance of the site. The need to realign the flood defences in the manner proposed has not been adequately demonstrated and it would therefore be premature to approve such changes until the need has been proven. The proposal would therefore conflict with saved policy AC1 of the Adur District Local Plan, policies 11, 13 of the Submission Adur Local Plan and the relevant paragraphs of the NPPF

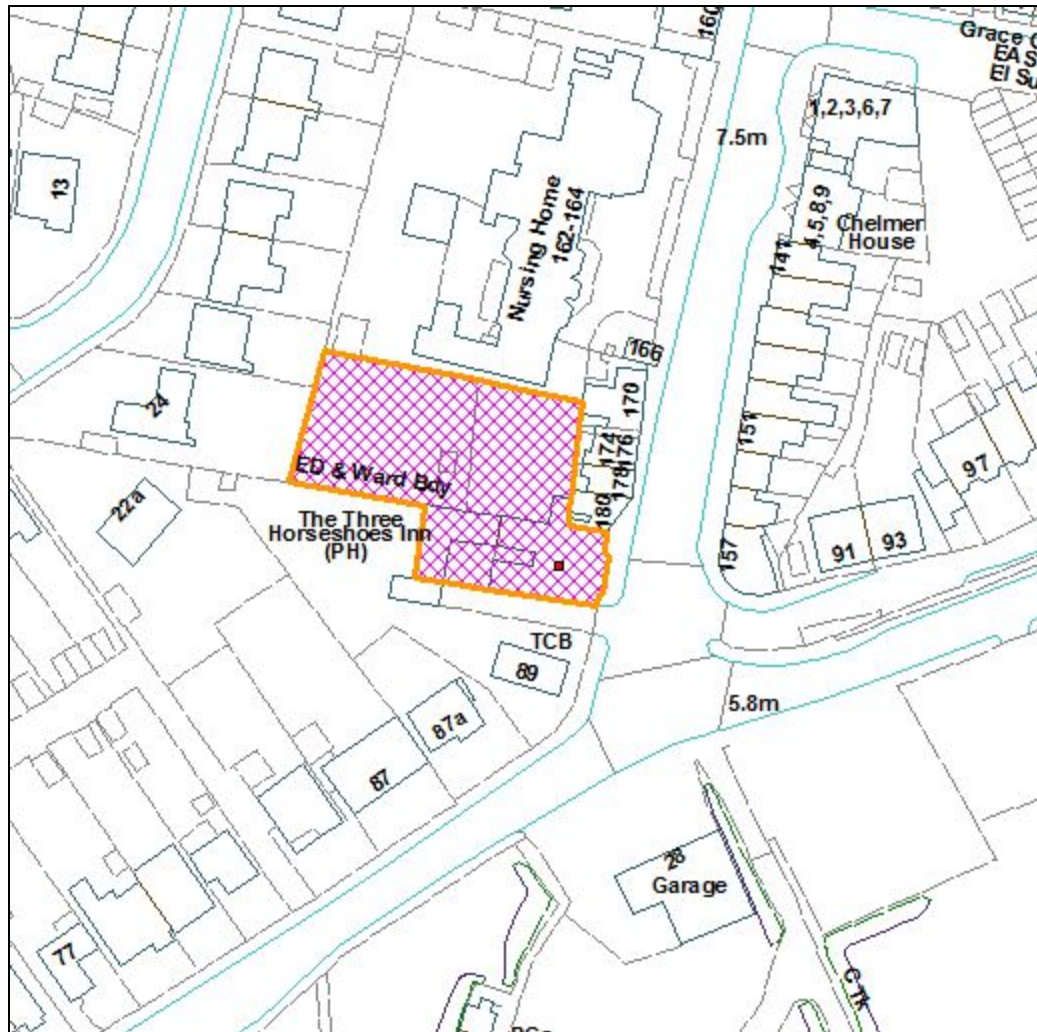
24th July 2017

Application Number: AWDM/0721/17 Recommendation – APPROVE

Site: The New Sussex Hotel, 182 South Street, Lancing

Proposal: Extension and re-configure new accommodation to rear of existing hotel to include a new function room, conference room and new enlarged kitchen with 11 new hotel rooms over first and second floors. No hotel parking is accommodated on site. Proposed on site 3-bedroom family home for the applicants to the west (rear) of the hotel with parking provision for two cars (amended re-submission of AWDM/1804/16).

Applicant: Mr & Mrs Andrew & Fiona Kempa Ward: Churchill
Case Officer: Peter Barnett



Not to Scale

Proposal, Site and Surroundings

The application relates to a 3 storey hotel at the south end of South Street close to the roundabout junction with Brighton Road. It is proposed to increase the accommodation and facilities at the hotel with a three storey extension at the rear, replacing existing single storey outbuildings. Also proposed is a ground floor extension to form a function room, a separate gym/conference room with glazed link to the hotel plus a new single storey dwelling for the manager's family.

The extensions will result in an additional 11 hotel rooms (19 in total) plus a lift to ensure most of the rooms are accessible.

3 storey rear extension

This is proposed at the rear of the hotel and has been designed with three pitched roof elements to help break up the massing, with a flat roofed link to the existing building. The largest element is closest to the existing building and is just below the main ridge in height. The two smaller elements towards the rear are marginally lower in height in an attempt to provide some subservience.

A number of windows in the southern elevation have been designed to not face south. They are to be screened by metal projecting 'boxes' which direct views to the front and rear only.

Function Room

This is to be to the north side of the new rear extension and is to be single storey but with a central 'conical' roof feature.

Gym/Conference Building

This is to stand alone within the existing garden on the north and east boundaries. It will be linked to the hotel and function room by way of a new glazed walkway. It will be single storey and flat roofed.

New Dwelling

This will be at the west end of the hotel garden on the boundary with bungalows in Chester Avenue. It will be single storey in a contemporary style.

Vehicular access to the dwelling will be formed via an existing shared driveway to the south. There will be no parking for hotel customers, as is currently the case.

Demolition of outbuildings

The application is accompanied by a structural report on the integrity of the outbuildings, which appear to have some historic interest. The report states that "the

roof was noted to be in a potentially dangerous condition and at high risk of failure under heavy wind or snow loadings. Multiple defects were also noted in other parts of the structure, including suspected differential foundation movement or subsidence, movement of the external walls out of plumb and extensive dampness through the solid external walls and floors.”

It concludes that “the structure is not fit for purpose and is currently in a potentially unsafe condition. The structure should not be used for habitable purposes or activities related to the hotel.”

Relevant Planning History

ADC/0345/10 - Change of use from public house/restaurant with incidental staff accommodation and storage to hotel, restaurant and bar with alterations including rear dormer and front rooflights to main building and conversion of rear storage buildings to hotel bedrooms – approved

AWDM/1804/16 - Extension and re-configure new accommodation to rear of existing hotel to include a new function room and conference garden studio and new enlarged kitchen with 10 new hotel rooms over first and second floors. Two additional ground floor accessible hotel rooms facing rear garden. No hotel parking is accommodated. Proposed on site 3 bedroom family home to the west (rear) of the hotel with parking provision – withdrawn

Consultations

West Sussex County Council: The **Highway** Officer advises that whilst the Local Highway Authority (LHA) would have no significant concerns with the principle of the application we would request some additional information and clarity on the following points:

- Parking for the dwelling - The proposed parking for the dwelling does appear restricted; we are particularly concerned with the maneuvering of vehicles in the space shown. We had requested that this was demonstrated by a revised plan which includes swept path diagrams or if necessary the parking area enlarged. As requested, there has not been a swept path diagram provided to demonstrate that cars can safely turn within the site. It has not been demonstrated if a private car can turn satisfactorily within the site.
- Parking for the hotel usage and accessibility to the site-An additional 10 rooms will result in further parking demands. Previously the LHA requested some additional information on parking. Additional information has been provided in the form of accessibility to the site and local parking opportunities. We acknowledge the close proximity of the Beach Green car park and the sites close location to public amenities, the car park is accessible by way of the existing footway network. The LHA are satisfied with this aspect of the proposals.

Further comments

The proposed swept path diagram is considered acceptable. The LHA are satisfied that a car can turn within the space provided and enter the highway in the forward gear. On that basis there would be no objections to this application subject to car parking condition.

Adur & Worthing Councils: The **Environmental Health** Officer has no objection in principle. It would be helpful to see details and positioning of any A/C plant and kitchen extraction plant. It would also be useful to see details of the lighting scheme for the proposals, particularly the outside garden area.

I have in mind the new residential accommodation to the North of the development as well as existing accommodation surrounding the development. I would expect that the new facilities will be used for functions late into the evening and it would be a good idea to consider at this design stage as to where people will smoke and how the impact of guests gathering outside late at night will be managed and controlled. Good landscaping design in the garden area could mitigate this impact. Also directional speaker systems in the function room so music is concentrated on to the dance floor would also be helpful as it is likely that the doors onto the garden will be in constant use throughout the evening and investing and designing such a system early on could save time and costs later on if nuisance is caused. I would recommend that they seek independent advice from an acoustician at this planning stage. This information would also be useful to support the owners' application to amend the existing premises licence.

Full contaminated land condition is recommended.

The **Drainage Engineer** recommends a condition to secure surface water disposal details

The **Waste and Refuse** Manager comments that he understands from the application that there is to be no change to the current waste collection arrangements. These have worked well for many years so we don't have any further comments to make.

Southern Water: Recommend informatives - Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding

Lancing Parish Council: No objection

Representations

5 letters of objection received from the occupiers of 89 Brighton Road, 178 South Street, 24, 26, 28 Chester Avenue:

- Overlooking and loss of privacy
- Lack of parking for customers will lead to increased parking and congestion on South Street and Chester Avenue

- Loss of light and increased sense of enclosure
- Increased noise
- New buildings and covered walkway will affect outlook and light to new flats in 178 South St
- Significant reduction in size of pub garden which is currently a community asset
- Overdevelopment
- Height of extension is too much

1 letter of support received from the owner of former Bell Care Home, 164 South Street:

- Will help wider visitor economy in Lancing and surrounding area
- Hours of use of gym/studio should be restricted to end at 8pm and be suitably acoustically insulated to prevent disturbance to residents of new flats to north
- Should be landscaping along northern boundary

Relevant Planning Policies and Guidance

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1
 Submission Adur Local Plan (2016): 9, 27
 Lancing Village Vision (2012)
 National Planning Policy Framework (CLG 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:
 Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application 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 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The application is proposing to upgrade tourist accommodation in the District and can be supported in principle. Policy 27 of the Submission Adur Local Plan promotes the visitor economy through the provision of new facilities, including visitor accommodation, in locations with good public transport access and within the Built Up Area. It advises that all proposals for visitor facilities should be sensitively designed so as to minimise impacts on the environment.

Lancing Vision seeks to make Lancing a lively seaside destination with, among other aims, the promotion of cafes, restaurants and guest houses. The site falls within the Seaside Zone where tourist accommodation is supported.

Visual amenity and density

The main visual impact will be as a result of the three storey rear extension which will project 16.7m to the rear of the existing building and will be clearly visible in views from South Street and the junction with the A259 Brighton Road. It will be a large addition but its bulk and mass will be reduced by the use of three pitched roofs and a marginal diminution in height as it projects to the rear. A greater reduction in height would have been preferred but the architect has explained that floor levels and making the hotel DDA compliant, with a lift, has necessitated the final ridge heights.

It will provide a significant expanse of wall, but it will be broken up by the projecting window screens. Overall, the visual impact is considered to be limited, however, due to its projection away from the street and towards the rear of the site. On balance, the design and scale is considered to be acceptable.

The other elements of the application are of a much smaller scale, being predominantly single storey only, and will not have a visual impact on the street scene.

The combined impact of each element will be a significant reduction in the amount of garden area remaining for the hotel and there are concerns that it represents an overdevelopment of the site. While there is a reduction in the size of the garden, the site is considered to be able to accommodate the various extensions and outbuildings without appearing overdeveloped. The garden that remains measures 12m by 20m (240m²) and is considered to be sufficient for hotel guests and visitors to enjoy.

Residential amenity

Each element of the application has the potential to impact on neighbouring dwellings.

Three storey extension

The main impact of the rear extension will be on 89 Brighton Road, a detached dwelling directly south of the site, separated by a driveway running along the side of the hotel. The three storey extension will be a maximum of 9.7m high and 8m from the side of no.89 at its closest point. No.89 has a secondary living room window facing the site, as well as a landing window and a side entrance door. While there will be a loss of outlook from these openings, they are not primary sources of light and outlook to habitable rooms and, as such, the harm to residential amenity is reduced. The hotel also lies to the north of No.89 so there will be no loss of sunlight to that dwelling or its garden.

The extension will be a considerable form and mass and there will be some increase in the sense of enclosure for the occupants of No.89. However, as previously mentioned, no habitable rooms are directly affected (the living room is also served by a bay window at the front) and, on balance, the impact is not considered to be so severe as to warrant refusal of the application on this ground.

Function room/gym/conference studio

The main impact from these elements is on 178 South Street which is currently undergoing conversion into flats. One of the flats (ground floor) is already occupied. It has a small rear courtyard garden which is screened from the site by a wall on the boundary and which is at a lower level. As such it does not currently have an outlook. The proposed extension will be 3m high with a glazed walkway around the rear between the extension and the boundary wall. There is not considered to be an adverse impact on the occupiers of that flat.

The walkway runs along the length of the eastern boundary and links to the gym/conference studio which is to be sited in the NE corner of the hotel garden in front of the rear terraces for the first floor flats. Concern has been expressed that the outlook from the terrace would be adversely affected by the proximity of the studio. However, it would be 2m from the rear of 178 South Street and flat roofed with a height of 2.9m. The top of the studio would project above the level of the roof terrace but not above the level of the obscure glazed balustrade and an outlook across the hotel garden would still be possible. Light would also not be adversely affected. On balance, the impact on the occupiers of the flats would not be sufficiently harmful to warrant refusal.

The studio will have an impact on a ground floor window which gives light to an access area at the rear of the ground floor studio flats and, to a lesser extent, some borrowed light to one of the flats. However, the affected area is not a habitable space and the loss of light to this area is not considered to be detrimental to the enjoyment of the flats.

The building will also be sited adjacent to the proposed new development of flats to the north at the former Bell Memorial Care Home. It will abut a service area containing a plant room and mobility scooter store rather than directly affecting any ground floor flats, although bedroom windows will face the hotel further west and there is potential for some disturbance from the gym/conference facility. It is therefore recommended that the hours of use of the studio are limited to prevent disturbance at unreasonable hours.

The function room is likely to be used for wedding receptions and similar functions which have the potential to generate noise. The room has been designed with glazed doors opening onto the garden, facing north. Given the proximity of residential properties to the site, it is recommended that control of hours is necessary. A noise management plan is also considered necessary.

New Dwelling

The dwelling will have 3 bedrooms and has a curved, contemporary design to a maximum of 3.5m in height with a flat roof. Its low height means that it will have reduced impact on the bungalows to the rear in Chester Avenue which back on to the hotel garden. It will be 18m from the rear of 24 Chester Avenue and 12m from the rear of 26 Chester Avenue. This latter property will face only part of the proposed dwelling and will be largely screened from it by existing vegetation within its own garden.

No windows are proposed in the rear of the dwelling and it is not considered that the proposal will have an adverse impact on the amenities of the residents in Chester Avenue or in the new flats proposed to the north. The position of the new dwelling will also help to provide a barrier to the hotel for those residents in Chester Avenue and may offer greater protection from noise than currently exists.

Parking and Access

No parking is to be provided for hotel customers. There are no spaces currently available. The site is located in a sustainable location, reasonably close to Lancing railway station as well as bus stops. There is a public car park on Beach Green which can be used for hotel parking, as can on-street parking in South Street. While the proposal may increase demand for parking on South Street and other roads to some extent, WSCC has not raised an objection on highway grounds.

Parking is to be provided for the new house in the form of 2 spaces. WSCC is satisfied that cars can turn on site and are happy with the parking proposal overall.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Lighting details to be submitted and agreed
4. Extraction details to be submitted and agreed
5. Surface water disposal details
6. Full contaminated land
7. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose
8. Hours of use of studio to be limited to between 8am and 8pm daily
9. Materials to be agreed including details of window screens
10. Dwelling to be occupied by hotel manager and dependent relatives only
11. Use of function room to cease at 11.30pm and external doors closed at 10pm.
12. Construction Management Plan
13. Noise management plan

24th July 2017

Application Number: AWDM/0615/17

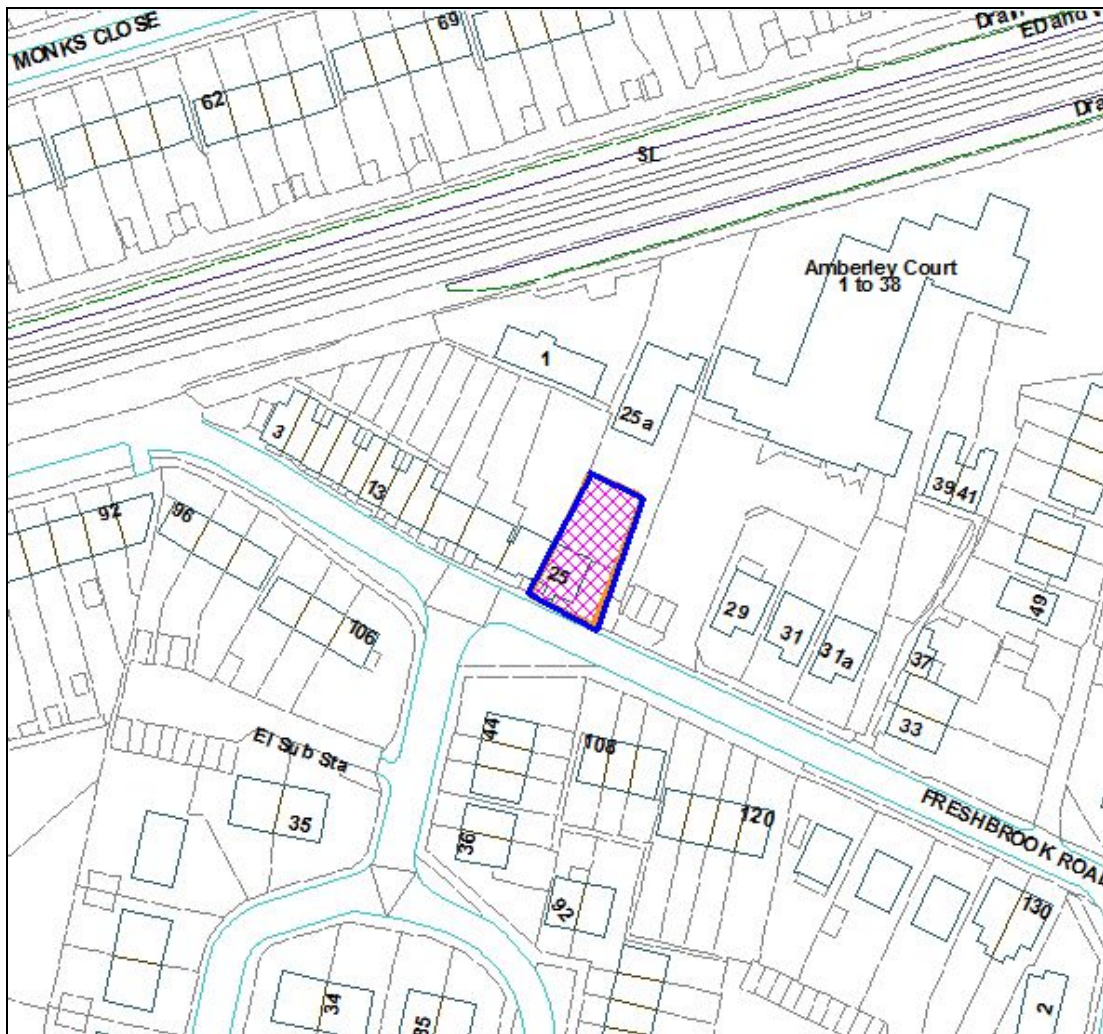
Recommendation – REFUSE

Site: 25 Freshbrook Road Lancing West Sussex BN15 8DA

Proposal: First floor side and rear extension to north and east elevations (re-submission of AWDM/0319/17).

Applicant: Mrs Claire Downie
Case Officer: Eve Hearsey

Ward: Widewater



Not to Scale

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Site and Surroundings

The application relates to a previously extended two storey end of terrace residential dwellinghouse. The rear garden includes sheds and storage boxes and children's play equipment. The lawn has been replaced with plastic grass.

Freshbrook Road is characterised by a mix of residential properties, with the beginning being predominantly two storey terracing and then there is a mix of detached; semi-detached and bungalows. Indeed, a row of bungalows start after the application dwelling to the east; there is a car barn also next to the site which reads similarly to a bungalow in scale from the street. Between the car barn and the application site, is an access road that leads to a more recent bungalow which was constructed within the grounds of no. 25

Proposal

The proposal seeks permission to construct a further storey over the existing single storey extension. The roof would be hipped with a flat roof centre section.

The rear (north) elevation would have 3no. windows and 1no. Juliette balcony. The existing north elevation would have an existing window replaced with a further Juliette balcony.

The front (south) elevation would have 2no. windows lining up with the 2no. ground floor windows.

Both of the side (east and west) elevations will have no windows or other openings within it.

The height of the overall two storey section would be approx. 7m and the other measurements are approx. 7m for the east elevation; approx. 2.8m for the west elevation; approx. 4m for the front, south elevation; and approx. 7m wide for the rear, north elevation.

Relevant Planning History

L/118/88/TP/874 First floor rear extension Approved 28.07.1988

L/18/93/TP/77/29 Two storey side extension (garage with bedroom above).
Approved 29.03.1993

L/95/98/TP Single storey extension and conservatory at side and rear
Approved 04.08.1998

L/24/97/TP Two storey side extension (plus bedroom in roofspace with front dormer)
Approved 02.04.1997

L/107/92/TP Two storey side extension (to provide accommodation for dependent relative. Refused 16.11.1992

L/27/82/TP Demolish existing dwelling, erect new block of four one bedroom flats on two storeys together with access road and five parking bays
Approved. 16.03.1982

AWDM/0319/17 First floor side and rear extension to north and east elevations.
Refused 09.05.2017

Consultations: None undertaken

Representations

Lancing Parish Council: No objections

Relevant Planning Policies and Guidance

Saved Local Plan policies (ADC 1996): AG1, AH7
Submission Adur Local Plan 2016: Policy 15
Development Control Standard No.3 'Extensions and Alterations to Dwellings'
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

Planning Assessment

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application 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 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Principle

There is no objection in principle to upgrading of the existing housing stock within an established residential area; the key considerations are the effects on the character, residential and visual amenities of the locality.

Visual amenity

The property is quite prominent within the street scene having an existing single storey wrap around extension and being next to an access road and bungalows. Indeed, when travelling west along Freshbrook Road, the property can be seen from a distance.

The two storey extension will also be very visible along this road, and it will be visually dominant by reason of its close proximity to the single storey neighbouring structures and also because of the bulk and massing of the extension. There is a bungalow to the rear approx. 19m distant from the extension which will add to the fact that the proposal will be out of scale and a bulky form of development.

Further, the proposal is showing a lot of fenestration to its rear upper floor, which will include 2no. Juliette balcony windows.

The street scene comprises a high density form of development, but there is a noticeable chronological pattern to the street, with generally the older properties, mainly terraced, sited near the railway station to the west, then the progression along the street is constructed at a later period. The building progression does not unacceptably impact on those that have gone before even with the juxtaposition of bungalows to two storey dwellings but in this instance, it is considered that that character of progression is compromised by the bulk and mass of the first floor extension sited in an isometric manner on the wrap around corner of the existing dwellinghouse. It would be conspicuous in the street scene and would result in an uncharacteristic form of development.

Residential amenity – effect on existing dwellings

The neighbours which could have their residential amenities directly affected by the proposal are 23, 25a, 29, 108 Freshbrook Road, and 44 Brook Way.

No. 23 lies directly to the west and is part of the terrace relating to the application site. There is no doubt that the additional storey will be readily viewed from that property. There is already the rear first floor extension that is on the boundary with no. 23, this extension lies to their east, and thereby there is already a slight reduction in morning light to that property.

No. 25a is a bungalow and lies directly to the rear of the application site, indeed it is understood that it was built within the former garden land of no. 25, and that it is occupied by a relative. Notwithstanding this, it is also quite clear that the occupants, current and future, of the bungalow will be exposed to the large bulk of the resultant dwelling which lies to its south. However, at 19m distance between The properties, it is not considered that the first floor extension would result in demonstrable harm onto that property.

No. 29, also a bungalow, lies to the east of the proposal, but again is some 19m distant from it, thereby it too will not be demonstrably harmed by the development, by way of overlooking or overshadowing.

Both 108 Freshbrook Road and 44 Brook Way are still further from the proposal; thereby there will be no demonstrable overlooking, or overshadowing onto these properties either.

Recommendation

REFUSE for the following reason:-

1. By reason of its size, siting, massing and design the proposed first floor extension would be poorly related in visual terms to the host dwelling and would result in a prominent and unsympathetic form of development that would detract from the appearance of the existing building and character of the surrounding area generally. The proposal is therefore contrary to saved policy AH7 of the Adur Local Plan and policy 15 of the Submission Adur Local Plan 2016.

24th July 2017

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Peter Barnett
Principal Planning Officer (Development Management)
Portland House
01903 221310
peter.barnett@adur-worthing.gov.uk

Eve Hearsey
Senior Planning Officer (Development Management)
Portland House
01903 221233
eve.hearsey@adue-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
 - to promote a clean, green and sustainable environment
 - to support and improve the local economy
 - to work in partnerships to promote health and wellbeing in our communities
 - to ensure value for money and low Council Tax

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.



Adur Infrastructure Contributions - Way Forward

Report by the Director for the Economy

1.0 Summary

- 1.1 This report considers the current system for obtaining infrastructure contributions in the Adur Local Plan area (Adur district, minus the South Downs National Park (SDNP)); the work which has been undertaken so far on the Community Infrastructure Levy (CIL), and options for the future. It recommends that no further work is undertaken on CIL, but that the current approach of using solely planning obligations is maintained until there is greater certainty about whether the Government will proceed with an alternative to CIL as outlined in the Expert Panel Report accompanying the recent Housing White Paper.

2.0 Background

The Current System: Infrastructure Contributions in Adur at Present

- 2.1 Delivering sustainable communities requires infrastructure and community facilities to support growth. At this point in time, contributions towards infrastructure in Adur are collected through section 106 agreements (also known as planning obligations). Whilst these agreements can provide an effective means to collect money from developers to support growth, there are restrictions on how s106 can be used. They must be: necessary to make the development acceptable in planning terms; directly related to the proposed development, and fairly and reasonably related in scale and kind to the proposed development.
- 2.2 Adur collects infrastructure contributions through s106s for a variety of infrastructure improvements. An Interim Planning Guidance document (July 2013) 'Planning Contributions for Infrastructure Provision' sets out the approach taken to collecting contributions for general infrastructure, education, libraries, fire and rescue services, waste management, transport, water infrastructure, air quality, health facilities, heritage, open space, the public realm, and other forms

of infrastructure. This approach has been reasonably effective in Adur in terms of securing appropriate infrastructure to support new development.

- 2.3 In addition to the 'tests' set out in paragraph 2.1 above, a 'pooling restriction' was introduced by Government in April 2015. This restricts local authorities from using more than 5 separate planning obligations for a specific project or item of infrastructure.

The Community Infrastructure Levy

- 2.4 CIL was introduced by the Planning Act 2008 and brought into law through the CIL Regulations 2010 (as amended). The intention was that s106 agreements would continue to be used for affordable housing and any significant site specific requirements (usually this would only be the more significant developments). CIL is a charge which local authorities in England can levy on most types of new development in their areas when it is viable to do so. The levy can be used to provide infrastructure to support the development in an area in line with local authorities' Development Plans. CIL is not mandatory.
- 2.5 The Government's intention was that CIL would be a generally straightforward 'tariff' style approach (based on the development of additional floorspace) to collecting contributions towards the provision of infrastructure needed to support growth, which would largely replace existing s106 agreements. A number of amendments have been made to the CIL regulations since its introduction. The original principles were that CIL would be faster, fairer, give more certainty (to the public that infrastructure would be delivered, and to developers in terms of greater clarity as to what would be required from them) and more transparent.
- 2.6 Other intended benefits of CIL were that it is not time limited (there is no time limit on how long monies can be held before spending); in contrast to s106s, it is more flexible in that funds can be spent anywhere in the authority (or outside of an authority, if the infrastructure item benefits that authority) and do not have to be linked to the development which has made the payment.
- 2.7 There is a statutory process for the development of CIL; a Council must produce and adopt a CIL Charging Schedule, setting out the charging area(s) for the District and the charging rate. This involves at least two periods of public consultation, followed by Examination by an independent examiner. Following adoption, governance measures need to be put in place.
- 2.8 The Government's intention was that s106s would be dramatically reduced in number due to the introduction of CIL. In order to avoid 'double-dipping' (developers contributing through both CIL and s106s for the same items) once an authority has introduced CIL in its area, it must not use obligations to fund

infrastructure they intend to fund by CIL. This ensures that developers are not contributing disproportionately.

- 2.9 Take up of CIL by LPAs in England has been slow. Of those authorities in West Sussex, Chichester, Worthing, Horsham, Crawley, and the South Downs National Park Authority have implemented CIL. Arun and Mid-Sussex are in the process of preparing Charging Schedules, but have not reached examination stage as yet. (For information there is currently no published timetable for Brighton and Hove City Council to introduce CIL).
- 2.10 CIL was introduced in Worthing in 2015; to date little money has been collected from the levy but this is not surprising given the time lag between implementation and the granting of planning permission, then commencement of development. As a result, the level of CIL collected is anticipated to increase significantly.

Community Infrastructure Levy - National Review

- 2.11 Alongside the publication of the Housing White Paper earlier this year, the Government published 'A New Approach to Developer Contributions' by the CIL Review Group. This group was set up by the Government in November 2015, to assess the extent CIL is providing an effective mechanism for funding infrastructure, and to recommend changes to improve its operation in support of wider housing and growth objectives.
- 2.12 The report's findings indicate that where CIL has been adopted, it has raised only a fraction of the receipts anticipated at inception of the regime (CIL commonly raises 5-20% of infrastructure funding in an authority) and affected the level of affordable housing that can be delivered. Furthermore the report concluded that CIL has not resulted in infrastructure being provided when needed to support development (or affordable housing), and is particularly unsuited to larger developments.
- 2.13 Issues identified include that the potential amount of CIL which can be raised has been adversely impacted by a number of exemptions introduced by the Government through amendments to the CIL regulations, including Vacant Building Credit. In some areas CIL is set at the 'lowest common denominator' level (meaning that in some cases, s106s could deliver more on some sites). Although the intention was that all types of development would contribute to CIL, in reality most CIL Charging Schedules require only residential and retail development to pay CIL.
- 2.14 Timing of payment can also be an issue; the risk of delivering infrastructure is transferred from developers to the Local Planning Authority (LPA), whereas in reality few LPAs have experience in delivering certain types of infrastructure. The

'flexibility' of CIL has also meant that neither developers or the public are clear where CIL might be spent, and therefore uncertainty about infrastructure delivery remains.

- 2.15 The relationship between s106 and CIL regimes is not straightforward. Section 106s continue to be used to a greater extent than had been anticipated - particularly where they are required to ensure infrastructure is delivered on-site. As a result CIL is not appropriate for many strategic developments which need to deliver significant onsite infrastructure.
- 2.16 The review also found that in many instances, the introduction of CIL has had an adverse impact on the delivery of affordable housing. The report noted that it received mixed evidence from respondents on the impact of CIL on affordable housing. However, there was an acknowledgment that where CIL is a first charge on developers then the contribution to affordable housing was inevitably reduced. This may be because the increased burden of CIL has inevitably resulted in a reduction of affordable housing, or charging authorities have not taken sufficient account of their policy requirements for affordable housing in setting their charge.
- 2.17 The report goes on to recommend a new approach to collecting developer contributions - a streamlined low-level tariff referred to as the Local Infrastructure Tariff (LIT). Key features of the proposed LIT are that it would: run alongside s106 for larger sites; be collected at local authority level; and apply to all development almost without exception. Larger developments would be subject to s106 to address direct mitigation to make them acceptable in planning terms or very specific major infrastructure on/close to the development. The report states that a broad, low-level LIT would allow for a simplification of the regulations and streamlining of the process to set up and collect LIT - reducing the burden on local authority resources and the length of time taken to put measures in place.
- 2.18 The report recommends that LIT should be calculated using a national formula based on local market value set at a £ per square metre rate. This would be a standard methodology, but based on local data, in order to ensure local economic conditions are recognised within the consistency of a national framework. LIT would be applied to 'development' as defined currently in the CIL regulations. The suggestion is that this level would be low enough not to affect development viability such that exemptions and reliefs should not be necessary. (The level proposed is between 1.75 - 2.5% of the sale price for a standard 100 sqm 3-bed family home in the relevant area). LPAs could charge lower rates for different categories of commercial development (but not higher) where they had supporting evidence that a lower rate was necessary. With regards to commercial development, the Group recommend that Government devises a LIT formula for commercial development that ties it to the residential rate, but does not exceed it.

- 2.19 The report makes a number of other recommendations, including that there should be no (or few) exemptions; that the examination process should be replaced by a simple mechanism to address any representations on coverage and quantum of the LIT rates; that spending of LIT should be monitored through Authorities' Annual Monitoring Reports; that new consolidated and streamlined Regulations are drafted; and that the new LIT regime would work on a mandatory basis as set out below for all local authorities, except where levels of LIT would be too low to make it worthwhile collecting.
- 2.20 The report also makes recommendations with regards to s106, including that pooling restrictions should be lifted and that measures are introduced to standardise and streamline the s106 process. In response to the possibility that developers may see an inevitable increase in Section 106 obligations under these proposals, the report recommends strengthening the current Regulation 122 test to ensure that only necessary and appropriate obligations are imposed. A call to further standardise Section 106 drafting and make it more transparent is suggested in an effort to speed up the process more generally. (However, given the numerous previous attempts at standardisation, it is not clear how successful this recommendation would be given that drafting is often the result of particular needs of individual LPAs and the complexities of the specific development).
- 2.21 The report's final recommendation is that the Government allows for sufficient transitional arrangements to be put in place, and suggests that 2020 would be a sensible date for transition to be completed. The White Paper notes that the Government is considering the report's recommendations and will make an announcement at the Autumn Budget in 2017.
- 2.22 It is relevant to note that on many brownfield redevelopment sites in Worthing the viability of developments has resulted in a reduced provision of affordable housing and in some instances no provision whatsoever. This has prompted a review of Worthing's CIL Charging Schedule and given the affordable housing need within Adur this is of concern to your Officers.

3.0 CIL In Adur

- 3.1 Given the progress made on the emerging Adur Local Plan, the report of the CIL Review team, findings from the operation of the Worthing CIL, and the opportunity to review the Adur Local Development Scheme (LDS), it appears appropriate to consider how to proceed.
- 3.2 Due to the production of the emerging Adur Local Plan there have been insufficient resources available to progress CIL in Adur as yet. Furthermore best practice suggests it is more appropriate to focus on CIL once an authority's Local

Plan is in place. Now that the Adur Local Plan is nearing the end of the process (with adoption anticipated late 2017) it is worth considering the way forward for Adur in terms of collecting infrastructure contributions.

- 3.3 The Adur Local Development Scheme 2016-2018 states that work on a Community Infrastructure Levy for the Adur Local Plan area will be progressed from 2017 onwards; anticipating submission of a Charging Schedule in December 2017, examination in February 2018, and adoption in May 2018. However this timetable is unlikely to be achieved. (The start was delayed due to work which needed to be submitted post-Examination hearings; and the White Paper was subsequently published, prompting a reconsideration of the appropriate way forward - see below).
- 3.4 Some work to establish the potential parameters of a CIL for Adur has already been carried out. As part of the emerging Adur Local Plan evidence base, several iterations of a 'Whole Plan Viability and Community Infrastructure Levy Viability Study' were carried out for Adur DC by Nationwide CIL Consultants (NCS). The latest iteration was published in January 2017. Policy 30 of the emerging Adur Local Plan, 'Delivering Infrastructure' establishes a 'policy hook' for the collection of planning obligations and CIL; therefore there is a policy basis for this work, and a future CIL.
- 3.5 It is worth considering how CIL might operate in Adur if it were adopted, and how much it might raise. The 'Whole Plan Viability and Community Infrastructure Levy Viability Study 2017' (as with previous iterations) sought to assess whether the development proposed by the Local Plan can be delivered in an economically viable way, taking account of all cost impacts of the policies proposed in the Plan. In addition, it included an assessment of the ability of different categories of development within the Local Plan area to make infrastructure contributions via CIL, having taken account of the cost impacts of affordable housing delivery and other relevant policies.
- 3.6 It tested mixed residential and commercial scenarios likely to emerge in the Local Plan area, to test the potential impacts of Local Plan policies. Strategic allocations in the Local Plan were also tested to take account of policy impacts and site specific s106 contributions, abnormal development costs and the potential impact of CIL. Greenfield and brownfield scenarios have both been tested. The study determines the maximum potential rates of CIL (per sqm) that could be applied without threatening the overall economic viability of development.

Findings: Residential Development

- 3.7 For residential development, the study tested the affordable housing targets proposed in the Submission Adur Local Plan 2016. However, Members may be aware that the Inspector's Preliminary Findings into the Adur Local Plan recommended amendments to the policy, to bring it into line with the Written Ministerial Statement HCWS50, (<https://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf>) which related to s106 obligations imposed on small-scale developers, custom and self-builders (despite the fact that the lower thresholds proposed in the Plan were demonstrated to be viable). As a result, the amended policy (with the threshold of 11 dwellings or more) will be viable. In short, the study found that the affordable housing requirements can be addressed and still allow for CIL to be collected at the recommended rates indicated below. The sub-division of the area into sub-markets based on differential land or property values was not considered necessary, other than the exceptions discussed below.
- 3.8 The residential viability testing indicated that in general terms, housing development in Adur is viable and can accommodate CIL whilst maintaining the Council's affordable housing aspirations (apart from Shoreham Harbour and New Monks Farm as discussed below).

Findings: Commercial Development

- 3.9 The assessment of commercial land and property values indicated that the Local Plan area could be treated as a single zone for commercial CIL purposes. Food supermarket retail and general retail were assessed as being capable of generating CIL.

Findings: Strategic Sites

- 3.10 The study found that given the significant level of development costs at New Monks Farm, affordable housing and s106 contributions would be viable, but there is insufficient additional margin to accommodate any significant CIL charges.
- 3.11 However, the West Sompting site was demonstrated to be able to meet full policy impacts, affordable housing targets, s106 infrastructure contributions and CIL at the proposed rate of £150 psqm.

3.12 Given the complexities of Shoreham Harbour Regeneration Area broad location, (as a complex brownfield area with requirements for flood remediation and contaminated land in some parts) a zero CIL rate for all forms of development at the Western Harbour Arm and Southwick Waterfront was recommended, although the remainder of Shoreham Harbour (in Adur) would be treated the same as the rest of the Local Plan area in terms of CIL.

Residential - Recommended Maximum CIL Rates	
Districtwide	£150 sqm
Shoreham Harbour Western Harbour Arm and Southwick Waterfront	£0 sqm
New Monks Farm	£0 sqm
Commercial Development - Recommended Maximum CIL Rates	
Retail A1- A5	£100 sqm
All other non-residential uses	£0 sqm

How Much Might be Raised by CIL Prior to the Introduction of a New System?

3.13 In order to give an approximate guide as to how much CIL could be raised in Adur if progressed, an estimated implementation date of 1st January 2019 is assumed. 'A New Approach to Developer Contributions' suggests that LIT could commence in 2020 - a date of 1st April 2020 has been assumed. Therefore CIL could potentially be in place for just 15 or so months before the introduction of LIT (having taken a similar amount of time to prepare and progress).

3.14 Based on the findings of the Adur Whole Plan Viability and CIL Study 2017, residential development at New Monks Farm and Shoreham Harbour will not be viable for CIL. These have therefore been removed from the calculation, and therefore significantly reduce the number of dwellings which would generate CIL (1,700 from these two developments combined). It is anticipated that the residential allocation at West Sompting will have been granted consent, (and implementation commenced) prior to the introduction of CIL. Therefore these dwellings will not be CIL liable and have been removed from the estimate. (However please note that this does not necessarily mean less money will be spent on infrastructure by these developments, as the likelihood is that a high level of s106 will be required). Those sites which currently have planning permission but have not yet commenced (commitments) have not been included.

- 3.15 Using the timescale indicated above, together with information from the latest housing trajectory approximately 100 dwellings could potentially deliver CIL between the period 1st January 2019 and 1st April 2020 before the new LIT system might be introduced. However, this figure must be caveated by a reminder that 'like for like' replacement dwellings would not generate CIL as it is charged on the basis of additional floorspace (albeit it is difficult to predict the amount). Furthermore, CIL cannot be applied to affordable dwellings. As a result the likely amount of dwellings generating CIL will be lower than the assessment indicates. It should also be borne in mind that developers may not progress developments if CIL is in place but they are aware LIT will be introduced - therefore CIL may actually act as a deterrent to development.
- 3.16 Using the assumptions made in the CIL Viability Assessment of 2017 (that all dwellings are of a standard 90sqm) and using the CIL rate of £150/sqm recommended in that study, and assuming these sites delivered no affordable housing (which is exempt from CIL) any other discounts such as Vacant Building Credit were applied, approximately **£1,000,000** could be raised from residential development during this time period. However, given the reality of affordable housing delivery and exemptions, the amount likely to be generated through residential CIL over this time period would be significantly less. If a rate of CIL identical to that used by Worthing were to be adopted (£100 sqm), £873,000 could be raised. (For information, the Whole Plan Viability and CIL Study 2017 study indicates that over the entire plan period £11,218,500 could be raised from residential development using the rate recommended for Adur).
- 3.17 With regards to commercial development, the study estimates that 13,700 sqm of eligible commercial floorspace could come forward over the full plan period, generating £1,370,000. It is not possible to accurately forecast the timescales for this development, and therefore how much might come forward during the timescale indicated above. However it would be much less than the figure quoted, given that CIL is likely to be in place for such a short period of time.

CIL - The Worthing Experience: Impact on Affordable Housing

- 3.18 Before considering options for Adur, it is worth reflecting on Worthing's experience of CIL.
- 3.19 Prior to its introduction, it was anticipated that collecting CIL would help to make a significant contribution towards meeting Worthing's local infrastructure costs without impacting on the level of affordable housing that could be secured. However, as recent applications on brownfield sites have demonstrated the collection of CIL has affected the viability of schemes to the extent that, in many instances, the level of affordable housing secured has been dramatically reduced. The National CIL Review found that many commentators have also

highlighted the significant increase in construction costs over the last few years as a contributory factor to increasing viability issues particularly with brownfield sites.

- 3.20 Part of the problem has been the Government's introduction of a range of exemptions to CIL (despite the original intention that it should be a straightforward system) and factors such as the Vacant Building Credit.

Proposals

- 3.21 Taking account of the issues raised above, the options available to Adur are as follows:

Option 1: Continue with work to progress CIL and adopt prior to the introduction of any alternative approach to collecting infrastructure contributions by the Government.

Option 2: Not to progress CIL, but to maintain the current s106 regime until an alternative to CIL is introduced by Government.

- 3.22 Given the resources required to progress CIL (which is likely to operate for a limited time period only) and the limited amount of development which it can be applied to, and due to concerns about the impact on bringing forward affordable housing, Option 2 is recommended.

4.0 Legal

- 4.1 Legal provisions for the progression of CIL are set out in the Community Infrastructure Levy Regulations 2010 (as amended). The basis for s106 contributions may be found in the Town and Country Planning Act 1990 (as amended).

5.0 Financial implications

- 5.1 If option 1 is progressed, resources will be required to undertake further viability work, and to progress the CIL Charging Schedule through the statutory procedures, including consultation and Examination. If option 2 above is progressed, it should be noted that relevant s106 would be still collected prior to the introduction of LIT or a similar replacement. Resource savings would also be made through not progressing CIL.

6.0 Recommendation

- 6.1 It is recommended that Option 2 above is taken; that no further action is proposed to pursue the implementation of the Community Infrastructure Levy for the Adur Local Plan area; and that the Adur Local Development Scheme is amended accordingly.
- 6.2 In the meantime, to ensure that development in Adur helps to deliver infrastructure to support growth, the Council will continue to use s106s to support the effective delivery of infrastructure, and ensure it is in a position to respond to the introduction of LIT (or similar national regime) swiftly and effectively.

Local Government Act 1972

Background Papers:

Contact Officer:

Moira Hayes

Principal Planning Officer

Tel: 01273-263247

moira.hayes@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

- 1.1 'Platforms for Our Places' - in particular, Our Financial Economies. This includes building/ commissioning infrastructure. The use of CIL, LIT, and/or section 106 contributions will facilitate the delivery of infrastructure, to meet the identified needs of new and existing residents / businesses. This will help to contribute towards meeting many of the Council priorities.

2.0 Specific Action Plans

- 2.1 The proposals seek to achieve the effective collection of monies for infrastructure delivery to support the growth of Adur.

3.0 Sustainability Issues

- 3.1 Infrastructure will be delivered by development, or monies collected towards the delivery of infrastructure will be generated by developments that are brought forward in line with the Adur Local Plan. The Adur Local Plan, which has been the subject of a formal Sustainability Appraisal, will play a fundamental role in the delivery of sustainable development.

4.0 Equality Issues

- 4.1 Issues relating to race, disability, gender and other equalities have been considered and it is not felt that these proposals will have an adverse impact on any social group. Infrastructure and services (such as community facilities and transport networks) could enhance liveability for all sectors of society.

5.0 Community Safety Issues (Section 17)

- 5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

- 6.1 Matter considered and no issues identified.

7.0 Reputation

- 7.1 The Council's published Local Development Scheme has indicated that CIL will be progressed. However, if a change of circumstances indicate an alternative

approach is more appropriate, this should be made clear and incorporated into a revised LDS in order to give clarity to all interested parties.

8.0 Consultations

8.1 Consultation is required as part of the statutory process for producing CIL.

9.0 Risk Assessment

9.1 Risks relating to collecting monies for infrastructure are set out in the report.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 The Council's procurement policies will be followed, should any additional viability work be commissioned.

12.0 Partnership Working

12.1 None identified