

## Addendum Report

Planning Committee  
3<sup>rd</sup> October 2018  
Agenda Item 5(1)  
Ward: ALL

1. **Application Reference: AWDM/0961/17**      **Recommendation:**  
**On balance to approve subject to a S106 agreement and the Secretary of State not calling in the application.**

Site: Land East of Shadwells Road At Mash Barn Estate, Mash Barn Lane, Lancing

Proposal: Hybrid planning application seeking (1) Full planning permission for the demolition of existing buildings and erection of 249 dwellings with temporary access via Grinstead Lane, a Country Park, relocation and extension of the Withy Patch Gypsy and Traveller site, permanent access via a new roundabout on the A27, landscaping, two additional football pitches and other associated infrastructure (including pumping facility at the River Adur); (2) Outline planning permission (with only landscaping reserved) for a non-food retail store (Use Class A1); and (3) Outline planning permission (with all matters reserved other than access) for the erection of a further 351 dwellings, community hub, primary school, and landscaping. The application is accompanied by an Environmental Impact Assessment. **(Amended Description)**

### 1. Planning Application Updates

- 1.1 Since the report was prepared a Collaboration Agreement has been signed by the Applicants, Lancing College and the District Council which sets out how all three parties would work together to ensure delivery of the 4<sup>th</sup> Arm subject to the grant of a satisfactory planning permission from the South Downs National Park Authority (SDNP). This has provided confidence to Lancing College about its future delivery to the extent that, it has now withdrawn its objections to this application and the proposed commercial development at the airport (AWDM/1093/170).
- 1.2 The applicants have also signed a 'Position Statement' with the Highway Authorities (WSCC and Highways England) in response to concerns raised about the highway proposals and provision for Non-Motorised Users (NMUs). This statement states that,

### ***“Existing NMU Situation***

- *NMU demand across the A27 (north south) is low as evidenced in the Transport Assessment by surveys undertaken by independent survey companies*
- *NMU demand across the A27 (north south) has a predominantly leisure focus with the majority of movements at weekends and less movements on weekdays*
- *Existing provision for NMUs is poor at the Sussex Pad Junction*
  - *Traffic flows through the Sussex Pad junction are high which results in minimum green times for Old Shoreham Road and Coombes Road resulting in significant delays for NMUs crossing the A27 in this location*
  - *No provision for equestrians*
  - *Requirement to cross at the pedestrian crossing red / green man facilities in two stages adding to the delays for those NMUs choosing to use the crossing*
  - *No controlled crossing on Old Shoreham Road and no dropped kerbs or tactile paving*
  - *Footway with poor surface and less than 1m width on northern side of junction linking to Lancing College (via The Drive)*
  - *No footway provision on the northern side of the junction linking directly to Coombes Road resulting in pedestrians walking on the verge next to high flow and speed conditions on the A27*
  - *No dedicated off-carriageway cycle crossing facilities*
  - *85<sup>th</sup> percentile traffic speeds on the A27 approximately 61mph approaching the Sussex Pad*
- *Existing footpath along the River Adur (Ref: PRow 2049) in poor condition*
  - *Route is unsurfaced*
  - *Worn ‘path’ providing a width of less than 1m.*

### ***Overall New Monks Farm NMU Provision***

- *New site access roundabout on the A27 includes dedicated, controlled crossing facilities for NMUs*
- *Existing shared foot/cycle link retained along the southern side of the A27, providing links to and from the new site access junction*
- *New shared foot/cycle link proposed on the northern side of the A27 linking Hoe Court to Lancing College and Coombes Road (both via The Drive)*
- *Existing National Cycle Network Route 223 provides a traffic-free route along the eastern side of the River Adur with links to the South Downs National Park (including a river crossing at Botolphs)*
- *New shared foot/cycle link through the New Monks Farm site providing a new connection between Lancing and Shoreham away from the A27*
- *Additional routes available through the Country Park providing route choice for a variety of journey purposes*
- *The proposed infrastructure improvements including the proposed site access arrangements and the proposed new NMU route from Old Shoreham Toll Bridge to Coombes Road have been the subject of a safety*

audit process and are considered adequate to safely accommodate the New Monks Farm development, including the proposed River Adur Route Upgrade.

### **River Adur NMU Route Upgrade**

- Length of existing footpath to be upgraded to bridleway approximately 320m
- Connection provided to Coombes Road via new NMU route (already approved by SDNPA on 12<sup>th</sup> July 2018)
- Route is an improvement to the existing path and provides a more attractive, safer traffic-free environment away from the A27
- Consideration has been given to a range of design guidance documents combined with professional judgement, acknowledging localised constraints
- Consistent, surfaced width of 2.5m can be provided with clearance from edge constraints
- Length of approximately 150m where a total width in excess of 3m is achievable (range 3.2m to 3.9m)
- Upgraded route is suitable to accommodate a range of NMUs given the levels of flow, straight alignment and good forward visibility
- The River Adur bank is a recognised constraint with the proposed improvements developed to avoid any environmental or ecological impacts to the river bank
- Clearance under the A27 suitable to accommodate NMUs, including horses (min 3.4m increasing to 3.87m)
- No journey diversions required for NMUs travelling to and from the west due to crossing infrastructure provided at the new site access roundabout on the A27
- Minimal additional journey time (approximately 110 seconds) for pedestrians using the NMU route travelling from the east when accounting for existing delay associated with signals at the Sussex Pad junction
- Reduced journey time for cyclists (approximately 30 seconds) for cyclists using the NMU route travelling from the east when accounting for existing delay associated with signals at the Sussex Pad junction
- New route provided for equestrians considered to be beneficial compared to having to negotiate A27 with high traffic flows and high traffic speeds, with horses having to wait in the A27 central reserve and only a less than 1 metre footway to link to The Drive or a verge to link to Coombes Road, with horses having to travel directly adjacent to the A27.

### **Conclusion of Agreed Position**

As part of the access strategy to deliver Local Plan development on the New Monks Farm and Shoreham Airport sites, via the creation of a new signalised roundabout on the A27 located between these sites, it is a requirement of Highways England that the traffic signal control at the Sussex Pad junction is removed. Alternative and improved provision for NMUs has been considered through the Transport Steering Group.

*It is agreed that the proposed access roundabout provides safe crossing facilities for NMUs and would provide links into South Downs National Park (SDNP). The roundabout access including provision for NMUs has been through the safety audit process which confirms the design is safe, including the accommodation of NMUs.*

*It has been agreed that an additional route into SDNP will be provided by upgrading the existing PRoW 2049 to a bridleway, allowing use by cyclists and equestrians, running from Old Shoreham Toll Bridge, to connect with a proposed new bridleway running east/west to link to Coombes Road. The new bridleway link benefits from a planning approval from SDNP Authority and is deliverable within the highway boundary of the A27.*

*It is agreed that the proposals within the A27 highway boundary maintained by Highways England are in accordance with the standards for NMU provision included within the Design Manual for Roads Bridges, specifically Section 2.2.11 of IAN 195/16 Cycle Lane and Cycle Track Widths and TD 90/05 The Geometric Design of Pedestrian, Cycle and Equestrian Routes, specifically paragraphs 7.16 to 7.23 dealing with Shared and Adjacent Use Routes for NMUs.*

*With respect to the River Adur PRoW improvement, it is agreed that the design of this is of adequate width to safely accommodate anticipated NMU movements. It is also agreed that the provision of a grade separated route under the A27 will provide benefits compared to NMUs having to cross at the Sussex Pad junction, by totally removing conflicts with high speeds and high flow traffic conditions, benefiting comfort, safety and the perception of safety, so making the route into the SDNP more attractive.*

*In summary, the New Monks Farm development will deliver access to the SDNP at the proposed new roundabout junction, through dedicated facilities for NMUs, and via the proposed NMU link from Old Shoreham Toll Bridge to Coombes Road. The proposals therefore provide an additional link to the SDNP, compared to the existing situation of the poor facilities at the existing Sussex Pad junction. In conclusion, it is agreed that the proposals will provide enhanced accessibility for NMUs from Lancing and Shoreham-by-Sea to the SDNP.*

*Thus, it is agreed that the NMU proposals accord with Policy 5 of the Adur Local Plan providing improved cycle, pedestrian and equestrian links to Lancing, Shoreham-by-Sea and the South Downs National Park.”*

- 1.3 The applicants have confirmed that following a review of the Air Quality calculations the mitigation proposed for New Monks Farm application included

an allocation of £216,841 towards mitigating the impact of the commercial development at the airport. Therefore, either the airport development should not include any requirement for contributions or air quality mitigation measures or the New Monks Farm requirements should be reduced.

## **2. Additional Representations**

2.1 A further **19 letters of letters of objection** have been received to the development raising the following concerns:

### Closure of Sussex Pad

- Objection to the closure of Sussex Pad a well-used and safe crossing for pedestrians and cyclists.
- The alternative provision is lengthy, inadequate and hazardous.
- If the crossing is removed it must be replaced by a bridge or underpass which gives safe, direct access across the A27 from the Old Shoreham Road to Coombs Road for all NMU road users.
- Sussex Pad is well used and is used by large groups of cyclists
- The proposed replacement conflicts with adopted standards
- Horse riders need to be better accommodated in any new crossing.
- Access to the South Downs will be more difficult
- If the economic advantage of the development is so great than the development should provide a direct bridge crossing.

### Traffic and Congestion

- Ikea will attract traffic from a huge radius and completely clog the A27
- The development will cause gridlock on local roads
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### IKEA Store

- The store is too big and rather than retail floorspace the commercial development should provide high skilled, well paid office work.

### Flooding

- The proposal would cause flooding on the A259
- Covering the area with buildings will flood houses to the south look what happened in Chichester
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**Adur Floodwatch Group** comments that,

*In response to the officer's report to committee for the 3<sup>rd</sup> October, Adur Floodwatch appreciates that its outstanding questions on drainage have been responded to. However, these answers do not fully provide the comfort*

regarding the concerns previously submitted. In particular, AFG comments further as follows:-

### **Tidal Rise Increase**

NPPG states that unless otherwise specified, the lifetime of a development is counted as 100 years. This 100 year lifetime expectancy must apply to the proposed New Monks Farm development.

Despite the applicant's response, the applicant's Flood Risk Assessment in no way covers the concerns of increasing tidal rise and the Environment Agency projections for those increases. These increases are projected until the year 2115. It is mentioned nowhere within the FRA documents. Apart from the diversion of some drainage areas to the proposed northern Channel, the residential /country park areas will continue to drain southwards to join other area flows south of the railway to the outfall at the Shoreham sluices by the Dog's Trust.

The FRA describes the sluices at the Shoreham Dogs Trust as being a single bore and installed in 2010 by the EA. **If they had done any significant work on the tidal rise factor, the FRA would have known and commented correctly that the sluice replacement was in fact twin bores (not a single bore) each of which has a 1200mm dimension. These replaced the original 900mm bores/sluice flaps in 2010. The above statement of misinformation must throw doubt as to whether this issue really has been addressed.**

EA tidal increase projections were published by JBA Consulting in 2012 in their drainage study for Adur DC. These are shown below;-

Using the above projections, by 2025 low tide levels will have risen by 78mm. By 2050 it will further rise by an additional 312.5 mm. By 2070 low tide level will be 870.50 mm against the tidal flap height of 1200mm.

As the above increases occur, this will mean shorter and shorter times that the sluice flaps will be open and longer and longer times that all the NMF and other connected ditches must contain the water. No matter what additional capacity is built into the ditches, if the sluices are continually suffering longer and longer closure times between tides caused by these increasing tide levels, then using the EA projections, they will cease to function altogether by year 2080.

Based upon this information, how can the applicant claim that sufficient capacity has been built into all the calculations to keep the site sustainable for its lifetime??!!

**If the sluices cease to open at all, then all the extra capacity in the world will not allow drainage into the Adur to take place.**

*Based upon the EA projections, within no more than 2 decades, lengthening containment times will become an issue particularly during long, extreme weather events like those experienced during the recent 4 out of 6 winters.*

*Furthermore, AFG spoke to raise this issue with the officer who submitted the final comments for the EA on this application. Undoubtedly, it was obvious there had been no dialogue upon this issue with the EA and the only response received to the question was that AFG has a perfect right to raise this issue but they needed to discuss this with the officer involved for the WSCC Lead Drainage Authority. (Pass the parcel comes to mind).*

*AFG did put the same question to WSCC drainage officer who had consulted on the drainage for NMF. He said he'd list it for discussion with the management. Subsequently, an email was received from him on the 24th August which referred to the issue and attached a copy of the County's submission to the Planning Inspector for the JAAP Examination. Within that was a complete paragraph shown below which raises the whole issue of increasing tidal levels upon gravitational tidal flaps like those by the Dogs Trust and that this needs addressing in respect of forthcoming developments and those already being committed. Pumping solutions need addressing to manage this problem.*

**Matter 5: Sustainable travel, flood risk and sustainable drainage Policies SH5, SH6, SH7, CA1)**

**Issue: Whether the Plan positively and effectively addresses identified transport and flood risk constraints?**

*37.How is the Shoreham Adur Tidal Walls Scheme likely to affect flood risk considerations within the Plan area? What is the status of the Brighton Marina to River Adur Coastal Strategy Study and the Rivers Arun to Adur Flood and Erosion Management Strategy 2010? What influence, if any, would these documents have in the consideration of development proposals?*

*There is a residual risk associated with the raising of tidal walls / defences in response to sea-level rise, namely the fact that there is an increased risk of surface water flooding / groundwater flooding in the defended coastal strip. Most existing outfalls are gravity based outfalls that release via tidal flaps. As sea levels rise the time period when the tide drops below the critical level at which the tide flaps are able to open releasing the discharge of surface water via gravity reduces. Raising the tidal defences will further exacerbate this issue as the defended coastline will raise sea-levels further at the point of discharge. The LLFA wishes to see this issue acknowledged and addressed within the plan so that a process is set in place for addressing this in the longer-term. At present, developments are being approved along the coastal floodplain where this long-term issue is not fully being addressed by the appropriate risk management authorities. To the LLFAs knowledge the only answer is for increased reliance upon pumping provision where and when backwater issues are increasing surface water / groundwater flood risk inside the tidal defences.*

So where is the lifetime solution for NMF? For such a strategic site where drainage is a major concern, this should have been identified and a timely solution planned to ensure lifetime sustainability.

Without a solution, this application should surely be refused.

### **Instant Access Performance Bond**

*This once more is being informed as unnecessary. Adur Floodwatch Group again challenges this decision. In the planning officer's report to committee he informs that the local Authority will not support the required maintenance of the drainage and there will be a legal agreement for a management company to be formed with the applicant as the primary party together with IKEA and the NMF community to participate in its organisation. Because the two major partners in the venture will be the B&HA Academy and IKEA, no such security of a performance bond will be required.*

*AFG once again raises its concerns. If the management company does fail, the Local Authority is saying it is unable to have any responsibility for the ditch maintenance, hence the legal agreement. What if the football club has financial difficulties in the future – the list of financial failures for football clubs, even Premiership clubs, is significant. The fortunes of the retail sector are already causing major closures and downward restructuring for long established traders – House of Fraser, M&S, Maplin. Even IKEA declared its UK profits year on year had reduced by 40% from £138m down to £83m and is implementing a new business model to meet rapidly developing on line purchasing trends..*

*AFG continues to maintain that such a bond is vital to allay community concerns if NMF is approved and there is a subsequent management company issue with no support from the Local Authority.*

### **Management of Foul Waste**

*This is a case of local knowledge and understanding of sewer inundation problems in extreme weather versus the provider who clearly has no option but to connect the NMF site to the sewer network.*

*AFG can only refer to its previous comments and that AFG is certain that the proper solution to the foul waste management should be a dedicated sewer to the treatment works to avoid worsening the frequent winter problems experienced from inundation of the main sewer to which the NMF connection is planned to be made.*

*In 2012, Southern Water had insufficient capacity to connect the B&HA Training Academy to the same main sewer. It still leaves the question how can it be possible to connect the equivalent of a whole new council ward to the same main sewer?*

**Steyping Parish Council** comments that it is dismayed that the plans are still under consideration. The proposal would:



- Cause daily A27 log jams and be even worse than at present
- More drivers will seek alternative routes which will undoubtedly cause additional heavy congestion on the Steyning Bypass, the Washington roundabout and all parts west.

A total of **1,613** local residents have also signed the following petition **objecting** to the development:

*“Please object to – or refuse permission for – the current proposal to close the Sussex Pad junction across the A27 and to replace it with two substandard alternatives as part of the New Monks Farm development. This will make access to the South Downs National Park worse (longer, more dangerous and unpleasant).*

*I ask you to take the needs of walkers, cyclists and equestrians seriously in new developments and transport schemes by upholding local and national planning policies and transport design standards – which this proposal clearly fails to meet.”*

2.2 Two letters of comment have been received

2.3 Two letters of **support** have been received on the grounds that,

- Without this investment Adur and Worthing will lag behind the rest of the County
- The proposal would give a massive boost in the way of business, infrastructure, housing, school, jobs prosperity and taxes that will boost the local community when the Council is lacking in funds.
- Opportunities like this are rare and should be taken
- When Brighton and Hove AFC left Brighton the amount of money lost to the area was significant and now it has returned money jobs and opportunities and benefits have returned.

### **3. Planning Assessment**

3.1 The signing of the Collaboration Agreement is significant and addresses Members previous concerns about the scope for the delivery of the 4<sup>th</sup> Arm. As indicated in the latest report there are no grounds to require the provision of the 4<sup>th</sup> Arm in connection with this application. However, the applicants in recognition of the concerns expressed by Lancing Colleges, have committed to its delivery if permission is secured from the SDNP and this is set out in the agreement signed between both parties and the Council in the last 24 hours.

3.2 The Position Statement signed by the applicants and the Highway Authority is also significant in that it clearly states that the relevant authorities are satisfied with the proposals in terms of impact on the A27 and that appropriate provision has been made for non-motorised users (NMUs). In terms of air quality the mitigation measures previously negotiated relate predominantly to the IKEA store and housing although it now transpires that the proposed mitigation was also to offset any impact from the airport development as well.

Rather than reduce any mitigation for the New Monks Farm development, additional mitigation measures are being sought in connection with the airport development at the reserved matters stage.

- 3.3 The further comments of the Adur Floodwatch Group have been considered by the applicant's drainage consultant and the Councils Engineers but it is not considered that there are any new issues that would change the overall conclusion that the submitted drainage solution is acceptable. Whilst, concerns have been raised about the sluice gates at the Shoreham Dogs Trust the applicants Consultant states that,

*'The scheme for the development diverts the whole upstream catchment through the new Northern Channel to the proposed pumping station which will prevent tidal rise causing any issue for the upstream catchment and commercial part of the site and provides a benefit to the wider community.'*

*We have previously responded on the comments on tidal rise and the time of tide locking. We confirm the discharge is an existing discharge that is proposed to be reduced from a current peak flow of 1,200l/s to 1,000l/s again to provide a benefit to the wider community.'*

*The EA and West Sussex County Council as Lead Local Flood Authority manage the Tidal Flaps and it is their responsibility to maintain their ability to discharge and function in the long term to serve not just this development but the wider community and discharges from the south. The introduction of the NMF scheme does not change this responsibility, at present the whole upstream Manor Way catchment flows through this outfall at the Dogs Trust.'*

*The proposals can accommodate tide locking for significantly longer than at present and do not increase flood risk off site as confirmed by both the EA and LLFA neither of which has objected to the scheme.'*

- 3.4 The Councils Engineer agrees with the above statement. The concerns raised about foul sewerage are understood given some of the problems in the area over recent years but Southern Water has raised no objections as set out in the agenda. The concerns about future maintenance can be addressed in the proposed s106 agreement but it is not considered that it is necessary, in this instance, to require a Performance Bond as suggested.

- 3.5 There is still no agreement between the applicants and WSCC regarding the request for education contributions as well as land for a new school. As Members will recall WSCC has requested 2 hectares of land for a school and a financial contribution of over £3.7 million towards its construction (contributions for primary, secondary and 6<sup>th</sup> Form education). WSCC has been reviewing the viability appraisals and has stressed the importance of education as a key infrastructure requirement for the site. On the assumption that the Viability Assessment will be accepted by WSCC the only alternatives for the Committee are:

- i) Accept the current situation whereby contributions have been secured for a range of different infrastructure requirements:
  - £500k contribution towards improved Medical Centre(s)
  - £106 contribution towards improved policing for the area.
  - The provision of a Community Hub
  - 2 hectares of land for a new 2FE primary school (serviced site)
  - Transport contributions towards improvements to pedestrian crossings and links (£100k).
  - Contribution towards the upgrade of the recreation area in Shadwells Road.
  - Provision of a landscaped Country Park
- ii) Redirect some or all of the above contributions towards education or,
- iii) Seek to reduce the affordable housing provision below 30% and/or the tenure split (i.e. increase the amount of shared ownership and reduce level of affordable rent).

3.6 Members indicated at the last meeting that they were keen not to reduce the level of affordable housing in view of the housing need in the District. This leaves the first two options and whilst contributions could be redirected from other infrastructure providers, the size of the education shortfall would remain. As there is the opportunity to secure a significant education contribution from the West Sompting development towards the construction of the school, it is considered that it is not possible to secure the education contributions and it is more appropriate to try and address some of the other infrastructure requirements to mitigate the impact of the new development.

3.7 One option that has not been considered here is to secure an off-site contribution allowing the developer to secure additional housing and or commercial development on the proposed school site. However, WSCC has indicated that securing the land for the delivery of a two Form Entry Primary School is its first priority and it has indicated that it would not entertain this option.

#### **4.0 Recommendation**

4.1 This remains as the agenda papers but there is a requirement to make some minor amendments to conditions which can be addressed during any delegation period.