



ADUR DISTRICT COUNCIL

31 January 2019

Adur Planning Committee

Date: 11 February 2019

Time: 7:00pm

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

Committee Membership: Councillors Carol Albury (Chairman), Pat Beresford (Vice-Chair), Les Alden, George Barton, Stephen Chipp, Brian Coomber, Lee Cowen and Robin Monk.

NOTE:

Anyone wishing to speak at this meeting, on a planning application before the Committee, should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before noon on Friday 8 February 2019.

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 7 January 2019, 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

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on Thursday 7 February 2019.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services - democratic.services@adur-worthing.gov.uk

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

7. Updated Adur and Worthing Statement of Community Involvement - Draft for Consultation

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

8. Proposed Revision to Pre-Application Charging

To consider a report by the Director for the Economy, attached as Item 8.

Part B - Not for publication - Exempt Information Reports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	Louise Mathie Senior Lawyer 01903 221050 louise.mathie@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.



Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1742/18 Recommendation – Approve

Site: Cecil Norris House, Ravens Road, Shoreham by Sea

Proposal: Demolition of existing building and construction of new building consisting of 5 x 1-bed flats and 10 x 2-bed flats over 3 levels, with associated parking, cycle and bin storage and landscaping.

2

Application Number: AWDM/0337/18 Recommendation – Refuse

Site: 4 & 6 Old Shoreham Road, Lancing

Proposal: Demolition of fire damaged dwelling and erection of a replacement 5-bedroom dwelling at 4 Old Shoreham Road, retention of existing dwelling at 6 Old Shoreham Road and erection of 2 no. 4-bedroom dwellings. Closure of existing site access from A27 roundabout and creation of a new access road from Old Shoreham access road and associated vehicle parking and landscaping

3

Application Number: AWDM/1695/18 Recommendation – Approve

Site: 85-89 Brighton Road, Shoreham by Sea

Proposal: Construction of flood defence wall, and flood gate across former Tarmount Hard, provision of pedestrian and cycle path and public realm improvements following demolition of yacht club (subject of separate application).

4

Application Number: AWDM/1775/18

Recommendation – Approve

**Site: Unit 8, Chartwell Business Centre, 42 Chartwell Road,
Lancing**

**Proposal: Change of use from B1/B2/B8 to D2 Gym and minor internal
changes.**

5

Application Number: AWDM/1465/18

Recommendation – Refuse

Site: 14 Southdown Road, Southwick

**Proposal: Application for consent under Adur Tree Preservation Order
No. 13.53/1/05/SW to fell one Macrocarpa tree (T1).**

Application Number: AWDM/1742/18

Recommendation: APPROVE

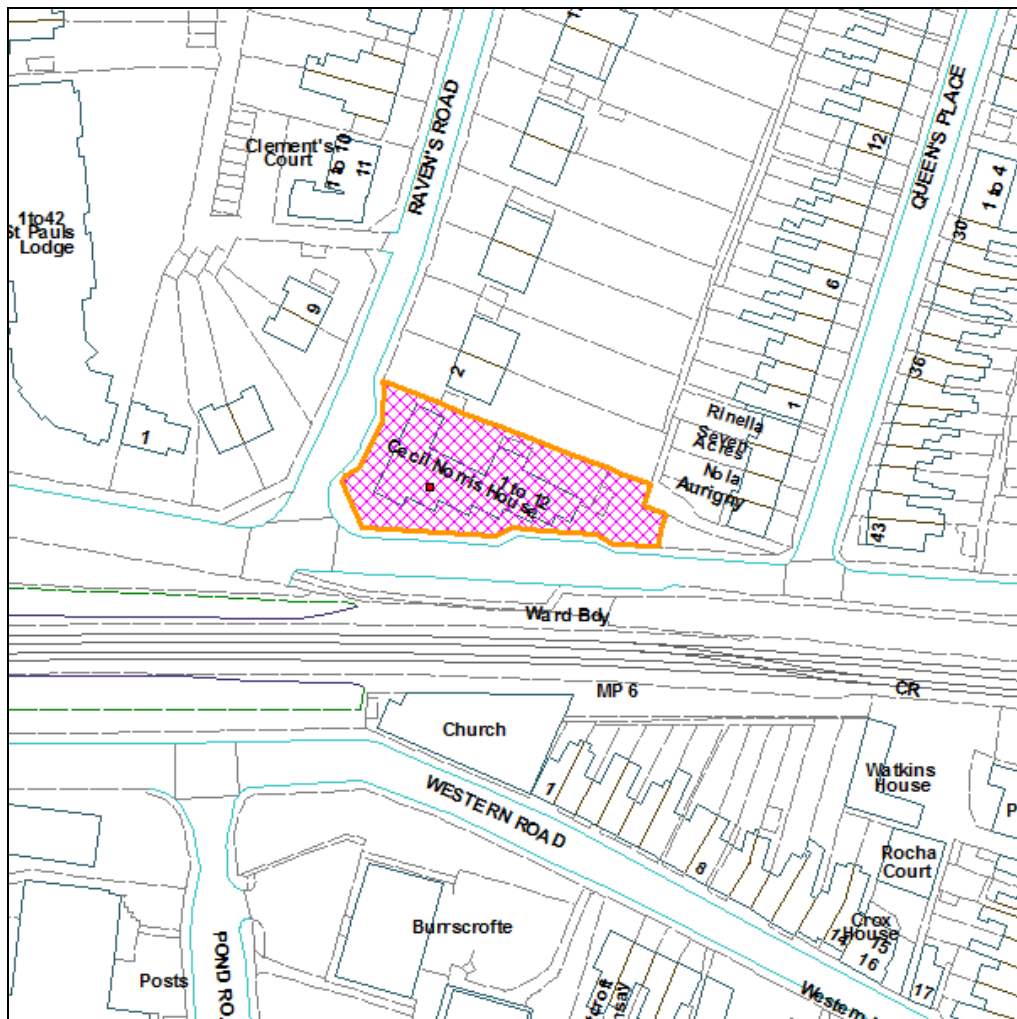
Site: Cecil Norris House, Ravens Road, Shoreham-By-Sea

Proposal: Demolition of existing building and construction of new building consisting of 5 x 1-bed flats and 10 x 2-bed flats over 3 levels, with associated parking, cycle and bin storage and landscaping.

Applicant: Mr Derek Beck, Adur District Council

Ward: St Nicolas

Case Officer: Gary Peck



Not to Scale

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Proposal

This application seeks full permission for the demolition of the existing building, Cecil Norris House, and the construction of a replacement building consisting of 5 x 1-bed flats and 10 x 2-bed flats (15 units in total) over 3 levels which would all be affordable housing units. The 15 affordable units are stated to consist of 5 one bedroom flats, 8 two bedroom flats and 2 split level maisonettes with private garden area at the eastern end of the building. This is an increase of 2 units from the current provision on the site.

It is also stated that 'whilst some vegetation will be removed to facilitate the development the new building has been designed around trees of note, particularly the one on the south west corner of the site which will be protected and retained'.

The Planning Statement goes on to say:

The design process that has led to the application scheme has been considerable and set out in full in the Design & Access Statement. The design adopts a modern approach, incorporating green roofs, modern materials that reflect traditional materials nearby, being highly energy efficient and ensuring accessibility for all residents, whether able bodied or not. In addition it proposes two disabled parking spaces.

An initial design was presented to the local community at a public consultation event in September 2018, at this event a number of concerns were raised and the design subsequently amended in response. The main design revisions in response to comments received are:

- Truncated windows to rear elevation to direct views.*
- Windows with an internal cill lower than 1700mm on the north elevation are obscured.*
- Western block moved south 2 metres away from No.2 Ravens.*
- Planting to north elevation reduced to low level hedges.*
- The green wall to the north elevation was extended to increase the proposal's green commitment,*

In addition to the design revisions to the building, a second parking survey was also undertaken in light of concerns raised over the level of on-site parking provision proposed. With regards to parking provision, the proposed development generates a demand for 3 normal car parking spaces but provides 2 disabled spaces. Whilst this is a shortfall of 3, the overnight parking demand survey showed there is on-street parking space for at least 46 cars, or 21 during the day – therefore this is not significant or to the detriment of neighbouring residents. It also provides an appropriate number of [8] cycle spaces.

In respect of design, the Design & Access Statement (DAS) states:

we have combined a modern design and contemporary form with a classic material pallet that reflects the surrounding areas. By using a blend of bricks to create a shift in

colour and shade from red wrapping round to white we were able to add more variety and colour to the design, while the use of a green wall helped to soften the view from the neighbours onto the rear of the proposal. These colours feature both on the existing property and the surrounding areas, to help the proposal fit in more with its neighbours

The proposed materials are described thus:

Proposed walls Red/brown FL brick and a white brick to the rear (north facing) elevations, which is in keeping with the surrounding building materials. Particularly for 3-4 storey buildings of flats such as Longcroft and St Paul's Lodge on Southdown Road and Weppons Estate and the existing Cecil Norris House on Ravens Road.

Proposed windows: Composite timber and metal RAL 9004 (signal black).

Proposed doors: Timber (internal) and composite timber and metal RAL 9004 external.

Proposed Roof Sedum roof: the proposal should be seen as an asset to the townscape. Environmentally, the sedum roof will help promote the urban biodiversity lost by the existing hard stand in poor conditions. Furthermore, the Sedum roof will aid in reducing the impact from surface water run-off.

Proposed Balconies: Balconies are proposed to the south, east and west facing façades for private amenity space and solar gain. These will not detract from the building's exterior and are chiefly set within frames so as to not protrude much passed the building line.

A Daylight, Sunlight and Overshadowing study has also been submitted and is stated to follow the methodology and impact criteria set out by the BRE in its "A Guide to Good Practice Site Layout Planning for Daylight and Sunlight"

Site & Surroundings

It is understood that the existing building was built in the early 1970s as retirement housing and consisted of 12 studio flats and 1 x 2 bedroom flat. There was also a guest room, laundry and lounge. The building has been vacated since the submission of the application and now has hoardings around the site boundary.

The building sits on the corner of Ravens Road and is 2 storeys on its western side before dropping to a single storey on the eastern side along with a small garage and parking area. The building sits at a stagger to the road and is a brick building with white exterior cladding. As the site narrows to the east, there is only a very small eastern boundary. While the surrounding area is mixed in character, the existing building appears to have little in common with it.

The application site itself is outside of the Conservation Area, but immediately borders it on the southern side and eastern sides. Ravens Road itself to the north is not within the Conservation Area, but further to the west, Southdown Road is also within the Conservation Area.

Across the road, to the south of the site, is the railway line and Shoreham-by-Sea train station is about 150 metres to the east of the application site. To the east are terraced properties in Queen's Place. To the west, across Ravens Road, are residential properties, 2 semi-detached pairs and a single dwelling being closest to the application site. Further to the west is St Paul's Lodge, a 3 storey building set back from the road in line with the immediately surrounding pattern of development.

To the north is the property most clearly affected by the proposed development, 2 Ravens Road. This is a 2/3 storey residential dwelling with a large dormer in its roof slope facing south across the site as well as a single storey extension on its southern side partly containing a dining room with rooflights in its roof. The property also has patio doors and a conservatory with windows facing both east along garden and south towards the application site. As the properties in Ravens Road have much longer rear gardens than those in Queen's Place, the rear garden of number 2 runs almost the whole length of the northern boundary of the application site (a very small part is also shared with a property in Queen's Place), and the gardens in the properties beyond to the north are also of an equivalent length.

Relevant Planning History

None relevant to the determination of the application

Consultations

Planning Policy Section

The existing accommodation is owned by Adur Council and the proposal is to redevelop the site and increase the density of the development to provide 15 flats. Policy 21: Affordable Housing of the Adur Local Plan applies and requires 30% of the dwellings to be affordable. The application, submitted on behalf of the Council, states that 100% of the new dwellings will be affordable. This is to be welcomed and there is no policy objection to this proposal.

Adur District Conservation Advisory Group

This property (CN) was built in 1972 comprising 12 studio flats plus one 2 bedroom flat (for guests), providing a communal lounge, garden, laundry & guest facilities & as such provided ideal residence for Adur residents from the age of 60 upwards. It proved to be a resounding success by more importantly, allowing retirees an opportunity to downsize & still remain independent, supported by non-resident part time staff. It is also ideally located within walking distance of the town centre.

The property's design, although modern, settled easily within the neighbouring district, most of which is designated as a conservation area. In addition to which, the majority of C.N. House residents were neither car owners or drivers which was beneficial to the area in view of its location, i.e. its close proximity to Shoreham Railway Station where it has been & always will be, heavily congested with parked cars.

Adur D.C. decided, despite the popularity of C.N. House, to close it down & subsequently replace the building with a block of flats designed to provide affordable housing as per the aforementioned planning application AWDM/1742/18.

The new proposal is of an extremely modern design as can be seen from applicant's drawings. The design itself cannot be challenged apart from on basic fact, it does not in any way lend any synergy to the adjacent properties in the conservation area. It would be more suited in a location where there are properties of a much later design in order that it would blend in more easily.

The number of flats to be provided by the new development is 15 as opposed to the 13 lost by the demolition of C.N.H. This would raise an ethical question such as why homes for the older generation must be sacrificed for another generation. This is not the first occasion that Adur D.C. has followed this route. It would also appear contrary to the Government's latest proposals to encourage independent living of the retired community.

With regard to the new development, it should be noted that there will be three stories, admitted they will be set back so as not to impede on the street scene. However, the shadow cast by the resultant height of the building will impact on the neighbouring properties to the North, particularly on their gardens.

There is also a shortfall of off street parking facilities which will result in an exacerbation of on street parking, particularly in Hebe Road to the South of the development. (see para.2)

The actual design of the new development will not enhance the area. On the contrary, it will dominate not only the design but also the finish (colours), will conflict with the existing housing, bearing in mind this aspect alone is contrary to the ethos of Conservation areas.

Despite the optimism of design & access statement, it should be noted that over 40 residents have submitted written objections to the application, which should be taken into serious consideration by the Planning Committee.

It is appreciated that Adur D.C. is keen to comply with the housing targets set by H.M. Government as can be seen by the number of large developments proposed on the A.259 & elsewhere. However, there is a minimal gain in this instance & a greater sacrifice on the part of the older generation.

The unanimous conclusion of the ADCAG members is to recommend that this application is REFUSED.

Environmental Health

Having considered the acoustic report, I would recommend whole house ventilation with heat recovery be provided for those dwellings that need to keep windows closed to achieve internal noise level requirements. This will do away for the need for acoustic vents in the Southern facade. I would suggest windows remain operable to allow for purge ventilation as recommended in the acoustic report.

Perhaps consideration could be given to powering the continuous mechanical ventilation systems from the communal power supply, which will be offset by the solar panels, so as to keep energy costs for residents to a minimum.

A demolition Notice under the Building Act 1984 will be required prior to demolition and the applicant should contact environmental health for this purpose prior to this work being undertaken.

Southern Water

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

a Adequate soakaway or infiltration system

b Water course

c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is

proposed to connect to a public sewer the prior approval of Southern Water is required.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

West Sussex County Council Lead Local Flood Authority

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations and advice.

Flood Risk Summary

Modelled surface water flood risk	Low risk
<p>Comments:</p> <p>Current surface water mapping shows the proposed site is at low risk from surface water flooding although there are areas adjacent to the site at higher risk.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>However the surface water management strategy should consider this risk and suitable mitigation measures with any existing surface water flow paths across the site maintained.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	

Modelled ground water flood risk susceptibility	Low risk
<p>Comments:</p> <p>The area of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>Ground water contamination and Source Protection Zones. 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.</p>	

Records of any historic flooding within the site?	No
<p>Comments:</p> <p>We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

Ordinary watercourses present?	No
<p>Comments:</p> <p>Current Ordnance Survey mapping shows no ordinary watercourses within the proposed development area.</p>	

Future development - Sustainable Drainage Systems (SuDS)

No FRA or Drainage Strategy has been included with this application. The majority of Section 12 (Assessment of Flood Risk) of the Application Form has been left blank.

In line with Defra's non-statutory technical standards for sustainable drainage systems, for a brownfield site such as this, the peak runoff rate and runoff volume should be as close as reasonably practicable to the Greenfield runoff rate/volume from the development for the same rainfall event. If this is not possible, significant betterment, at least 50% reduction in rate from the peak pre-redevelopment rate, should be achievable.

Please refer to our Policy for the Management of Surface Water https://www.westsussex.gov.uk/media/10391/ws_llfa_policy_for_management_of_surface_water.pdf

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through green roofs, rain gardens, permeable paving and swales prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits too.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

Technical Services (initial comment)

Thank you for letting me comment upon this application. I initially asked you to obtain further details for the proposed site drainage – this has now been provided.

The site lies in flood zone 1; it may suffer in the south east corner with surface water flooding but from my investigations has not suffered flooding in the past.

The existing site has no dedicated surface water drainage provision which is common in the Adur area. There is however a foul drain in Raven's Road and a combined sewer in Hebe Road.

The existing buildings are to be demolished to make way for the new build. This new build will increase hard standing in the area and therefore increase surface water runoff.

Once the site is cleared there is no reason why an infiltration test cannot be undertaken – indeed this is alluded to in the Sustainable Drainage Statement:-

Infiltration testing is programmed to be carried out and if testing does prove to be favourable then we would advocate that an infiltration drainage system is pursued in line with the Building Regulations hierarchy and designed in accordance with all relative regulatory standards where applicable.

The report then goes on to say:-

Based on the above, it is concluded that the surface water run-off from the post developed site will be managed using cellular storage wrapped in impermeable geomembrane in the disabled parking bays and a retention of stormwater in the void former of the green roof's layers. Due to space restrictions, the size of the cellular storage units it is limited to the proposed disabled parking bays and will be based on the allowable discharge, which is currently proposed at a 2.0 l/s. The storage provided

in the green roof's layers known as BluRoof system will provide valuable additional drainage capacity. To control the maximum permissible discharge of stormwater restriction devices are included at all the roof outlets where applicable.

This proposal is unacceptable because the plan accompanying the statement clearly shows that the proposal is to connect to the Public Foul Sewer, rather than the Combined Sewer. And the controlled discharge limited to 2l/s only applies to the southern side of the building the northern side discharges via chambers S8 – S1 unrestricted. Which means the peak flow from the site will be well in excess of 2l/s. There is no agreement to this volume of discharge from Southern Water. Indeed there is no acceptance by Southern Water to take any site flows

Connection to either sewer must be approved by SWS.

Therefore I **object** to this application.

Once the following information is provided I will reconsider my objection

- 1) Confirmation of infiltration rate derived from onsite tests.
- 2) Letter approving connection and volume discharge rate to the sewer be it Foul or Combined – this assumes infiltration is not an option for all surface water disposal

The applicant responded to this objection with the following additional information

Existing conditions

The site currently discharges foul and surface water via a 100mm diameter lateral connection to the Southern Water public sewer located the west of Cecil Norris House in Ravens Road. This sewer is shown on Southern Water's sewer record as a foul sewer, however, the details submitted previously by Scott White & Hookins (SWH) show that both foul water and surface water discharge to this sewer via the private on-site combined drainage system.

The sewer record indicates that a combined sewer pressurised rising main is located under the highway to the south of the site. There are no surface water sewers shown in the vicinity of Cecil Norris House.

The existing peak flow rate to the public sewer is limited by the pipe diameter, gradient and internal pipe roughness. SWH's information shows that the lateral connection to the public sewer is 100mm diameter and, although the pipe gradient is not known, construction practices would allow a minimum gradient of 1 in 100 to ensure adequate velocity is maintained. Using published pipe flow tables, with a roughness coefficient of 0.15 for foul water flow, the existing peak flow has been calculated at 7.03 litres/second.

This incorporates foul and surface water flows from the existing residential units. Sewers for Adoption suggests a peak foul water flow rate based on 4,000 litres per residential unit per day. For the existing 13 units at the site, this equates to a peak foul water flow rate of 0.60 litres/second.

Surface geology at the site is shown on the British Geological Survey (BGS) online mapping resource as being deposits of Head – Clay, Silt, Sand and Gravel. The BGS website also indicates locations of available borehole information and there is a log shown immediately south of Cecil Norris House. This log (from 1991) confirms Head deposits of stiff to firm Clay to a depth of 6.25m below ground level where the borehole was terminated.

Proposed drainage strategy

Sustainable Drainage (SuDS) proposals have been considered in line with the Building Regulations Part H3 which requires rainwater to discharge to the following listed in order of priority;

- a) An adequate soakaway or other infiltration system; or, where that is not reasonably practicable,
- b) A watercourse; or, where that is not reasonably practicable,
- c) A sewer.

The geological conditions underlying the Cecil Norris House site do not appear favourable to the installation of soakaways or infiltration SuDS techniques. The presence of combined sewers in the wider area of this part of Shoreham-By-Sea and the use of an existing combined drainage system at the site indicate that infiltration SuDS are not used to manage surface water runoff locally. Furthermore, Building Regulations require soakaways to be placed a minimum of 5m away from buildings. The existing building footprint would prevent the use of soakaways as there is not a 5m margin between the building line and the property boundary.

With the new building proposed to occupy a similar footprint to the existing block, the use of soakaways would also be precluded due to the 5m minimum distance requirement.

Given the site geology and the form of the proposed development, the use of infiltration SuDS as in a), above, is not considered reasonably practicable for the development

There are no watercourses close to the Cecil Norris House site that would offer a reasonably practicable discharge point for surface water from the proposed development, therefore method b) above is not considered feasible.

Using the hierarchy of rainwater disposal as above, a discharge to the public sewer, as c), is considered the remaining option for surface water management for the proposed development. A connection to a rising main cannot be made and therefore

the existing connection to the public sewer, indicated as a foul sewer on the sewer record, is proposed to be re-used.

Any discharge to the public sewer will need to be approved by Southern Water and the sewerage undertaker will accept surface water flows to the sewer if it can be demonstrated that reduction of the existing flow rate can be achieved and that there are no other feasible alternative options to surface water disposal. Southern Water will only process a Section 106 sewer connection application once planning consent is approved and this connection application cannot be made at the current time.

To provide a reduction in flow to the public sewer, an attenuation SuDS scheme is proposed with surface water discharge limited to 2 litres/second. This rate is considered the minimum flow at which a self-cleansing velocity can be maintained and is shown to be 5.03 litres/second less than the existing peak flow rate from the site (28% of the existing flow rate).

To achieve this flow reduction, a shallow attenuation tank is proposed to be located in the communal rear open space of the development, as shown on the attached drainage layout drawing, with the outflow to the downstream sewer restricted through the installation of a Hydrobrake flow limiting device. This attenuation tank has been sized to accommodate all storms up to the 1 in 100 year event with an additional 40% rainfall intensity allowance to account for the effects of climate change for the lifetime of the development. This is in line with the parameters set out in the non-statutory technical standards for SuDS.

As can be seen, the drainage proposals are for a separate drainage system for foul and surface water which combine downstream of the Hydrobrake chamber at the last manhole on site before connecting to the public sewer in Ravens Road via a new manhole. The peak rate of foul water discharge to the public sewer from the proposed 15 residential units has been calculated at 0.69 litres/second, an increase of 0.09 litres/second.

MicroDrainage calculations have also been provided in the attached information to demonstrate the capabilities of the proposed system to limit the surface water runoff flow rate from the whole of the proposed impermeable area of the development to the sewer.

I hope that this additional detail and clarification of the proposed drainage strategy shows that surface water runoff can be managed sustainably for the design lifetime of the Cecil Norris House development and provides you with sufficient detail to review the current objection.

Technical Services (further comment)

I can confirm that the foregoing is exactly the information I require and therefore I withdraw my objection

West Sussex County Council Highways

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been consulted on proposals for demolition of existing building and construction of new building comprising 5 x 1-bedroom and 10 x 2-bedroom flats (social housing) with associated car and bicycle parking.

Ravens Road is unclassified public highway subject to a 30 mph speed restriction. The site is located on a junction corner and there are comprehensive double yellow line road markings on the nearby road network. There is limited on-street parking on the southern side of the carriageway and a layby on the north side of the carriageway, directly west of the existing vehicle crossover (VCO).

The application is supported by technical drawings, Design & Access Statement (DaS) and Transport Statement (TS). The LHA does not wish to raise transport grounds to resist the application subject to comments and conditions below.

Access

Vehicular access to the development will remain as per the existing VCO. Whilst the application form states that access to the public highway will be altered an inspection of the proposed plans and local mapping reveals that no alterations to the existing VCO would be required to access the 2 x disabled parking bays. I note that the Site Plan indicates areas of landscaping either side of the parking spaces. Obstructions to visibility within these areas should be kept to a height of no more than 0.6m, 2 metres back into the site, to allow for visibility of pedestrians on the adjacent footway. Details of pedestrian visibility splays can be secured via condition.

Whilst there is no turn on site available, space as existing appears restrictive for this. The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents in the vicinity of the site access. There is no evidence to suggest that the access or existing parking arrangements are operating unsafely. Whilst on-street parking in the layby is immediately adjacent, Manual for Streets 2 (MfS2) paragraph 10.7.1 states that *Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice...in some circumstances, where speeds are low, some encroachment may be acceptable.* Furthermore the presence of on-street parking and residential nature of the nearby road network means that slow speeds are anticipated along Ravens Road.

Parking

The TS refers to 3 x unallocated spaces being provided for the development however the plans indicate that 2 x disabled spaces only will be provided. Parking provision has therefore been assessed on the basis of no allocated spaces being provided for the development.

The disabled parking bays are only 4.8m in length and 3.3m wide. Department for Transport's *Inclusive Mobility* sets out that off-street parking bays perpendicular to the

access aisle should include 1.2m extra space to the rear for access and extra 1.2m *either side* of the bay. The bays should be amended; details of this can be secured via condition.

The TS states that the shortfall in parking provision is three spaces, however on the basis of no allocated spaces being provided the WSCC Car Parking Demand Calculator (PDC) estimates a demand for six spaces for a development of this scale and location. A Car Parking Capacity survey has therefore been undertaken to assess whether the shortfall in parking at the development site would cause an issue to additional on-street parking in the vicinity. Roads within at least 200 metres from proposed development were included to survey parking availability between 2 am and 5 am on a weekday morning, when most residential demand would be expected. This found that the closest roads (Ravens Road and Queens Place) had a spare capacity of 46 spaces, a parking stress of only 34%. Additional parking surveys were also undertaken 0700-0900 and 1700-1900 on a weekday for peak commuter parking demand in vicinity of Shoreham Station. This found that 21-29 spaces were available on the closest roads. The LHA therefore do not raise a concern from a highway safety perspective in the shortfall of six spaces.

Refuse collection and emergency access will be via roadside as per existing arrangements. Refuse vehicles can reach within 25m of collection point as per MfS paragraph 6.8.9 and a Fire Appliance can reach within 45m of all points of the proposed building.

Capacity

A Trip Rate Information Computer Systems (TRICs) database assessment was undertaken on the trips anticipated with the previous use and any increase proposed with the new development. The existing housing with 13 x 2-bedroom retirement flats could see 25 daily 2-way movements with 1 movement in the AM and PM peak respectively. The proposed development could see 28 daily 2-way movements with 2 in the AM and 3 in PM peak. The impact to vehicle trips is therefore not considered 'severe'. Also considering less parking is proposed and the sustainable location of the site, the development is inviting to residents without cars who may utilise nearby public transport.

Accessibility

WSCC bicycle parking standards state that in a communal facility the flats should have 0.5 spaces each. Eight spaces will therefore be provided. Considering the sustainable location and restricted car parking the applicant may wish to provide one space per flat. Details of this can be secured via condition. The local road network is conducive to walking and cycling with street lit low speed carriageway and footway and a number of retail, services and amenities in Shoreham, within walking distance.

Shoreham Train Station is approximately 2 minute walk distant with various regular services to Brighton, Worthing and London Stations. The closest bus services are also from Shoreham Train Station with regular services to various villages and towns. The LHA are satisfied that not all daily trips would be required to be by private car and thus

the proposals meet with paragraph 108 of the National Planning Policy Framework (NPPF) in that opportunity to promote sustainable transport can be made.

Construction Phase

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Ravens Road. A comprehensive construction management plan should be submitted. This should set out the controls to be implemented throughout the construction project to ensure that safety of users of the public highway, as well as its operation, is not detrimentally affected. The construction management plan should amongst other things set out how deliveries are to be managed along Ravens Road in light of the carriageway width and presence of other vulnerable road users.

Conclusion

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Representations

42 objections have been received: 12 from addresses in Ravens Road, 1 in Queens Place, 11 from other addresses in Shoreham, 6 in Hove, 4 in Lancing, 4 in Southwick, 1 each from Upper Beeding, Brighton, London and Bristol.

The objections are made on the following grounds:

- a 3 storey building will reach the roofline of neighbouring properties
- solid block with a flat roof will be out of keeping with the nearby Conservation Area
- inadequate parking provision
- West Sussex County Council Transport Plan states that parking problems often occur near railway stations
- overdevelopment of the site
- green wall/sedum roof would not be adequately maintained and threatened by seagulls
- a 2 storey development would be more appropriate
- inadequate external space around the building conflicts with policy 22 of the Local Plan
- the lighting survey is inadequate as ground floor conservatory and windows on the neighbouring property were not taken into account and were inadequately described as a lean to
- loss of light to the neighbouring property would occur 9 months per year
- overbearing development to neighbouring properties
- the site coverage is excessive compared to surrounding developments
- other brownfield sites are more appropriate for a development such as this
- a private application would not be approved as it conflicts with planning policies

- the proposed materials are not in keeping with the surrounding area
- loss of historic view to the centre of Shoreham including the Church
- like other new developments in Shoreham, this proposal lacks sensitivity
- existing building does not result in overlooking as only corridors face neighbouring properties
- would be taller than the Shoreham Centre
- the site has been previously rejected from the SHLAA as would not result in a net increase in dwellings
- loss of trees
- the traffic survey is misleading
- adverse impact upon the Conservation Area

Following the submission of further lighting information from the applicant, a further objection was received from the occupiers of Ravens Road on the grounds that the fenestration in the eastern elevation of the property had still been ignored and that the survey states that the rear part of the property is not the main living space which is incorrect. The term lean to used by the developer is an incorrect and misleading term when used to describe a house extension. The strong objection to the negative impact upon the property remains.

1 letter of support has been received stating that it is hoped that the building will provide adequate disability access

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Relevant policies include 1, 2, 3, 11, 15, 17, 18, 20, 21, 22, 28 & 30 & 34.

Development Control Standards – Space Around New Dwellings and Flats

National Planning Policy Framework (CLG 2018)

Planning Practice Guidance (CLG 2014)

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

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

Although a high number of objections have been received in respect of the application, very few specifically oppose the principle of development. Member will be aware, as set out in the Local Plan, that there is a shortfall in housing in the District and a pressing necessity to provide affordable housing. It has been evident in recent months that the private housing schemes that are presented to the Committee for consideration often fail to achieve the amount of affordable housing required by the Local Plan primarily for viability reasons, and accordingly the provision of a fully affordable housing scheme is considered quite clearly acceptable in principle. The National Planning Policy Framework seeks to ensure that a *sufficient number and range of homes can be provided to meet the needs of present and future generations* an objective which this application can potentially help achieve.

Furthermore, the existing building, Cecil Norris House, is over 40 years old and hence no longer provides facilities expected in current times. Upgrading the building would no doubt prove uneconomic but, in any case, and leaving aside the specific details of the current application for the moment, the existing building in visual terms with its flat roofs and use of cladding, does not reflect the character of the surrounding area. It is also felt, therefore, that there can be no objection to the principle of removing the building and its replacement with a more modern facility.

In location terms, the application site is close to the centre of Shoreham and therefore in walking distance of its facilities, as well as being within 200 metres of the railway station and bus routes. The site is therefore sustainably located and the provision of additional housing again can be supported as a matter of principle. Members are reminded that the NPPF retains its presumption in favour of sustainable development.

The location of the site leads to consideration of the first issue of major concern among those who have made representations to the plan regarding the lack of parking provision on the site.

The submitted plans show the provision of 2 disabled parking spaces on the site and the County Council has confirmed that the development would require the provision of 6 parking spaces and accordingly there is a shortfall in the parking provision proposed. It is quite evident from daytime visits to the application site and its environs that there is often parking pressure in the locality because of the proximity to the railway station and the ability for commuters to park close by. The narrow nature of Queen's Place to the west adds to this parking pressure.

However, it must be remembered that government advice as contained in the NPPF is quite clear. Paragraph 103 requires that there a genuine choice of transport modes which would be the case in respect of this proposal. The NPPF further states that in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location which would again be the case in this application. Paragraph 110 goes on to say that applications for development should give priority

first to pedestrian and cycle movements, and, so far as possible, to facilitate access to high quality public transport.

At paragraph 109, the NPPF states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. The County Council as Highways Authority has concluded that the impacts of the development would not be 'severe' and in light of that finding and the clear government guidance contained within the NPPF, your officers, while recognizing the understandable concerns of local residents and others in respect of highways and parking matters, conclude that there is no justifiable reason to resist the development on highways grounds especially when assessed against the matters of principle outlined earlier.

Chapter 11 of the NPPF is entitled 'Making effective use of land' and paragraph 117 states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes'*. At paragraph 119, it further states *Local planning authorities...should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including...held in public ownership, using the full range of powers available to them'*. These paragraphs suggest therefore, and particularly against the background of the location of the development, that a more intensive use of the site would be in line with government guidance. The NPPF then indeed goes on to deal with 'achieving appropriate densities' at paragraphs 122 and 123:

Planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.

123. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site...

...local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)

A number of residents have raised concerns regarding the scale of the development, albeit some of these comments are made in the context of the parking provision considered above. Your officers do feel that it is a matter of fact that the existing building is lower than those immediately around it because of its flat roofed nature. The southern facing dormer of number 2 Ravens Road is quite clearly visible above the subject building for example and is effectively a 3 storey building at that point. Although a number of other buildings in the vicinity are 2 storeys, these mainly contain pitched roofs and are therefore higher than the subject building, whilst just to the west is St Paul's Lodge a far more substantial 3 storey building although with limited impact upon the street scene.

Your Officers, therefore, consider that the principle of making a more effective use of the site, for an identified housing need, is fully in line with government guidance.

In design terms, the character of the surrounding area is somewhat mixed and the corner nature of the site sitting between the far more dense Queen's Place to the east and the greater spacings of Ravens Road to the north and Southdown Road to the west is considered to give some freedom to the proposed design of the building. It is not considered that there is any objection to a more modern and contemporary design and, as stated in the Design and Access Statement, the proposed use of a blend of bricks as well as the use of a green wall will allow the development in design terms to assimilate successfully into its surrounds.

The building will step down from 3 storeys at the western end to a single storey at the eastern end, a quite natural transition given the western end of the site sits on a corner in a much wider part of the plot before it considerably narrows to the east. It is not considered that the building will be out of scale with the wider or immediate character of the area and provided that appropriate materials are used, which can be controlled by condition, then your Officers consider that the proposal will enhance the visual character of the area.

The remaining issue is therefore the impact of the development upon the amenities of surrounding properties. Having assessed the application, it is considered that the main issue in the determination of the application, having considered the points above, is the impact of the proposal upon 2 Ravens Road which is the property located immediately to the north.

Number 2 Ravens Road is part of a pair of dwellings on the eastern side of Ravens Road and was originally a 2 storey property which has extended into the roofspace including the incorporation of a large dormer which sits on its southern roofslope so facing the application site. There is also a single storey extension on the southern side of the property, which was built in 2016 and has fooflights in its sloping roof which partly serve an open plan dining room. There is also a conservatory to the rear which was granted permission in 2005.

At present, the existing Cecil Norris House has little impact upon number 2 primarily because of its flat roofed nature although in terms of outlook the existing building

cannot be described as attractive with the top of the flat roofs clearly visible from the dormer window. The comparatively low level nature of the existing building means that it does impinge on the outlook from the dormer window at all which therefore allows a view to the south where, for example, St Mary's Church can be seen. Similarly, when viewed from the eastern facing patio doors (also part of the 2016 extension), the existing building has little impact as it drops to single storey towards the eastern extent of the site. The aforementioned conservatory has windows in its eastern and southern sides and again the existing building has little impact when viewed through the eastern windows, but is clearly visible from the southern windows.

It is clear, therefore, that the proposal will have impact upon this property and the extent of that impact has to be assessed carefully. As mentioned earlier, number 2 is higher than Cecil Norris House and there is a clear functional reason for replacing the building in terms of providing affordable housing and a clear potential for visual improvement given that the building does not reflect the character of the surrounding area. It would be unrealistic, therefore, to expect that the replacement of the building will not result in an increase in either height or scale, particularly when assessed against the government requirement to provide new homes in sustainable locations while making the most efficient use of land.

The representation from the neighbour and indeed a number of others who have made similar points, firstly quote quite extensively from Local Plan policy and the Council's Supplementary Design Guidance regarding Space Around New Developments and Flats. It is contended by the objector's that the application fails against the Council's own policies.

In terms of the Adur Local Plan, it should be remembered at the outset that the introduction to the Plan identifies a number of key issues. These include at number 4:

The need to meet identified housing needs - Adur needs to address a range of housing requirements including the projected increase in smaller households, more family housing and affordable housing.

The scheme, as mentioned above, would clearly meet this objective although the footnote to key issue 3 does impress the need to:

...strike a balance between facilitating development, achieving regeneration and delivering infrastructure, whilst maintaining built and natural environmental quality, 'sense of place' and the character of Adur.

This means that there is a balance to be struck as anticipated at paragraph 2.6 which is the section that deals with the Spatial Strategy of the Plan:

Given the limited amount of land available, it is important that developments make efficient use of land by developing at appropriate densities whilst respecting the character of the area (although higher densities may be appropriate in town centre locations...)

Policy 22 deals with density specifically and states:

New residential developments should achieve densities of a minimum of 35 dwellings per hectare. Development in the defined town/village centres...will be expected to achieve higher densities...

A consideration of density having regard to the above policy is of limited value given that at 13 units, the existing density of the site already considerably exceeds the above policy requirement (the site measurement on the application form is given as 1138 square metres which is the equivalent to 0.11 hectares). Using the given measurements, the existing site density is around 91 to the hectare and an increase of an additional 2 units would increase this to around 130 per hectare. A refusal of the application against policy 22 would therefore be difficult to resist given the existing quantum of development on the site. Indeed, in the Council's Supplementary Planning Guidance it is stated '*The use of density as a criteria for controlling developments is considered to be very crude and will not in itself ensure a good quality of residential environment. It is considered that generally the specific requirements of a site will usually determine the acceptable density*'.

The SPD does, though, go on to give guidance pertinent to the consideration of the application and policy 22 does require new development to comply with the criteria set down within it. This includes:

Residential developments, in order to prevent over-developed layouts, should not have an excessive overall site coverage of buildings

While the above point has been raised in objection, your Officers feel that site coverage per se would not be a justifiable reason to resist the development given that the existing building already covers a fair proportion of the site and because of its angle to the road when viewed from the east in particular, the existing siting is not considered to be that best ensures an attractive frontage to the south of the site. The new scheme would provide an opportunity to improve this frontage and added to the ability to impose a landscaping condition to soften the frontage, as well as the western part of the site still further, means that in visual terms an improvement is likely to result.

Privacy distances have also been cited in some of the representations but those standards deal with facing windows and there are no direct face to face windows contained within the proposal. Of the windows which do face north, therefore across the gardens of residential properties the scheme proposes truncated windows to the rear elevation which has the effect of directing views away from facing windows while those with an internal cill lower than 1700mm on the north elevation are obscured which is considered acceptable.

The guidance also requires that buildings are generally set back 1 metre from the boundary, although on a corner plot and in the case of flats, a gap of at least 2 metres

is required. Clearly, the latter applies in this instance and, as stated in the supporting information, a gap of at least 2 metres to the boundary is provided which would represent an improvement compared to the existing gap to the boundary, albeit that the closest elements at present are single storey

The remaining part of the guidance which is relevant states:

In infill and redevelopment schemes new buildings should...ensure the retention of adequate privacy for and daylight to existing dwellings/flats.

A Daylight Report was submitted with the application which states:

The daylight, sunlight and overshadowing study to evaluate any impact of the proposed Cecil Norris House development on the neighbouring dwellings has been undertaken.

The study has demonstrated that the development will not noticeably impact any of the neighbouring windows facing the development. The overshadowing study has shown there will be a minor increase in overshadowing during late afternoon to 2 Ravens Road but that the garden shall still achieve direct sunlight to more than half of the garden for 7 hours a day on 21st March. The other adjacent gardens will not experience any change in overshadowing to their gardens.

As is normal with applications where considerations of daylight, sunlight and overshadowing are of importance, the study was undertaken in accordance with the Building Research Establishment's (BRE) Guide to Site Layout Planning for Daylight and Sunlight (while in the past guidance was provided by the Department of the Environment, this is no longer the case and it is normal for applicants to refer to guidance provided by organisations such as the BRE).

A key method of calculating daylight is Vertical Sky Component (VSC). This refers to a ratio which is the percentage of the total unobstructed view that is available, once obstructions, in the form of buildings are placed in front of the point of view. If one had a totally unobstructed view of the sky, looking in a single direction, then just under 40% of the complete hemisphere would be visible. The guidance goes on to state that if, following a new development, an existing window has VSC greater than 27% it should still receive sufficient light.

The submitted study assessed the VSC not only against 2 Ravens Road but also properties to the east in Queen's Place, namely Aurigny, Nola, Seven Acres and Rinella. The existing VSC in these properties is close to the 40% achieved by an unobstructed view, as may be expected given the low lying nature of the original building. The assessment found that the VSC would be reduced, quite marginally in the cases of the properties in Queen's Place, the lowest remaining value being 37.45 in the case of Seven Acres, still well above the threshold of 27% outlined above.

As may be expected, the effect upon 2 Ravens Road was greatest, primarily to the first floor side windows which would be reduced from 37.55 to 30.7% in the most extreme instance but still above the 27% threshold. This demonstrates that there would be an impact upon 2 Ravens Road, but not to the extent that would warrant a refusal of planning permission. Indeed, it could be said the seemingly high figure enjoyed at present is because the first floor windows of 2 Ravens Road broadly are level to the existing building while the second floor window, as previously mentioned, looks over the top of the building.

In terms of sunlight, measurements are taken in a similar manner to VSC via the Annual Probable Sunlight Hours (APSH). This states that where there are no obstructions to a window, the annual probable sunlight hours are 1486. A distinction is made between summer and winter and it is considered that if a main living room window can receive 25% of annual probable sunlight hours, including at least 5% in winter then it can be considered as adequately sunlit. A development may also be considered to have a harmful impact if a living room window receives less than 80% of its former sunlit hours. The assessment in this respect stated that as all of the affected windows are side or rear windows they are not considered as main living room windows and accordingly there was no reason to make an APSH assessment.

Finally, in terms of overshadowing, it is suggested by the BRE that, for open spaces to appear adequately sunlit throughout the year, *no more than two-fifths and preferably no more than a quarter of any garden or amenity area should be prevented by buildings from receiving any sun at all on 21 March. If, as a result of new development, an existing garden or amenity area does not meet these guidelines, and the area which can receive some sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.*

The assessment concluded that there would be no change to overshadowing in the gardens of the properties in Queen's Place and that currently the garden of 2 Ravens Road receives sunlight for more than half the garden for 8 hours a day. This is stated to reduce by 1 Hour as a result of the development, hence complying with the BRE guidance.

In their objections, the occupiers of 2 Ravens Road stated that the survey was inaccurate as the ground floor south and east elevations had been ignored in the survey and that the results were far more extreme than was anticipated in the submitted survey.

The consultant appointed by the applicant to undertake the study responded:

The BRE guidance requires overshadowing studies to be undertaken of gardens only. The shadows on walls are taken account as part of an annual probable sunlight hours calculation i.e. the number of hours in the year that a window will receive sunlight. The BRE guidance requires this study to be undertaken on living room windows only. The drawings submitted by 2 Ravens Road for the side extension in 2016 (appended to

this letter) confirm the main living room is located at the front of the property facing onto Ravens Road.

The windows on the south and east elevations have not been ignored...as these have been assessed as part of the daylight (VSC) assessment. This is the correct method of assessment for daylight impact on windows. This assessment should assess windows to occupied rooms. On the south elevation the only window serves a utility room, as noted on the proposed plan & elevations drawing for the side extension at 2 Ravens Road, submitted to the local planning authority. Therefore, only the large glazed patio door has been assessed to determine any daylight impact.

A sunlight assessment has not been undertaken on the patio door as this is not a main living room, as indicated on the side extension drawing and confirmed by the photo provided by the planning officer showing a dining area.

The study has not included the conservatory as it is not classed as a habitable room by Building Control. Furthermore, it is fully glazed on the south and east elevations so any change in daylight from the south would not be noticeable. Again, the overshadowing study would not include this area.

A further objection from the occupiers of 2 Ravens Road was received in response to the additional information. This particularly stressed that the area to the rear of the property was used as a living room following the addition of the single storey extension of 2016 which now incorporates a dining room leading through to an open living area.

As a result of the further objection, a further study was submitted by the applicant's consultant which stated:

Due to the concerns of the resident at 2 Ravens Road, further studies have been undertaken to address all of the comments made by Mr McBride in his objection letter dated 16th January 2019. These include:

- Daylight (VSC) analysis of access door with glazed panel to dining area – doors not usually assessed, particularly given the room has a large patio door & 2 rooflights*
- Daylight (VSC) analysis of conservatory windows – conservatory is not a habitable room*
- Sunlight (APSH) analysis of patio doors to dining area and windows of conservatory – only main living room window is usually assessed.*

The further survey did reveal that the southern elevation of the conservatory, currently receiving a VSC of 28.6% would be reduced to 23.4% and hence a breach of the BRE guidelines in terms of the 27% limit, albeit the other measurement requiring the revised VSC to be at least 80% of the previous VSC would still be met. However, the 3 eastern windows serving the conservatory would remain between 35.7 and 37.1% in compliance with the guidelines.

The further assessment also considered the concerns regarding the impact on the rooms used as main living rooms which would receive light from the dining room and conservatory area and APSH study was undertaken. This concluded that the relevant windows would receive between 31 and 50% of the sunlight hours in summer and between 6 and 18% in winter which would meet the BRE guidance of between 25% and 5% for summer and winter respectively.

In terms of technical guidance, therefore, your Officers are satisfied that the submitted studies demonstrate that the relevant tests are met. This is not to state that the development will not have some impact upon the neighbouring property and as such an assessment against BRE guidance is not mandatory, i.e. it is not an instrument of planning policy as such, and hence it is up to the planning authority concerned as to how flexibly or otherwise they assess this guidance.

Paragraph 123 of the NPPF does provide some further guidance as it states:

In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site

The above could be interpreted as suggesting, therefore, that a more rigid interpretation of the daylight and sunlight standards, especially where technical guidance is met, should not be used as a mechanism to reduce the scale of the proposal. Given the opportunity to provide a 100% affordable housing scheme, which is an acknowledged strategic aim of the Council, therefore, your officers can only conclude that having regard to national and local planning policies, there are no reasons to resist the proposal and accordingly it is recommended that planning permission is granted.

Recommendation

To GRANT planning permission

Subject to Conditions:-

- 01 Approved Plans
- 02 Full Permission
- 03 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.
Reason: To provide car-parking space for the use.
- 04 No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwellings have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

- Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
- 05 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
- Reason: In the interests of highway safety and the amenities of the area.
- 06 No part of the development shall be first occupied until pedestrian visibility splays have been provided either side of the proposed car parking spaces in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
- Reason: In the interests of road safety.
- 07 Drainage details as per e-mail dated 24 January from Andrew Keen, HOP Consulting Civil and Structural Engineers
- 08 The development hereby permitted shall provide 100% affordable housing in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it.
- 09 Approval of Materials
- 10 Landscaping
- 11 No additional windows, northern elevation
- 12 Windows with an internal cill lower than 1700mm on the north elevation are obscured
- 13 Maintenance regime for green wall and sedum roof to be agreed
- 14 Hours of Construction

11th February 2019

Application Number: AWDM/0337/18

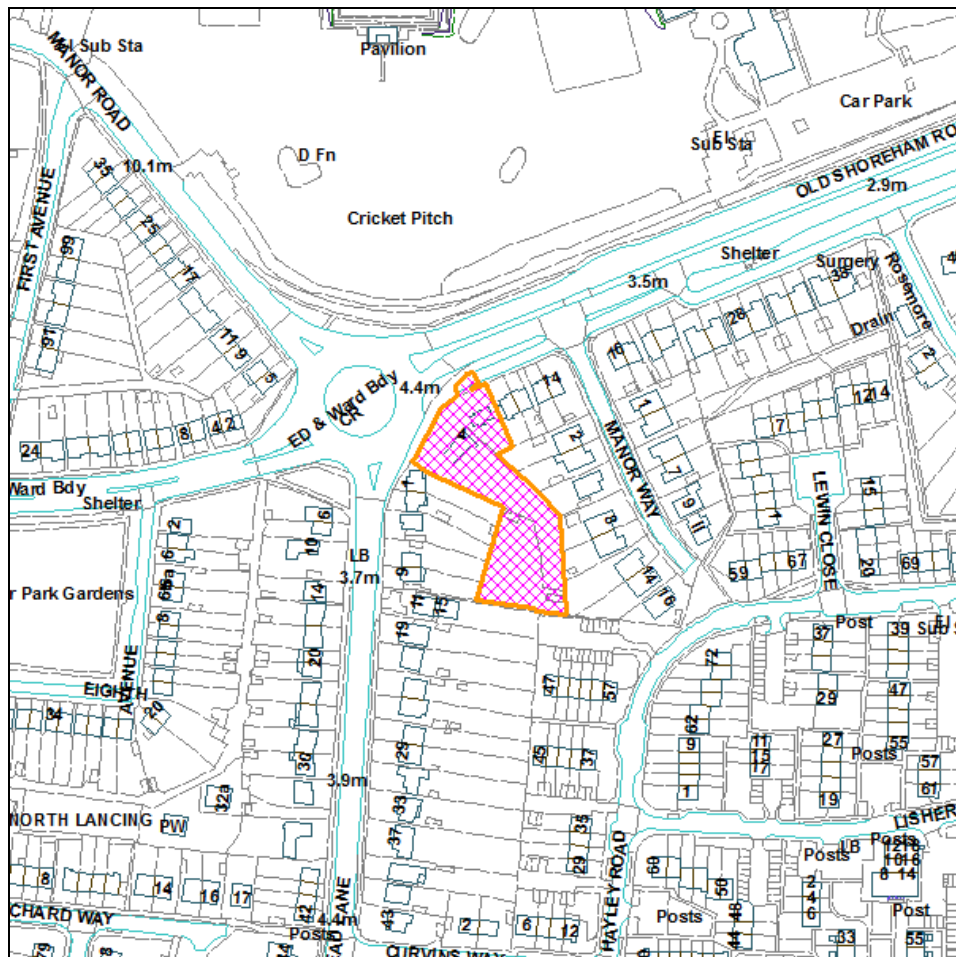
Recommendation: REFUSE

Site: 4 & 6 Old Shoreham Road, Lancing

Proposal: Demolition of fire damaged dwelling and erection of a replacement 5-bedroom dwelling at 4 Old Shoreham Road, retention of existing dwelling at 6 Old Shoreham Road and erection of 2 no. 4-bedroom dwellings. Closure of existing site access from A27 roundabout and creation of a new access road from Old Shoreham access road and associated vehicle parking and landscaping

Applicant: Shaws Installations Limited
Case Officer: Gary Peck

Ward: Mash Barn



Not to Scale

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Proposal

This application seeks full planning permission for the demolition of the fire-damaged number 4 Old Shoreham Road and the erection of a replacement 5-bedroom dwelling, retention of the existing dwelling at 6 Old Shoreham Road (part of the curtilage of the site is required to facilitate the access to within the site) and erection of two 4 bedroom dwellings to the south of the site access. The application also looks to close the existing site access from the A27 roundabout and create a new site entrance from the access road as well as associated vehicle parking and landscaping.

The submitted Design & Access Statement (DAS) outlines the proposal:

The proposed dwelling on Plot 1 is two storeys in height with the ground floor providing ample floor area for living accommodation and the first floor providing sleeping accommodation. Plots 2&3 have a low eaves level on the east and west elevations and a single story element, reducing the buildings prominence to the immediate neighbours. Overlooking of the surrounding properties is limited by only using high level roof lights on the east and west boarding elevations.

The proposed buildings allow for reasonable distances to all of the site boundaries and follow the plot size of neighbouring dwellings. The ridge and eaves heights proposed bridge the level differences found on Grinstead Lane and Manor Way. Plot 2&3 employ a roof line that reduces the mass of the dwelling and the prominence from the neighbouring properties.

The forms proposed have taken influence from both nearby buildings and contemporary influences... Plot 1 follows a more traditional form utilising a tiled pitched roof, off white render and brick facing with a scale that fits into the street elevation. Plots 2 & 3 feature plain clay tiles on the roof, hung clay tiles, off white render and brick for the external walls. All buildings use grey aluminium framed glazing and solid timber entrance doors. The materials are traditional but implemented in a modern way.

It is also stated that a 1.5 metre buffer strip and 1.8 metre boundary fencing will be provided to the boundaries of the site.

In respect of access, the DAS states:

The proposed vehicular access will be constructed from the existing access road that services 6 Old Shoreham Road. The current access from Grinstead Lane will be pedestrian only and the current dead end of the access road will continue at a curved radius in to the site. The extension to the existing road has been discussed with ESCC and agreed in principle.

The 4.8m wide road will pass through the site, defining the plots boundaries and ending in a suitable turning head to enable access for fire appliances and refuse vehicles.

Parking is provided for Plot 1 in the form of a single garage and space for 2 cars to the side of the garage. Plots 2&3 have space for 3 cars each and a layby provides 2 spaces for visitor packing. There are a total of eleven spaces for cars. All plots have ample private amenity space for the storage of bicycles and general storage. All access routes are overlooked ensuring a good quality of natural surveillance.

Site & Surroundings

The application site is given as 0.278ha in area and consists of two existing residential dwellings, numbers 4 and 6 Old Shoreham Road. The site lies within the built-up area as defined by the Local Plan.

Number 4 is derelict having been previously severely damaged by fire. The application site also incorporates an area of disused land to the rear of 4 Old Shoreham Road, which was previously an overgrown garden but was completely cleared in 2017 and replaced with a tarmac hardstanding.

The site lies to the south of Old Shoreham Road, east of Grinstead Lane and west of Manor Way. The detached dwelling at 4 Old Shoreham Road is on the corner of the A27 and Grinstead Lane and is currently accessed from Grinstead Lane to the west, via a private driveway. The immediate character of the area can be described as residential. The 5 houses in Grinstead Lane which run along the western boundary of the site are visible from within the application site as well as the bungalows in Manor Way to the east of the site. To the south of the site is Haley Road, with a parking and garaging area being closest to the boundary of the application site.

Relevant Planning History

There have been 6 previous applications on the site, all of which have been refused by the Council. The 2011 and 2014 applications were dismissed at appeal:

ADC/0467/06: Demolition of existing house and erection of 6 two-bedroom flats and terrace of 6 three-bedroom houses (two storeys including 4 with rooms in roof) served by new access road off end of service road (outline with layout and access details) – refused.

ADC/0498/07: Demolition of existing house and erection of 4 No. 2 bed flats, 2 No. 2 storey 3 bed houses, 4 No. 2.5 storey 3 bed houses with associated access and parking (Outline application) – refused.

ADC/0358/10: Demolition of existing houses (No's 4 and 6) and erection of 14 new dwelling units comprising 9 flats in 2 three-storey blocks (4 two-bedroom, 4 one-bedroom and 1 studio) at the north end of the site and 5 two-storey houses (4

semi-detached three-bedroom and 1 detached two-bedroom) served by new access road off end of service road and 23 car parking spaces – refused.

AWDM/0361/11: Demolition of existing houses (No's 4 and 6) and erection of 13 new dwellings (comprising 9 flats in 2 three-storey blocks at the north end of the site and 4 semi-detached two-storey houses at the rear) served by new access road off end of service road and 23 car parking spaces – refused and subsequent appeal dismissed.

AWDM/0004/13: Demolition of existing house at 4 Old Shoreham Road and erection of 5 flats in a new building at the north of the site and 4 houses on land to the rear. Closure of existing site access from the A27 roundabout and creation of a new access road from Old Shoreham Road and associated vehicle parking and landscaping – refused.

AWDM/0829/14: Demolition of existing house at 4 Old Shoreham Road and erection of 2 semi-detached houses and 2 double garages to the rear. Closure of existing site access from the A27 roundabout and creation of a new access road from Old Shoreham Road and associated vehicle parking and landscaping – refused and subsequent appeal dismissed.

Consultations

Lancing Parish Council

Whilst the Planning Committee welcomed an improvement proposal for the site, it resolved to recommend the application be refused on the following grounds:-

- i. overdevelopment of the site; the Committee considered that any improvement to the site should be like-for-like;
- ii. highway safety issues in respect of the access onto the A27, the proposed traffic scheme is flawed;
- iii. concerns as to whether refuse/emergency service vehicles could actual access either three of the properties;
- iv. the proposed drainage does not provide enough mitigation in respect of the sites flood risk; the area already suffers from flooding and this proposal would exacerbate the situation. The proposed 2 x 4-bedroomed dwellings and associated driveway creates a loss of drainage facility.

West Sussex Lead Local Flood Authority

For context, the conclusions of the applicant's Flood Risk Assessment, against which the County Council as Lead Local Flood Authority has commented upon, are reproduced below:

There are historic records of flooding in the area held by the Environment Agency and shown within the SFRA relating to the site. These were caused by surface water drainage issues relating to the ability of the piped and open watercourses, highway

drains and culverts between Grinstead Lane and Mash Barn Lane to convey surface water runoff and flows from upstream highway drains to the Lancing Ditches and River Adur.

Flooding occurring in late December 2012 was caused by a heavy rainfall event following a month of increased rainfall with high groundwater exceeding the ability of the highway drains and local watercourses to convey the flow to the River Adur together with deficiencies in the foul water sewer network allowing groundwater inundation and foul sewer flooding.

These issues have since been investigated and resolved by Southern Water as Sewerage Undertaker and West Sussex County Council as Lead Local Flood Authority.

The floor levels of the buildings at the southern end of the site will be raised a minimum of 300mm above the existing ground levels to increase protection against surface water flooding, provide additional elevation above the highest recorded annual groundwater levels and provide safe access to and from the site.

Groundwater rises to approximately 1m below the proposed floor levels during its annual peak and the residual risk of flooding from groundwater is considered low.

The Environment Agency's policies relating to the tidal flood defences along the west bank of the River Adur and their policy relating to the coastline defences provide confidence that the flood defences will be maintained during the lifespan of the development.

The Shoreham West Bank Flood Scheme will serve to increase the existing level of flood defence afforded against tidal flood risk which will offer a 1:300 year protection for up to 50 years and an anticipated 1:200 year protection for approximately 75 years. Construction is underway with completion anticipated by the end of 2018.

The proposed onsite surface water drainage system is designed to accommodate the anticipated volume of water generated on a 1:100 year storm event and include an additional 40% to account for the anticipated effects of future climate change providing a significant improvement over the existing system and affording a benefit to the wider area on higher intensity pluvial storm events.

The existing piped watercourse will be reconstructed in part as an open ditch allowing for any overland and exceedance flows to be catered for within the site and providing additional above ground storage. This will also provide a maintenance benefit and greatly reduce the risk of pipe blockages and associated risk of localised flooding.

Foul drainage will be connected to the public foul sewer via the existing onsite connections and a further connection could be requisitioned to the public foul sewer to the south of the site if required.

The removal of existing roof water drainage from the foul sewer will reduce risk of foul water flooding due to development. The improvements made and proposed by Southern Water will reduce the risk of sewer flooding to the area to an acceptable level.

The overall level of flood risk to new residents and new properties at the proposed development site will be low. The development will reduce the flood risk to the surrounding area or downstream catchment.

West Sussex Lead Local Flood Authority (Final comments)

“Introduction

West Sussex County Council (WSCC), in its capacity as the Lead Flood Authority (LLFA), has been consulted on the above proposed development in respect of local flood risk.

Detailed comments have been provided by the LLFA on 3 previous occasions:

On 1 May 18 (Reference B);

On 25 July 18 (Reference D) following the Applicant’s Response to the LLFA’s earlier comments (Reference C);

On 12 Nov 18 (Reference E) following review of the updated FRA 1.1.

At the request of Adur-Worthing Council the LLFA has now reviewed the latest round of comments from both the CEP and Adur-Worthing Drainage Engineer, Mr Ken Argent, (References F and G) and a further response is being provided to document the LLFA’s outstanding concerns with the above application.

LLFA Outstanding Concerns

Flooding from Groundwater

The outstanding concerns in relation to groundwater are:

Emergent groundwater from springs on or off site could potentially flow across the site and enter the storage earmarked for pluvial surface water attenuation. The evidence underlying this concern is as follows:

- *CEP’s FRA 1.1 (Reference D) paragraph 5.1.4 of which states: Water from springs is reported to have caused damage to 76 Old Shoreham Road and 4 Manor Way. The immediate proximity of 4 Manor Way to the development site is show in Figure 1 below.*
- *Contrary to Reference F, Adur-Worthing District Engineer has witnessed springs emerging in the garden of No 4 Old Shoreham Road (Reference G).*

- Reference H reported: Historically groundwater springs have broken through the ground surface within the highway fronting number 76 Old Shoreham Road where the existing ground surface level is 2.35m AOD and in the rear garden of 4 Old Shoreham Road where the existing ground level is 2.5m AOD.
- The geological map of the area confirms that the site is located at the junction of Head overlaying Alluvium deposits beneath which are the upper and middle chalk strata... The junction of the Head and the Alluvium gives rise to a series of springs that discharge into the southern Lancing Ditches to the southeast of the site. (Reference D).



The presence of a lined voided subbase beneath the onsite highway to a depth of a minimum of 670mm deep may influence existing levels / natural flows of water within the substrate. Reference D confirms that the water level at the southern borehole recorded on February 2017 rose to 0.73m below ground level (approximately 1.71m AOD). Reference B contains the statement: CEP accepts that it is possible that groundwater levels recorded in February 2017 may not represent the highest levels of groundwater which could occur. Given that the level of the highway at the turning head is approximately 2.5m AOD, the base of the voided subbase at this point will be no higher than 1.83m AOD and potentially lower than this. The LLFA maintains the view that the applicant has underestimated the storage required from the pluvial design storm event (see paragraph 2.23 below).

On this basis the LLFA considers that the applicant is unable to comply with best practice as set out in the CIRIA SUDS Manual, paragraph 20.3 which states: Where infiltration is prevented, the seasonally high groundwater level should always be below the base of the pavement formation.

Flooding from Surface water

To demonstrate that there is no increase to surface water flood risk resulting from the development, the applicant needs to provide robust evidence that finished floor levels

on site are above the projected maximum flood levels and that the increased rates of run-off from the development will not result in increased rates of surface water flow off the site to properties downstream.

Finished floor levels have been set at 3.1m demonstrating the risk of flooding to the chalet properties is minimal from combined surface water / groundwater flooding.

Contrary to the claims at References B and F, the applicant has not demonstrated that the design incorporates sufficient storage capacity to accommodate a 1:100 + 40% CC storm event. The LLFA considers the current evidence presented to date insufficient for the following reasons:

- *The applicant has based storage calculations solely upon the impermeable area drained, while using default values for the Coefficient of Volumetric run-off (CV) in the MicroDrainage simulations. This point was made in our response to the applicant dated 12 Nov 18 and the applicant was advised to re-submit the calculation using a CV of 1 in line with the Sewers for Adoption and adopted WSCC policy. The applicant has challenged rather than complied with this requirement. For this reason, the LLFA consider the volume of storage proposed to be a significant underestimate of the requirement.*
- *For the reasons set out in paragraph 2.1.1 (above) when seasonal groundwater levels are high there is a high risk of spring water flowing across the site and, in so doing, entering the storage designed for storm water run-off thereby reducing the capacity to less than designed 1:100 + CC storm event.*

The Sequential Test

The LLFA has consistently challenged the interpretation of the Sequential Test to this development (References A and E) on this basis that it fails to adequately consider all forms of flooding. However, consistent with the applicant's comments at Reference F, the LLFA accepts that this is a matter for the Local Planning Authority to determine."

Technical Services (final comments)

This response has been prepared after I have reviewed all the emails that have been written since August 2018.

4 Old Shoreham Road lies in Flood Zone 3, it is both predicted and known to suffer surface water flooding, is known to suffer from ground water flooding, and is known to have suffered historic flooding. There is photographic evidence of surface water flooding on several occasions, water has been seen running on the surface and flowing out of the two drains on the site, which are connected to the 9 inch drainage pipework from Grinstead Lane. I have witnessed ground water flooding from springs on this site during periods of high ground water levels.

The site has also been raised illegally, with materials which are not suitable, which actually currently transfers the risk of flooding to adjacent properties, and at least one

connection was made illegally to the surface water drain. This cross connection has I understand been subsequently removed, the illegally placed scalping material must be removed irrespective of any development decision.

The site has not been flooded by ground water for the past 30 months – this is due to the abnormally low ground water levels recorded over the past two winters.

Despite the illegal land raising – an effort by the developer to make the site “dry,” surface water flooding has still been recorded on the site in the last 12 months, the last time being 10th August 2018.

I would also record that there was an historical pond which was infilled in the mid to late 1930’s this was located in the gardens of 1/3 Grinstead Lane, it was not located on the site in question, however the drain that crosses the site passes through the location of the pond, and follows the old ditch line.

I am assuming that the sequential and exceptions tests have been correctly applied as I note that the only thing apparently not agreed to date is drainage.

Revised FRA October 2018

I do not agree with the reasoning behind the comment at item 1.4, the site is classed as being in Flood Zone 3 by the EA. The new defences built by the EA are for all intense and purpose irrelevant, so far as current classification is concerned.

Section 5 of the FRA in my opinion adds considerable weight to the non-approval argument as it documents flooding on and around the site from the early 1960’s. This flooding is from the several sources listed above.

I disagree with section 7.3.2 where the FRA states that the site is not affected by ground water – I have seen springs emerge on this site.

CEP offer borehole records from the site dated Feb 2017, which follows one of the driest winters recently – they confirm that ground water rose to within 0.73m of the surface of the site. CEP confirms that this ground surface refers the top of the ground under the illegally placed scalping material. CEP confirms that their design requires the scalping materials to be removed from the site.

LLFA comments 12 November 2018 and CEP response dated 23 November 2018

I note the comments from the LLFA dated 12th November and these are not dissimilar to my own concerns, I also note the counter response from CEP, dated 23rd November 2018.

Amongst other things the LLFA do not consider that the FRA demonstrates that sufficient storage capacity is provided to accept a 1:100 year pluvial event plus 40% climate change event when the GWLs are high and springs are active.

The proposal does provide sufficient capacity to deal with the required design rainfall. If ground water rises to emerge on the surface of the site, as it has in the past, this water should not be allowed to flow into the voided storage areas under the access road; nor should ground water be able to permeate into the storage void, therefore both north and south storage areas should be tanked, and the road levels raised above the gardens if possible.

Adur District Council Drainage Engineers Comments

There are several potential causes of flooding that need to be considered within a FRA, but in essence on this site only three are relevant, these being:

- Fluvial flooding, (River Flood), which occurs when excessive rainfall over an extended period of time causes a river to exceed its capacity.
- Pluvial flooding (Surface Water), occurs when an extremely heavy downpour of rain saturates drainage systems and the excess water cannot be absorbed, into the ground or drains.
- Groundwater flooding occurs when the water table in permeable rocks rises to enter basements/cellars or comes up above the ground surface.

Fluvial flooding, with the construction of the Adur Tidal Walls defences whilst within flood zone 3 I believe that this location could be considered safe from this form of flooding.

Pluvial flooding (Surface Water) the site is underlain by a layer of clay, making it fairly impermeable – this is acknowledged by all parties. During heavy rainfall the site is known to flood, with large puddles being observed, the water from these slowly dissipates after the rain.

The proposal to excavate the 9 inch pipe and open it up as a ditch and then to create a bridge over it would certainly help convey surface water away from the site. The current design to control surface water is to create two underground tanks to hold rainwater from roofs and the access road, and then discharge this at a controlled rate of 5l/s into the ditch.

Groundwater flooding

The site is underlain by a layer of clay, making it fairly impermeable, but springs have been seen on the site which indicates weak or perforated points in the clay layer. Ground water does not rise uniformly to the site surface, the ground water does however rise uniformly under the clay and as the artesian pressure increases springs flow through weak points.

There is a significant risk that removal / disturbance of the clay may increase the likelihood in wet winters of ground water eruptions due to artesian pressure. Wick drains and service trenches may intercept some of these springs and convey the water to the ditch, but reduction in clay thicknesses may lead to an increase in ground water volumes having to be disposed of.

Combined Flows

Currently this vegetated development site is “sealed” by the presence of the underground clay layer, and only a small amount of surface water from the site is discharged, via two drains on the site, into the underground pipe flowing from Grinstead Lane. The volume of water in this pipe rises and falls depending on rainfall runoff in Grinstead lane and how much ground water infiltrates into the pipe. This piped “base flow” discharges to the Doctors Ditch at the rear of 24 - 38 Old Shoreham Road. Historically if the pipe capacity is exceeded backwater flooding occurs in Grinstead Lane (This should not be confused with flooding associated with failure of the pumping station).

Under the proposal presented the newly opened ditch will be able to accommodate more water thereby potentially lessening flood instances in Grinstead Lane. However the ditch will convey the base flow plus a further 5l/s discharged from the two storage areas, plus any ground water which is intercepted and directed to the ditch, or which flows across the surface.

This combined flow off the site will be greater than that currently experienced and could therefore cause or increase downstream flooding. CEP’s counter argument is that the maximum flow off the site is limited to the capacity of the downstream 9 and 12 inch pipes. However my argument is that previously the piped system could only convey the maximum capacity of the single 9 inch sealed pipe crossing the sites this is now not the case under the proposals, more water can be delivered to the 9 and 12 inch pipes so they could pass on more flow.

Therefore

The proposals as drafted may reduce surface water flooding issues on the site because the ditch is opened up. This may then potentially cause downstream issues if more water is conveyed off the site.

The proposals do not consider effects on downstream properties from increased off site flows nor do they consider the effects upstream of the site if the ditch cannot convey sufficient flow from Grinstead Lane.

No account has been taken of the size and capacity of the “doctor’s ditch” or the culvert across Manor Close, or where increased off site flows may cause issues.

The proposals currently do not allow for both north and south storage areas to be lined.

The proposal may increase ground water flooding issues on the site especially if the protective clay layer is damaged or weakened during the construction of the buildings (Weakening may occur due to the reduction in thickness). Therefore some form of

improved subsurface drainage may be required but this would be difficult to place accurately.

The proposals as presented do not allow for the (agreed) pipe enlargement under the road. Telephone discussions with CEP have established that an open span bridge will be built.

Having carefully considered all the submission documentation, I do not think that the argument for the development is sufficiently sound.

In my opinion if this application were for the single 5 bed house I would support it but at this juncture I remain unconvinced, about the two further properties. I do not support the application, but equally I do believe that further improvements on the submission can be made, which could eventually satisfy the concerns of both the LLFA and myself.

Environmental Health

I would advise that the property facing the A27 to the North of the site would be severely affected by road traffic noise and the previous proposals, from earlier applications, for enhanced double glazing and a whole house ventilation system with heat exchange for dwellings with facades facing the A27 would still be appropriate. I would request that this be a condition of any permission given.

I would ask that a condition be placed on any permission setting the hours of construction and demolition given the proximity to other residential properties.

I would also ask that an informative be added to any permission advising that the developer contact environmental health for a Demolition Notice prior to any demolition work.

Highways England (initial comments)

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network. The strategic road network is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the strategic road network, in this case the A27.

Highways England, and our predecessor organisation the Highways Agency, have previously agreed to a similar proposal for this site involving closure of the existing site access from the A27 roundabout and creation of a new access road from Old Shoreham Road along with waiting restrictions. This relates to planning application

references AWDM/0361/11 and AWDM/0829/14. I attach the previously agreed drawings, Drawing 23 Rev A and Drawing 124 Rev A, showing the alterations to the A27 and the waiting restrictions on the service road for the previous application, AWDM/0829/14.

I note that the proposals shown in the drawings within the Transport Statement dated February 2018 do not concur with the measures we previously agreed, nor with the text in the Transport Statement. Our key concern is that the drawings in Appendix 3 of the Transport Statement 'Proposed Site Layout, Vehicle Tracking Drawings and Visibility Splay and Site Access Arrangement Plan' do not show the kerb line realignment required to remove the reverse curve on the A27 Manor Road roundabout. However paragraph 7.2.1 of the Transport Statement states:

"The proposed site layout drawing has been revised to accommodate the recommendations of the Safety Audit as follows:

- Extended hedge screening provided at the bend in the access road at its northwest end to remove the potential for egressing vehicles to dazzle drivers on the A27.*
- **The closure of the vehicle crossing from the Grinstead Lane Roundabout now incorporates a kerb line realignment which removes the current reverse curve and is supported in principle by the Highways Agency (now Highways England).***
- Realignment of tactile paving at proposed new pedestrian crossing point will be discussed with the Highway Authority as part of a S278 technical submission for work on the Public Highway.*
- Parking restriction in the form of double yellow lining on the southern side of the service road in the vicinity of the Manor Way junction."*

It therefore appears that the applicant's intention is to remove the reverse curve on the roundabout when closing the access, however this is not shown on the drawings in the Transport Statement's Appendix 3. If this is the intention, then the drawings will need to be amended accordingly.

Please can you ask the applicant to clarify whether the highway scheme is intended to be the same as in Drawing 23 Rev A (attached)?

If the proposed alterations to the A27 access are the same as the scheme Highways England previously agreed, then we will need a scale drawing (similar to Drawing 23 Rev A and with a drawing reference number) which can form the basis of a planning condition. We will also require a drawing similar to Drawing 124 Rev A (attached) showing the waiting restrictions; this can be incorporated into the same drawing as the proposed A27 access alterations.

If the intention is now not to remove the reverse curve at the roundabout, then the applicant will need to seek Highways England's approval to the revised highway proposal. If this is the case, we can advise the applicant on the information they will need to provide.

Our initial substantive response is that Highways England is not currently in a position to form a view on the proposal in terms of impact upon the A27 as there is currently contradictory information regarding what is being proposed. Accordingly our advice is that your Council should not determine this application (other than a refusal) until such time as the applicant has addressed our query, and agreed with Highways England the proposal to close the existing site access from the A27 roundabout and create a new access road from the Old Shoreham Road access road.

Highways England (formal response)

Recommend that the following conditions be attached to any permission granted:

We recommend that the following condition be attached to any permission granted:

1) No part of the development hereby permitted shall be occupied until the completion and opening to public traffic of the improvements to the A27 Trunk Road shown on Civil Engineering Practice's Drawing No. 120 "Proposed Site Access Arrangement and A27 Access Alterations" dated April 2018 (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with Highways England)).

Reason: To ensure that the junction of the A27 Trunk Road with the A2025 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

2) No part of the development hereby permitted shall commence until the necessary traffic regulation order to implement the waiting restrictions at the junction of Old Shoreham Road with Manor Way shown on Civil Engineering Practice's Drawing No. 120 "Proposed Site Access Arrangement and A27 Access Alterations" dated April 2018 has been made and approved and the local planning authority have obtained confirmation in writing from the local highways authority that they are in a position to implement the waiting restriction.

Reason: To ensure that traffic can negotiate a U-turn between the service road and the main carriageway of the A27 Trunk Road at its junction with Manor Way and to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

3) No part of the development hereby permitted shall be occupied until the local planning authority has been advised in writing by the local highway authority that the waiting restriction at the junction of Old Shoreham Road with Manor Way shown on Civil Engineering Practice's Drawing No. 120 "Proposed Site Access Arrangement and A27 Access Alterations" dated April 2018 has been implemented.

Reason: To ensure that traffic can negotiate a U-turn between the service road and the main carriageway of the A27 Trunk Road at its junction with Manor Way and to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

4) No part of the development hereby permitted shall commence until a Construction Management Plan has been submitted and agreed in writing by the local planning authority (who shall consult Highways England). Construction of the development shall then be carried out in accordance with the agreed Construction Management Plan.

Reason: To ensure that construction of the development does not prejudice the free flow of traffic and conditions of safety on the highway, nor cause inconvenience to other highway users, and ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative

Section 175(b) of the Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England).

This development involves work to the public highways that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ. Highways England switchboard: 0300 470 1370. Email: PlanningSE@highwaysengland.co.uk

West Sussex Highways (initial comments)

The LHA have been consulted on a number of applications at the site to which no objection has been raised. The last was in 2014, AWDM/829/14 which was refused by the Local Planning Authority (LPA). Given the status of the A27 as part of the Strategic Road Network, Highways England (HE) should be consulted for comment relating to the traffic impact upon this road.

A Stage 1 Road Safety Audit (RSA) has been submitted in support of the application. The audit has a shelf life of 5 years and therefore an audit undertaken in 2010 is not accepted. Since 2010 the HD parameters have also changed from HD19/03 to HD19/15, therefore to reflect this and the 9 years that have passed the RSA should be re-commissioned.

(second comments)

The Local Highways Authority (LHA) has received further information from the applicant with regards to the Stage 1 Road Safety Audit (RSA) this letter is dated the 8th April 2018. Whilst points are made within the Auditors comments to the access arrangements and that the Auditor is satisfied with these arrangements the LHA have still not had confirmation regarding our points relating to the Audit being undertaken in accordance with the HD19/15 parameters.

(third comments)

WSCC in its capacity of Local Highways Authority (LHA) provided comments on these proposals in April and May 2018 respectively. At this time additional information was requested which to date has not been provided.

The previous comments on aforementioned dates are considered most relevant for the proposals. Upon inspection of the portal there does not appear to be any additional information provided that would directly change the LHA's previous comments.

Sussex Police

I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

Southern Water

The exact position of the water mains and surface water sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the external edge of the surface water sewer.
- No development or new tree planting should be located within 6 metres either side of the external edge of the water main.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link

<https://beta.southernwater.co.uk/infrastructure-charges>.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Sussex Badger Trust

An ecology report in 2014 identified a badger sett in the garden although was not active in 2016. However, concern must be raised regarding the intensive land clearance with heavy machinery in 2017 apparently without referral to an ecologist.

Representations

Lancing Manor Residents Network

Strongly objects on the following grounds:

- Overdevelopment of the site
- Increased flood risk
- Dangerous road scheme
- Ecology
- Adverse impacts of reinstatement works to the site

2 letters of support have been received on the following grounds:

- it is a sensible well planned application and the objections are driven by vendetta rather than fact
- the access road is not dangerous
- the proposal does not represent overdevelopment
- the new properties will enhance the area rather than being left as a wasteland
- provision of new homes should be a priority

22 letters of objection have been received on the following grounds:

- the raising of the land will increase the likelihood of flooding and rising ground water
- drainage problems have occurred during 4 of the last 5 winters
- adverse impact upon highway safety
- extending Old Shoreham Road into the site and a U turn using the bellmouth of Manor Way to exit to the A27 westbound is highly dangerous
- lack of adequate vehicular access to the site
- access will cause headlamp dazzle to users of the A27
- repeat applications have been submitted to wear residents down
- nothing has changed since previous decisions
- loss of trees on the site has had an adverse impact upon wildlife
- the raising of the land was unauthorised and enforcement action should be taken
- the proposal fails to take the opportunity to extend the cycle route further

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Relevant policies include 1, 2, 3, 15, 20, 22, 28 & 36

Development Control Standards – Space Around New Dwellings and Flats

National Planning Policy Framework (CLG 2018)

Planning Practice Guidance (CLG 2014)

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

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

The site has been subject to an extensive planning history.

The most recent application (AWDM/0829/14) originally sought a similar quantum of development to that proposed here with 4 dwelling proposed, although number 6 was to be replaced rather than retained as is the case under this proposal and the 2

dwellings proposed to the southern, rear part of the plot were orientated differently. During the course of that application, the 2 dwellings to the rear were eventually removed from the proposal, primarily because concerns over flooding and drainage had not been overcome. The scheme then reverted to a frontage scheme but retained a wide access and turning head to the rear area which was claimed to be necessary on refuse access grounds.

The application was refused and a subsequent appeal dismissed with the Inspector stating:

To accommodate the drive the houses have been sited so that there would be little or no space between them and the site's boundary with 1 Grinstead Lane (No 1) and both of the new houses would have comparatively small gardens because of the drive's land take. The drive, given its dimensions, would occupy a significant part of the site and neither of the highway authorities nor the waste collection authority now consider there to be a technical need for the drive. The provision of the drive, on the basis of the available evidence, would appear to be an over engineered access arrangement for a development of two houses. I consider the drive's formation would unnecessarily compromise the development's layout and appearance, resulting in a very tight siting relationship with No 1 and the provision of an expanse of hard surfacing, equivalent to a narrow road, that would be visible within the streetscene.

Following the dismissal of the appeal, the site had become very overgrown and in the absence of an acceptable redevelopment scheme, the site owner was asked to tidy up the land. Subsequently, the site was completely hard surfaced, which was not the suggestion the Council had requested.

After further discussions, the current application has been submitted. This now retains number 6, re-sites the replacement dwelling number 4 compared to the previous proposal so there is a greater separation distance to number 1 Grinstead Lane, to answer the concern previously expressed by the Inspector, and proposes 2 chalet bungalows alongside each other to the rear of the site.

In terms of layout, the frontage proposal is considered to be an improvement upon that previously considered. A minimum distance of 3 metres to the boundary is now maintained to 1 Grinstead Lane at its nearest point but because of the angle of the site, this increases to 7 metres at the front corner point of the proposed dwellings. Your officers no longer consider this to be the tight relationship previously of concern to the Inspector. The retention of number 6 still allows for adequate space for an access to pass between the dwellings.

The rear part of the site is sufficiently large to accommodate the 2 chalet bungalows proposed and 1.5 metre buffer is proposed to the 3 surrounding boundaries which will improve the open boundary relationship which exists at present. The rear gardens of numbers 1 to 9 Grinstead Lane, which are to the west of the application site are at least 20 metres in length and given that the proposed chalet bungalow on this side of the site is about 3 metres from the boundary, there is a sufficient distance between the

existing and proposed dwellings. Number 15 Grinstead Lane is closest to the south western boundary of the site but is around 15 metres from the proposed dwelling at an oblique angle and similarly it is considered that the relationship between these properties is acceptable.

To the east of the site are bungalows in Manor Way. These properties are closer to the site boundary than those in Grinstead Lane, the closest to the boundary being number 8 which has a rear garden of around 11 metres but because of the alignment of the new dwelling would be about 17 metres from number 8. The new dwelling would be about a similar distance from 10 Manor Way which has a longer rear garden of about 14 metres, but would be as close to the new dwelling because of the angle it sits to the site. Again this relationship is considered acceptable.

Although some representations, including from the Parish Council, consider the proposal to represent over development of the site, the density of development, including the retained number 6 within the overall site area, would only be around 16 dwellings per hectare, well below the 35 dwellings per hectare for residential sites envisaged by the Local Plan. The dog leg of the site and the position of neighbouring dwellings means, as evidenced by previous decisions that a density of the level outlined in the Local Plan is unlikely to be achieved but it is not considered there is any justifiable objection to the quantum of development currently proposed.

Highways objections have been consistently raised during the consideration of previous applications but as with previous applications, Highways England do not object to the proposal. Historically, West Sussex County Council has not objected to the proposal either but members will note from their consultation responses in respect of this proposal that the required updated Road Safety Audit (RSA) has not been supplied. While your officers feel that if the required information is submitted there is unlikely to be an objection from the County Council, nonetheless it has not been demonstrated to the satisfaction of the Council at this point that such information will be submitted and accordingly the application could not be granted permission without the appropriate RSA being submitted.

The remaining issue therefore relates to flooding and drainage issues. Aside from the reduced scheme for the frontage dwellings previously submitted (when the rear dwellings no longer formed part of the proposal) there have been outstanding objections from the relevant consultees regarding the development of the site. Indeed, the rear dwellings were previously withdrawn from the application because of these reasons.

In light of such concerns, it seems somewhat surprising that the site was covered with a hard surfacing following the dismissal of the previous appeal. No consent was given for the surfacing, which effectively raised the levels of the land and it seems apparent that the actions have not eradicated any concerns regarding drainage issues.

The Council's Strategic Flood Risk Assessment of 2012, it is stated in the Local Plan, has shown that there are a number of different types of flood risk in the district and

that, in addition to tidal and fluvial flooding, many parts of Adur are subject to groundwater and surface water flooding. Accordingly, Policy 36 of the Local Plan states:

The Council will work with relevant bodies to ensure that flood risk in Adur is reduced...

... The flood risk assessment will need to demonstrate that development:

- is appropriately flood resilient and resistant, includes safe access and escape routes where required, and that any residual risk can be safely managed;*
- will be safe for its lifetime taking account of the vulnerability of its users;*
- will not increase flood risk (including sewer flooding, surface water and groundwater flood risk) elsewhere;*
- will, where possible, reduce flood risk overall; and*
- will give priority to the use of sustainable drainage systems. The flood risk assessment will also need to demonstrate that, where possible, higher vulnerability uses have been located on parts of the site at the lowest probability of flooding.*

The current application was submitted in March 2018 and the long determination period for it has been to establish whether a solution can be found for the ongoing concerns given the progress which has been made on other aspects of the proposal. However, it is evident that the support of West Sussex County Council as the Lead Local Flood Authority and the Council's own Technical Services Officer has not yet been achieved.

The Lead Local Flood Authority (LLFA) raise concerns that emergent groundwater from springs on or off site could potentially flow across the site and enter the storage earmarked for pluvial surface water attenuation. The LLFA *maintains the view that the applicant has underestimated the storage required from the pluvial design storm event.* The LLFA go on to state that to *'demonstrate that there is no increase in surface water flood risk resulting from the development, the applicant needs to provide robust evidence that finished floor levels on the site are above the projected maximum flood levels...'* As the LLFA do not consider that such evidence has been provided, while the Council's Technical Services Officer does not consider that the argument for development is sufficiently sound, as the proposal may increase ground water flooding issues on the site for example, it follows in turn that the proposal does not comply with Policy 36 of the Local Plan.

The application has been with the Council for nearly a year, but it has not been possible to find a solution to the issues of flood risk and additionally the required Safety Audit has not been submitted. Understandably, residents are concerned with this ongoing matter while equally the applicant is entitled to a decision on the application. Having considered the matter carefully, it is recommended that the application be refused.

Recommendation

To **REFUSE** permission for the following reasons:

- 01 The proposal has failed to demonstrate that the proposed development is appropriately flood resilient, will be safe for its lifetime, will not increase flood risk or will reduce flood risk overall. The proposal therefore conflicts with policy 36 of the Adur Local Plan 2017 and guidance contained within the National Planning Policy Framework
- 02 It has not been demonstrated to the satisfaction of the Local Planning Authority that the safe and suitable access to the site can be achieved for all users as an up to date Stage1 Road Safety Audit has not been submitted to the Council for consideration.

11th February 2019

Application Number: AWDM/1695/18

Recommendation – APPROVE

Site: 85 - 89 Brighton Road, Shoreham-By-Sea

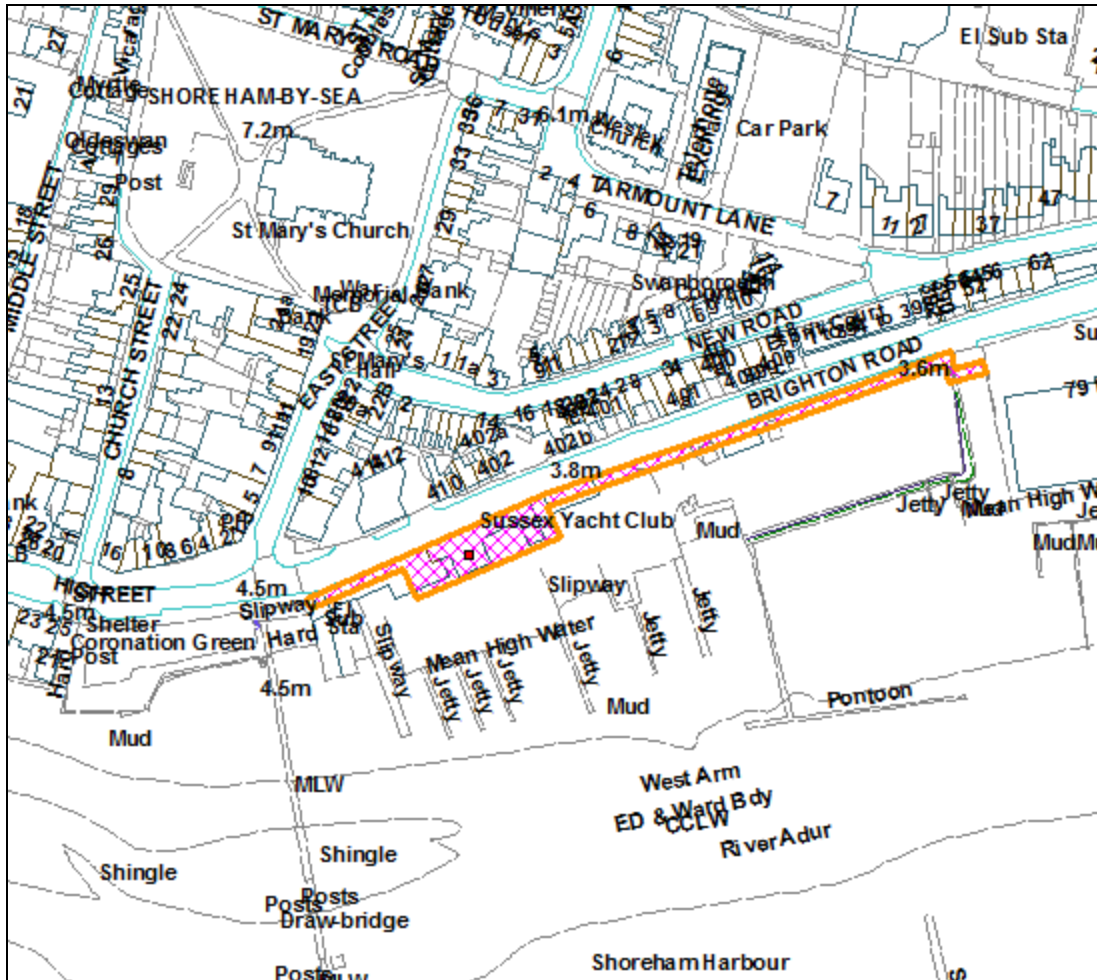
Proposal: Construction of flood defence wall, and flood gate across former Tarmount Hard, provision of pedestrian and cycle path and public realm improvements following demolition of yacht club (subject of separate application).

Applicant: Adur & Worthing Councils

Ward: St Mary's

Case Officer:

Peter Barnett



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Proposal, Site and Surroundings

The application site occupies a site with a frontage of approximately 235m on the south side of Brighton Road and to the east of the Adur Ferry Bridge. It lies within the Shoreham Conservation Area. To the east is the site of 79-81 Brighton Road which is currently being redeveloped for residential and commercial purposes. Opposite the site to the north there are residential properties in New Road and Brighton Road, a petrol filling station and a mix of commercial and residential properties in East Street.

The site comprises predominantly the frontage of the Sussex Yacht Club but also includes the former Tarmount Hard to the east, which lies between the yacht club and the new development at 79-81 Brighton Road.

The application is linked to an earlier application which was considered by the Planning Committee last year for the demolition and redevelopment of the Sussex Yacht Clubhouse (AWDM/0709/18). Permission was resolved to be granted for that development by the Planning Committee on 6 August 2018 but, at the time of writing, it had not been issued due to ongoing objections from the Environment Agency in respect of the impact of the development on the intertidal mud habitat. It is hoped that this matter will be resolved imminently and permission issued. An update can be provided at the meeting.

The existing clubhouse is positioned immediately adjacent to Brighton Road and it is to be demolished to facilitate the construction of a new flood wall and foot/cycle path along the site frontage, the subject of this current application. The proposal forms part of the wider flood defence works in Shoreham and is the last remaining section which is not addressed by either the development of 79-81 Brighton Road to the east or by the Environment Agency Tidal Walls project.

The proposed flood wall will be 1.5m high with metal railings above to an overall height of 2m. The wall itself will be of concrete construction with facing brickwork, a weathered coping stone on top and flint panelling either side of the proposed new vehicular access into the yacht club, which is to be repositioned further west. The access is to be secured in a flood event by sliding steel gates of 1.5m height and 12m width overall. The flood wall will reduce in height at its western end as it adjoins higher ground close to the Ferry Bridge.

A second flood gate is proposed at the eastern end, in front of the former Tarmount Hard. At that point the wall will return to run southwards along the eastern boundary of the yacht club. The proposed flood gate will secure the former Hard area and tie in with the flood defence works which will secure the new development at 79-81 Brighton Road.

The proposal will also enable the provision of a new shared footpath and cycleway along Brighton Road as part of a wider proposal for a segregated cycle route along the A259 from Shoreham to Brighton.

The application has been submitted by Adur & Worthing Councils. It is supported by a Design and Access Statement, a Heritage Statement, Flood Risk Assessment and Ecological Appraisal.

The project is to be funded from a grant awarded by the Local Economic Partnership (LEP) and a funding bid has been submitted to the EA for Flood Defence Grant in Aid (FDGiA). The outline business case suggests that there may be a funding gap and this is to be considered by Joint Strategic Committee at its meeting on the 5th March 2019.

Relevant Planning History

AWDM/0709/18 - Demolition of existing clubhouse for Sussex Yacht Club and reconfiguration of site including the erection of new clubhouse on south-east part of site with car park to north-east part of site and boatyard and workshops/stores on west part of site. Realignment of vehicular access, new pedestrian entrance from west and associated landscaping and external works

AWDM/0784/14 - Infilling of Tarmount Hard to form new stepped quay wall at southern end with pedestrian access and new fencing up to a maximum height of 2.2m.

Consultations

West Sussex County Council: The **Highways** Officer has no objection.

Adur & Worthing Councils: The **Engineer** objects. Surface water should be discharged to the river as proposed, but I don't see any mention of pollution prevention in the FRA. As such the drainage proposals are unacceptable as they pose a pollution risk which the EA will need to comment upon.

I note that the main access flood gate is to be two sliding 6m leaves, with a central steel post. Is this steel post separate or actually part of the two leaves? If it is separate where is it to be kept? There is no information about the Tarmount Hard gate. Who owns and maintains the gates. Who operates the gates in the event of a flood warning? There is insufficient information within this application.

I therefore raise a HOLDING OBJECTION until these questions are answered.

Environment Agency: Object. The documents supplied with the application do not make it clear as to whether the flood wall is to be built on top of intertidal mud that was infilled contrary to planning permission on the adjacent former Parcelforce site. In order to assess this application we would need more specific detail about the new

flood wall in relation to former intertidal mud flat habitat i.e. is this wall being constructed on top of infilled area or highway?

Please note that from a Flood Risk Management prospective, we are satisfied that the new flood wall will be set to a height of 5.4m AOD.

Adur District Conservation Advisory Group: No comments received

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 2, 8, 11, 15, 17, 28, 29, 30, 31, 34, 35, 36

Proposed Submission Shoreham Harbour Joint Area Action Plan (JAAP) May 2018
CA7, SH1, SH5, SH6, SH7, SH8, SH9

Proposed Main Modifications to the Shoreham Harbour JAAP January 2019
Modification No. 20

Shoreham Harbour Interim Planning Guidance (ADC & Ptnrs 2011)

Shoreham Waterside North Interim Planning Guidance (for ADC & Ptnrs 2000)

'A Strategy for Shoreham Renaissance' (ADC 2006)

Shoreham-by-Sea Conservation Area Character Appraisal & Management Strategy
(ADC 2008)

National Planning Policy Framework (July 2018)

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

There is no objection in principle to the construction of the flood wall as it will significantly reduce flood risk to homes and businesses in the locality as well as facilitating a new footpath and cycleway on the south side of the A259. The main considerations are assessed below.

Visual amenity and impact on the Conservation Area

The proposed wall is considered to have an acceptable design which will be sympathetic to its location within the Conservation Area. The site currently has a mixed boundary treatment on the road frontage comprising mainly curved top panel fencing at the eastern end and a low brick wall, sections of which are topped with picket fencing, along the majority of the frontage. At the western end it is the clubhouse itself and outbuildings which form the boundary.

The Heritage Statement states that:

“whilst there is a loss of historic plan form, its replacement with a lower level wall, with open railings above would provide greater visibility between the public realm and yacht club site. Additionally, the replacement yacht club building would be of a high quality and provides a focal point within the site, when viewed from key viewpoints within the locality.”

The flood gates are not particularly sympathetic in appearance but they will generally be hidden behind the flood wall and only slid into position in a flood event. Their visual impact should not be significant in the long term therefore.

The proposal, together with the re-siting of the clubhouse, is therefore considered to result in a more open and uniform appearance to the visual benefit of the street scene and to the quality, character and appearance of the Conservation Area.

Accessibility and parking

The proposed wall will incorporate a new vehicular access into the site which reflects the details submitted with the clubhouse application (AWDM/0709/18). The timing of when the access and parking spaces are to be provided for the clubhouse needs to be agreed and it may be that temporary parking arrangements are made if construction of the wall is delayed. In the event of delays to the construction of the wall, the existing vehicular access will continue to be used.

The existing vehicular access also accesses a right of way known as ‘Stowes Gap Hard’ within the yacht club site. This will need to be formally extinguished and the highway rights of the land within the site will need to be stopped up. This is a separate legal mechanism outside of the current application.

The proposal will facilitate the provision of a shared cycle way and footpath alongside Brighton Road. There is a policy and design standard for the cycle facility along the A259. West Sussex County Council (WSSCC) has been part of the Shoreham Harbour Regeneration Partnership which has prepared the Shoreham Harbour Joint Area Action Plan (JAAP) which was submitted to the Secretary of State for public examination on 31 May 2018. WSSCC have undertaken a meeting with the Project Leader of the flood defence enhancement from Adur Worthing Councils (AWC). A commitment was made at the meeting which concluded that both AWC and WSSCC

would work jointly on the project and ensure its delivery in line with emerging proposals from the Shoreham Area Sustainable Transport Package Feasibility Study. The redevelopment of the yacht club as part of this application will not affect the delivery of the cycle facility.

Flood risk

The proposal seeks to prevent flood risk to a significant number of homes and businesses within the locality. However, any development that impacts upon existing flood routes and the capacity of such flood routes must ensure that it would not give rise to flood risk elsewhere. The submitted FRA confirms that the flood wall is to be constructed to a design level of 5.40m AOD which will mitigate the risk from tidal flooding from the 1 in 200 year flood event for the lifetime of the development.

The flood wall will link with the flood defence wall to be constructed around the new development at 79-81 Brighton Road to the east and will improve flood defences for this stretch of Brighton Road without increasing the risk elsewhere.

There is no objection from the Environment Agency to the height of the wall or method of flood defence.

The flood gates are to be the responsibility of Adur District Council who will maintain and operate them, however, discussions with the Yacht Club are ongoing and a separate agreement on the management of the gates in the future by the Club would be sensible given their on-site presence.

The concerns of the County Engineer can be addressed through the imposition of conditions requiring further details of pollution control measures and a management agreement for the future operation and management of the gates.

Residential amenity

The proposal is not considered to have an adverse impact on the amenity of those dwellings which face the site across Brighton Road. The relocation of the clubhouse and improved flood defences are considered to be significant benefits.

Ecology and biodiversity

This issue largely relates to the clubhouse development rather than to the construction of the flood wall. However, part of the flood defences will be constructed across the former Tarmount Hard and the Environment Agency have raised an objection as they are unclear as to whether, at the eastern end, part of the wall will be constructed on land which was formerly intertidal mud habitat and whether sufficient compensation for the loss of that habitat has been provided in the form of replacement habitat elsewhere.

The structural engineers have subsequently confirmed that the wall and its foundations are to be constructed in an area above the level of the high water spring tide and therefore will not be on any former intertidal habitat.

Any further comments from the Environment Agency will be reported at the meeting, however, the EA has been reassured that the new flood wall would not affect any inter-tidal mud at Tarmount Hard.

Conclusion

It is considered that the benefits of the application in terms of improvements to flood defences, sustainable transport and the public realm significantly outweigh any harm that may arise.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Samples of external materials including flint panel to be constructed on site
4. Provision of vehicular access
5. Closure of existing access
6. Construction management plan
7. Visibility at access
8. The existing public rights of way to Stowes Gap Hard shall remain undisturbed unless and until legally stopped up or diverted prior to the commencement of any of the development hereby permitted. The alignment of the public right of way shall be protected by being clearly demarcated, signed and fenced, as may be approved by the Local Planning Authority, throughout the course of the development.
9. Prior to commencement of development precise details of the future management and operation of the floodgates shall be submitted to and approved by the LPA.
10. Details of pollution control measures.

11th February 2019

Application Number: AWDM/1775/18

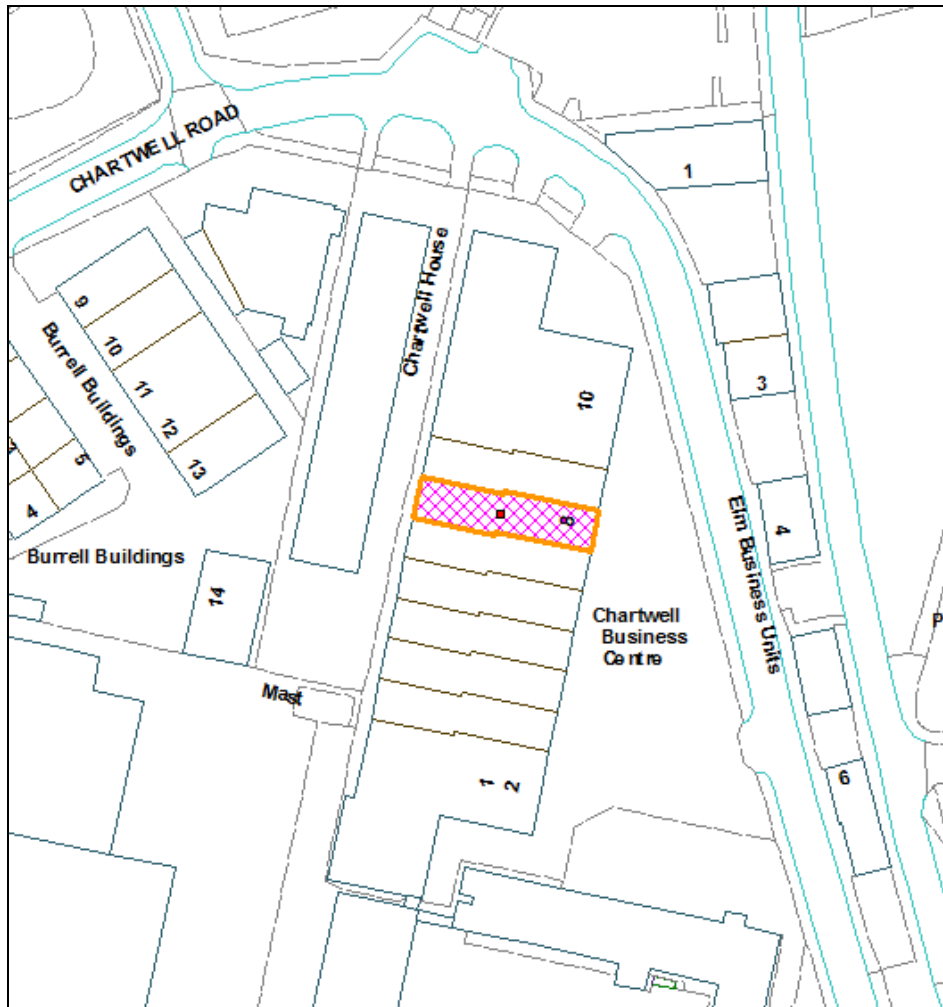
Recommendation – APPROVE

Site: Unit 8 Chartwell Business Centre, 42 Chartwell Road
Lancing Business Park, Lancing

Proposal: Change of use from B1/B2/B8 to D2 Gym and minor internal changes

Applicant: South Coast Gym
Case Officer: Peter Barnett

Ward: Churchill



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Proposal, Site and Surroundings

The application seeks permission for a change of use from business (Use Class B1/B2/B8) to leisure use (Class D2), specifically for use as a gym. No external alterations or extensions are proposed.

The site lies within a terrace of 11 units in the Chartwell Business Centre, 4 of which are now in gym/leisure use. These are:

Unit 6 – Zodiac Cheerleading

Unit 7 – South Coast Gym (the current applicants)

Units 9 and 10 – Wickers Gym

The applicants currently occupy Unit 7 and wish to expand their business into the adjoining Unit 8. The application is a Departure from the Adur Local Plan and has been advertised as such.

Relevant Planning History

AWDM/1028/14 – Change of use of Unit 7 from Use Class B1/B8 (Business/Storage or Distribution) to gym (Use Class D2 Assembly and Leisure) – 3 year temporary permission granted until 24 November 2017

AWDM/1644/14 – Unit 9 - Change of use from Class B2 Industrial to gymnastics facilities (D2) – this was an expansion of an existing gym (Wickers Gym) who also occupy Unit 10. Permission was granted by Members contrary to the Officer's recommendation.

AWDM/0157/15 – Unit 6 - Change of use from Use Class B1/B8 (Business/Storage or Distribution) to Use Class D2 (Assembly and Leisure) - Permission was granted by Members contrary to the Officer's recommendation.

AWDM/1754/17 - Continuation of change of use of Unit 7 from Use Class B1/B8 (Business/Storage or Distribution) to gym Use Class D2 (Assembly and Leisure) (Departure) – permanent permission granted

Consultations

West Sussex County Council: No objection from a transport/highways aspect. Comments that WSCC have used the car parking standards for D2 use to understand the anticipated parking demand for a D2 use of this size; which equates to 37 additional car parking spaces.

The applicant has confirmed the parking needs of the gym work well within this setting as the gym's peak times wrap around the existing business units operating times; and as such complement each other.

Examples have been provided to show they have good relations with the other business operating in the industrial estate; and are given permission to use these car parks when not in use.

As the gyms peak hours are 6-8am in the morning and 5-10pm at night, considering the examples provided, there would be enough capacity within the sites car park and in alternative car parks (such as Wickes or RR Donnelly's) on the estate for an additional 37 spaces.

The applicant has also confirmed this does not take into account the Council's Marlborough Road car park, which is large enough to accommodate more than this number should it be necessary, and the large number of lunch time users are employees from the estate which would suggest they are travelling sustainably to the site with no need for parking.

As such WSCC are satisfied this increased demand for more car parking can be accommodated by the existing parking spaces on the industrial unit and raise no further objection.

Adur & Worthing Councils: The **Environmental Health** officer has no objection

The **Planning Policy** Officer objects to the application. Advises that Unit 7 received a temporary consent for D2 use in 2014 and permanent consent in January 2018 (AWDM/1754/17). The decision notice makes clear that this was granted on an exceptional basis (as the proposal was contrary to planning policies seeking to protect employment uses). As such, this should not be seen to create a precedent.

The permanent consent for Unit 7 was granted despite Policy 25 of the Adur Local Plan resisting change of use on the Lancing Business Park. (The Adur Local Plan was adopted in December 2017). At that time it was noted that the gym offered a range of social and economic benefits. As the committee report makes clear, a further material consideration was that the non-business use was in existence at that point.

The current proposal seeks to extend into a unit in (or last in) B class use. Policy 25 of the Adur Local Plan strongly resists conversions to other uses from B class uses, in Lancing Business Park and two other key industrial estates in Adur. This is in order to ensure there is sufficient B class floorspace available in Adur.

No evidence has been provided to indicate that the gym has sought, but failed to find, larger premises elsewhere. Although the social and health benefits of the gym are noted, this proposal would result in a loss of a further B class unit on one of Adur's key industrial estates. There is therefore a policy objection to this proposal.

However it is appreciated that other factors may also be of relevance and the decision will be based on a balanced view of these. If the proposed use is allowed, this should not result in a precedent being created, in order that the adopted policy is not undermined.

Lancing Parish Council: No objection

Lancing Business Park Business Improvement District (BID) Committee: Support the application. Lancing Business Park currently has a 98.5% total floorspace occupation rate, with very few units currently available on the business park. Lancing Business Park BID is committed to retaining B1, B2 & B8 units for industrial/office use to provide expansion space for existing businesses based on the business park and to attract more industrial/office businesses to the area, without impacting the daily operation of the business park.

Lancing Business Park currently suffers from parking, congestion and one-way issues and are working with WSCC Highways and businesses based on the business park, to try to alleviate these issues. The business park is particularly suffering from parking and congestion issue from 3pm weekdays, as visitors navigate the business park to drop-off/pick-up from the far end of Chartwell Business Centre.

Unit 8 Chartwell Business Centre was occupied by an audio manufacturer until November 2018, when they relocated to a larger independent unit. Unit 8 is neighboured by a Gymnastic organisation in Units 9 & 10, South Coast Gym in Unit 7 and a Cheerleading organisation in Unit 6. Currently Units 3, 4 & 5 Chartwell Business Centre are being marketed for occupation.

Lancing Business Park BID have been working with South Coast Gym and The Fit Project to improve fitness of staff on the business park and we understand that businesses are already seeing benefits from this partnership. Members also consider it beneficial to have an onsite gym for staff to easily access before and after working hours.

Lancing Business Park BID Committee have considered all the issues relating to this application and concluded to support this application for the following reasons:

- The applicant is already a member of the BID, contributing both financially and by providing free fitness support and advice for staff on the park
- The applicant's business operation is mainly before and after normal working hours and members do not consider that an expansion of this operation will add to current parking and congestion issues
- Members consider Unit 8 to be unattractive to potential B class businesses due to the existing D class neighbours and the potential risk for HGV movements
- Units 3,4,5 Chartwell Business Centre are currently being marketed for B class use, which provide industrial/office potential at the less congested end of Chartwell Business Centre. The BID therefore seeks to retain B class use in these three units.

Representations

7 letters of support received from various businesses within the Lancing Business Park:

- Our staff use the facilities at the existing gym as it is convenient for pre-work and lunchtime training
- It provides an essential service, namely accessible health and fitness for employees
- Existing facilities are small and cramped.
- Any expansion would be welcomed

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 25
National Planning Policy Framework (2018)

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 site is located within Lancing Business Park which is subject to Policy 25 of the Adur Local Plan. This seeks to protect the Business Park for B1, B2 and B8 uses with no flexibility for other uses unless

“(i) The loss of a small proportion of employment floorspace would lead to a significant upgrade of the remaining employment floorspace; or

(ii) It can be satisfactorily demonstrated that the site or premises is/are genuinely redundant and that no effective demand exists or is likely to exist in the future to use the land or buildings for B class uses. This should include the length of time the property has remained vacant, the attempts made to sell/let it, and the demand for the size and type of employment premises in the area.

Where part (ii) of the above criteria has been satisfied, a mix of uses will be considered. Employment generating uses should be considered as part of this mix of

uses. Complete loss of employment uses will only be acceptable where it has been demonstrated to the satisfaction of the Local Planning Authority that partial employment use cannot realistically be achieved.”

The Council is also about to consult on a new supplementary planning document: “Demonstrating Genuine Redundancy of Employment Sites in Adur.” This will require applicants to justify the loss of a business unit by demonstrating that all reasonable steps have been taken to maintain a Class B use. Where it is demonstrated that it is not viable to maintain the existing business use then options for alternative employment uses will need to be explored before non-employment uses would be considered. This applies to all employment sites/premises regardless of size or condition. Applicants would then be expected to have undertaken a marketing campaign of at least 1 year to determine the demand for the site from business occupiers. Until this has been undertaken, change of use will not be considered.

Ordinarily, therefore, this proposal would be refused as the unit only became vacant in November 2018 and no marketing has been undertaken to demonstrate any genuine lack of demand for business use. The applicant has also failed to provide any evidence that they have sought larger premises elsewhere.

However, there are considered to be material considerations in this case which could justify an exception to policy.

The existing gym in Unit 7 has successfully established itself within the Business Park and there is evidence, borne out in several letters of support from other businesses on the Park, that the gym is well used by their employees, resulting in health and wellbeing benefits. The gym currently employs 10 permanent staff and 6-8 sub-contract trainers. As well as benefitting employees on the Business Park, the gym also runs training courses for local schools. Their aim is to become a regional centre of excellence for various sports and activities, including the setting up of an educational programme to cover healthy eating as well as exercise.

Unit 8 is immediately adjacent to unit 7 and would enable a relatively simple expansion of the existing gym into the adjoining building, over two floors. This would then result in a continuous run of 5 units in D2 use, rather than having a B Class unit in between D2 Class units. The unit could also revert to a B Class use just as easily should the gym cease in the future. The applicant has confirmed that he would agree to the imposition of a condition to restrict the use of the unit as a commercial gym only and no other use within Class D2.

Another important consideration is that Lancing Business Park BID Committee support the change of use of Unit 8. They have confirmed that they have been working with the existing gym to improve the fitness of staff on the business park and the applicant is already a member of the BID. They also consider that Unit 8 will be unattractive to potential B Class businesses because of the D Class businesses on either side. Finally, they have confirmed that Units 3, 4 and 5 are currently being marketed for B Class use and they would expect those units to be retained for B Class use.

Consequently, and on balance, notwithstanding the policy objection to the loss of this unit for B Class uses, it is considered that there are sufficient material considerations here to justify an exceptional departure from Policy 25 of the Local Plan. In reaching this decision, it should be emphasised that this is an exception and in no way justifies the loss of further units for non-business class uses within the Chartwell Business Centre or the wider Lancing Business Park as a whole.

Accessibility and parking

The applicants have previously submitted a car parking demand survey using a combination of TRICS data and manual counts which revealed that the gym use would not result in increased parking problems or highway safety issues. Since 2014 the use of Unit 7 has operated without complaint.

West Sussex highways had originally sought an updated parking survey to support this application. However, the applicant responded by providing the following information:

“With the two units we have 10 permanent spaces. We also have additional spaces as follows:

From 6am-8am 11 Spaces from Wickers.

From 6am - 5pm another 5 spaces from Unit 6.

From 6am-8am and then from 3pm-10pm 27 spaces from RR Donnelley's

There are also another 9 Visitor spaces on site which have to be drawn in by the Landlord, which can be used throughout the day.

Our main peak of members is 6am-7.30am and then from 5pm. We also have members at lunchtime but the vast majority of these are from the Business Park itself.

The great thing with the gym is that its peak periods are the opposite of the park itself creating a perfect synergy. So the above is purely for parking on our own site. We also have on road parking and the Business Park car park, but this hasn't needed to be used. We also have permission from the businesses opposite to use their parking spaces outside of business hours.”

WSSCC Highways has considered this response and have confirmed that they are satisfied that any increased demand for car parking can be accommodated by the existing parking spaces on the industrial unit and no therefore highway objection is raised.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only as a gymnasium within Use Class D2 as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification. On cessation of the use hereby permitted, the premises shall be restored to their former use (Class B1/B2/B8).

11th February 2019

Application Number: AWDM/1465/18

Recommendation – REFUSE

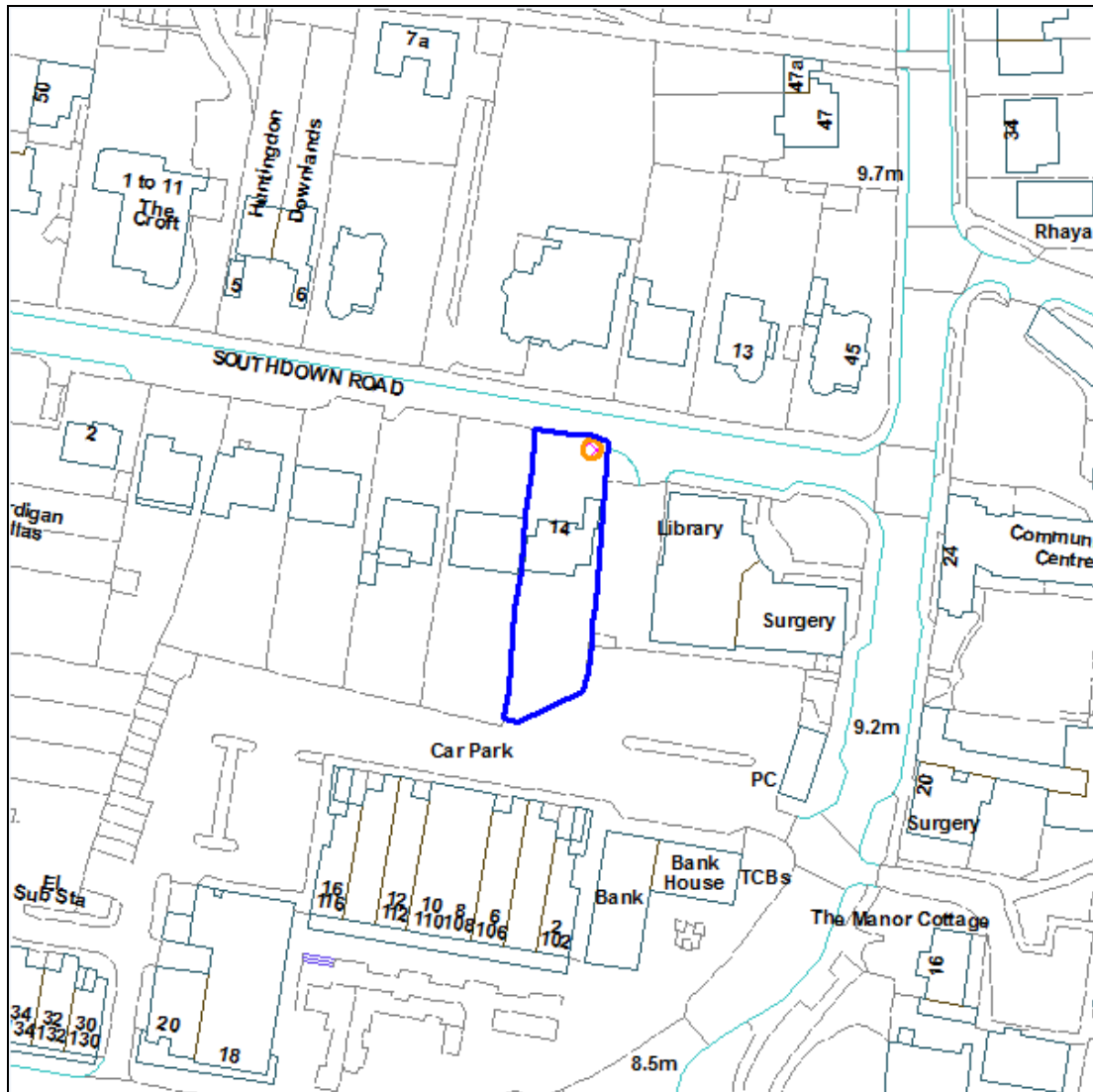
Site Address: 14 Southdown Road Southwick BN42 4FT

Proposal: Application for consent under Adur Tree Preservation Order No. 13.53/1/05/SW to fell one *Macrocarpa* tree (T1).

Applicant: Mr Ian Felton

Case Officer: Jeremy Sergeant

Ward: Southwick Green



Not to Scale

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This application has been called in by Councillor Stephen Chipp.

Proposal, Site and Surroundings

The application refers to a large mature Monterey Cypress located near the northeast corner of the front garden adjacent to the carriage way of Southdown Road and the parking area for Southwick Library / Surgery. The tree is a prominent part of the street scene and makes a contribution to the character and visual amenities of the Southwick Conservation Area (although the tree itself is not in the Conservation Area, it is directly adjacent to the boundary of the Conservation Area and hence clearly visible from within it).

Consent is sought to fell the tree.

The reasons for the works are primarily in the interests of safety, and amenity value.

Relevant Planning History

2005: Adur Tree Preservation order Number 13.53/1/05/SW of 2005 confirmed on 06/02/2006.

2006: Removal of 2 lower limbs of cypress tree (subject to TPO 13.53/1/05/SW)
Refused

2007: Light pruning of low-growing and broken overhanging limbs of cypress tree (subject to TPO 13.53/1/05/SW) to avoid injury to passers-by.

2010: Remove deadwood of Macrocarpa overhanging library car park (subject to TPO 13.53/1/05/SW).

Consultations

None

Representations

None received by the Council but officers are aware that the neighbour (number 13) has indicated an objection to the ward councillor on the grounds of adverse impact upon the character of the area and that the tree is not dead or dangerous

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 15 and 30

Circular 04/07: Tree Preservation Orders: A Guide to the Law and Good Practice (DETR 2000)

National Planning Policy Framework (July 2018)

Applications in connection with carrying out works on trees that are protected by TPOs

The Committee should consider the Town and Country Planning (Tree Preservation) (England) Regulations 2012 that provides the application may be granted either unconditionally or subject to relevant conditions, or refused.

Planning Assessment

The tree was made the subject of a Tree Preservation Order in 2005 when an application was received for the redevelopment to provide a new library and GP surgery (SW/77/05/TP) at the Southwick Library. It was felt that as the tree formed a striking landscape feature within the near area, it should be the subject of a formal Preservation Order. It was noted in the planning assessment at the time that the tree is striking in appearance with low-lying branches overhanging the adjacent landscaped area within the curtilage of the library. The lower branches have since been removed due to damage and /or natural dieback.

The tree has a large diameter single stem from ground level that begins to separate into 5 to 6 stems from 2 metres some being fused, all becoming fully separated from 4 to 6 metres. Each of the stems mostly persists to the top of the high crown, each supporting several areas of deadwood. The main crown is open, slightly sparse and wide spread with some over extended laterals, and several large areas of deadwood exposing sections of defoliated branches and bark damage.

The Arboricultural Officer considers that remedial works to remove deadwood and make the tree safer, as sections of deadwood could represent a public hazard, will greatly reduce its amenity value and form, and would not prevent its overall decline (the tree is unlikely to survive as a prominent feature for more than 10 to 15 years).

However, to fell the tree would cause a significant impact upon the character of the area. It is a prominent and attractive feature from the eastern end of Southdown Road and also clearly visible from the well-used Southwick Street and the car park on the northern side of Southwick Square. It can therefore be considered as a positive addition to the streetscene. Policy 30 of the Local Plan states that 'green infrastructure' will be protected and that trees which make a positive contribution to the street scene should be protected.

An alternative suggestion to remove the deadwood first so that the Council could make a further assessment of the amenity of the tree has not been pursued. Your officers therefore feel that felling of the tree at this point cannot be justified and accordingly it is recommended that permission is refused.

Recommendation

REFUSE permission for the following reason:-

The Macrocarpa tree is a prominent and established feature which makes a positive contribution to the character of the area and adjacent Southwick Conservation Area and its removal would therefore be detrimental to the visual character of the area. It is not considered that a sufficient arboricultural reason has been provided to justify the felling of the tree and accordingly the proposal fails to comply with policies 15 and 30 of the Adur Local Plan 2017.

11th February 2019

Local Government Act 1972
Background Papers:

As referred to in individual application reports

Contact Officers:

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gary.peck@adur-worthing.gov.uk

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Jeremy Sergeant
Senior Tree and Landscape Officer (Development Management)
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jeremy.sergeant@adur-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 DISTRICT
C O U N C I L

Adur Planning Committee
11 February 2019
Agenda Item no. 7

Ward(s) Affected: ALL

**Updated Adur and Worthing Statement of Community Involvement -
Draft for Consultation**

Report by the Director for the Economy

1.0 Summary

- 1.1 The purpose of the Statement of Community Involvement (SCI) is to explain to the public what consultation will take place with stakeholders on planning policy documents and planning applications. It sets out who the Councils will consult with, when and how.
- 1.2 All Local Planning Authorities are legally required to prepare and publish a SCI and ensure it is kept up to date. The current joint Adur and Worthing SCI was published in 2012 (previously both Councils had their own SCI in place). Since then, changes have been made to national policy and legislation in relation to Local Plans and Neighbourhood Plans. The Government also published a revised National Planning Policy Framework (2018) therefore it is timely to update the SCI in order to reflect these changes.

2.0 Background

- 2.1 A Statement of Community Involvement (SCI) seeks to describe how the public, businesses and interest groups within Adur and Worthing can get involved in Planning Policy, Neighbourhood Planning and the planning application decision making process. The SCI sets out the consultation measures that the Councils will undertake when consulting on Planning Policy documents and publicising planning applications.
- 2.2 Community involvement and consultation is a key part of any Councils decision making process. The Councils believe that the whole community should have the opportunity to engage in the preparation of both Adur and

Worthing's Planning Policy documents and also in the consideration of planning applications by Development Management.

- 2.3 The draft SCI is guided by the Government's Consultation Principles: Guidance (2018) which provides information on how consultations should be conducted in general, providing a consistent consultation approach.
- 2.4 In addition, the Councils have a Consultation Policy Statement which sets out the minimum standards the Councils will follow when developing consultation and engagement exercise, so that customers and communities know what to expect from us in providing appropriate opportunities to participate and to receive feedback. This Consultation Policy Statement sits alongside the SCI.

Why has a new Statement of Community Involvement been produced?

- 2.5 The preparation of a SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 and once adopted, Councils are legally obliged to comply with it. Since the current SCI was adopted in 2012, there have been changes to national policy including the publication of the revised National Planning Policy Framework (2018). There has also been changes to national legislation which includes the introduction of the Neighbourhood Planning Act 2017, the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 and also changes to Council procedures hence it is appropriate to review the SCI and bring it up-to-date.
- 2.6 Regulation 4 of The Town and Country Planning Regulations (Amendment) Regulations 2017 came into force on the 6th April 2018 and introduced amendments to the Town and Country Planning (Local Planning) (England) Regulations 2012. The amendments require that a review of the SCI must be completed every five years, starting from the date of adoption of the SCI, in accordance with section 23 of the Planning and Compulsory Purchase Act 2004.
- 2.7 In response to the new requirements, this revised SCI now includes a chapter on Neighbourhood Planning and sets out the Councils statutory role in providing advice, assistance and support to Qualifying Bodies (the organisation that is preparing a Neighbourhood Plan or Neighbourhood Development Order) throughout the Neighbourhood Planning process. At present, there are two Neighbourhood Plans being progressed in Adur District: Sompting Neighbourhood Plan and Shoreham Beach Neighbourhood Plan. There are currently no Neighbourhood Plans / Neighbourhood Development Orders being progressed in Worthing.

- 2.8 It is also considered appropriate to include a chapter regarding the preparation of the Community Infrastructure Levy (CIL) which enables Local Planning Authorities to raise fund for new infrastructure by levying a charge on new development within their area. Worthing Borough Council adopted its CIL in February 2015 and a review is currently being undertaken and it is expected that a revised Charging Schedule will be in place in 2019. Adur District Council is not currently preparing CIL and is continuing with S.106 Planning Obligations at present.
- 2.9 Worthing Borough Council has recently undertaken Regulation 18 consultation on the draft Worthing Local Plan. To support the preparation of the emerging Worthing Local Plan, a future review of the Adur Local Plan and the preparation of other Local Development Documents it is considered necessary to update the SCI to ensure that the Council meets current statutory consultation requirements.
- 2.10 Since the current SCI was published, the Councils have undertaken numerous consultations on Planning Policy documents. Lessons have been learnt from each consultation, what has worked well and what hasn't worked so well. The power of social media has been recognised and the Councils will continue to make the effective use of social media, as best practice, wherever possible. These lessons have helped to inform the revised draft SCI.
- 2.11 The chapter on Development Management has been reviewed to ensure that it reflects current publicity measures undertaken for planning applications.

JOSC Review of Consultations (2018)

- 2.12 The revised SCI supports the agreed recommendations contained within the recent Joint Overview and Scrutiny Committee (JOSC) report on the effectiveness of consultations carried out by Adur and Worthing Councils (Joint Strategic Committee, Agenda Item 10, 06.11.18).

3.0 Consultation

- 3.1 It is proposed that the draft SCI is made available for consultation for a period of 6 weeks, commencing late February (dates to be confirmed). All those on the Planning Policy consultation database (recently updated in accordance with General Data Protection Regulations) will be informed; the document will be made available on the Council's website, and the consultation will be

publicised on social media. Hard copies will also be made available at Portland House, the Shoreham Centre and in local libraries.

4.0 Legal

- 4.1 It is not a statutory requirement to undertake public consultation on the draft SCI. However, given the nature of the SCI it is considered best practice to undertake consultation as it demonstrates the Council's commitment to meeting its principles contained within Adur and Worthing Councils Consultation Policy Statement. Relevant legislation that are referred to within the draft SCI includes:

Planning & Compulsory Purchase Act 2004

The Town and Country Planning (Local Planning) (England) Regulations 2012 [S.I No. 767]:

The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 [S.I No. 1244]:

Neighbourhood Planning Act 2017:

5.0 Financial implications

- 5.1 There are no significant costs relating to the preparation of a revised SCI and all such costs will be met within existing budget allowances.
- 5.2 The costs associated with the consultation on planning matters is contained within existing budgets.

6.0 Recommendation

- 6.1 That the Committee note the Draft SCI, and forward any comments to the Executive Member for Regeneration to consider prior to approving the document for consultation.**

Local Government Act 1972

Background Papers:

Adur Local Plan 2017

Adur Local Development Scheme 2018 - 2020

Regulation 18: Draft Worthing Local Plan (2018)

Adur and Worthing Statement of Community Involvement 2012

Contact Officer:

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Senior Planning Officer

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Schedule of Other Matters

1.0 Council Priority

- 1.1 Platforms for our Places makes a commitment to agree core principles of engagement and community involvement in design and delivery of the Councils work (Platform 2 - 2.4.1).

2.0 Specific Action Plans

- 2.1 None

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified.

4.0 Equality Issues

- 4.1 The draft SCI, once adopted will ensure that the public, businesses and interest groups within Adur can get involved in Planning Policy, Neighbourhood Planning and the planning application decision making process.

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 draft SCI, once adopted, will ensure that the Council is meeting statutory consultation requirements and that consultation undertaken is open, effective and transparent.

8.0 Consultations

- 8.1 This report seeks member endorsement of a proposed public consultation.

9.0 Risk Assessment

- 9.1 The Revised SCI will help to ensure that the Council is meeting statutory consultation requirements. If a revised SCI is not in place, public consultation may not be carried out in accordance with statutory requirements.

10.0 Health & Safety Issues

- 10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

- 11.1 Matter considered and no issues identified.

12.0 Partnership Working

- 12.1 The draft SCI is a joint document prepared by Adur District Council and Worthing Borough Council to ensure a consistent approach in undertaking consultation on Planning Policy documents and publicising planning applications.

**ADUR &
WORTHING
COUNCILS**

**DRAFT
STATEMENT OF
COMMUNITY
INVOLVEMENT**

FEBRUARY 2019



**HAVE YOUR SAY
PUBLIC CONSULTATION**



**ADUR & WORTHING
COUNCILS**

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The purpose of the Statement of Community Involvement (SCI) is to explain to the public what consultation will take place with stakeholders on planning policy documents and planning applications. It sets out who the Councils will consult with, when and how.

All Local Planning Authorities are legally required to prepare and publish a SCI and ensure it is kept up to date. The current SCI was published in 2012. Since then, changes have been made to national policy and legislation in relation to Local Plans and Neighbourhood Plans. The Government also published a revised National Planning Policy Framework (2018) therefore it is timely to update the SCI in order to reflect these changes.

How to have your say

Public consultation runs from **[INSERT]** to 5pm on **[INSERT DATE]**.

The SCI is published to give residents, businesses, Parish and Town Councils and other groups an opportunity to have a say in how they want to be involved in guiding future development within Adur and Worthing. The Councils will consider the comments received and where appropriate will make amendments to the SCI.

Where can I view this document?

You can view the document online at: <https://www.adur-worthing.gov.uk/planning-policy/news-updates-community-involvement/statement-of-community-involvement/>

Paper copies of the document are available for inspection at Portland House¹ and the Shoreham Centre².

How do I comment?

If you would like to comment on this document please send your views via email or to the postal address below. If you have any queries on the content of this document please contact the Planning Policy Team.

Telephone: 01273 263000

Email: planning.policy@adur-worthing.gov.uk

Address: Adur & Worthing Councils, Planning Policy, Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA

Data Collection - What we collect and how it is used

The Councils will process comments in accordance with the General Data Protection Act 2018. We collect names, addresses and other contact details. However, when publishing the representations received during a consultation we will only publish the name of the individual

¹ 44 Richmond Road, Worthing, West Sussex, BN11 1HS

² Pond Road, Shoreham-by-Sea, West Sussex, BN43 5WU

respondent or the organisation that they represent. All other personal information will be omitted or redacted - this includes the contact details and signatures of individuals.

All interested parties are able to subscribe to receive newsletters from the Planning Policy Team and can request to be added to the Planning Policy Consultee Database. All those on the database will be notified when any relevant documents are published.

If you subscribe to a newsletter or request to be added to our consultee database, we will not pass your details on to any third parties. Contact details will be stored confidentially, in accordance with the GDPR 2018. You will also be offered the opportunity to unsubscribe at any time through the newsletters / documentation you receive.

For further information, please refer to the Planning Policy Privacy Notice:

<https://www.adur-worthing.gov.uk/planning-policy/privacy-notice/>

1. Introduction	p.1
What is a Statement of Community Involvement?	p.1
Why has a new Statement of Community Involvement been produced?	p.1
Resources	p.2
2. Planning Policy	p.3
What is Planning Policy?	p.3
How can you get involved?	p.5
Who will the Councils consult?	p.5
'Hard to reach' groups in Adur and Worthing	p.6
How will we consult?	p.6
Publicising Public Consultation	p.6
Additional Consultation Notification Methods	p.7
When to get involved in Preparing Development Plans	p.8
Table 1: Key Stages of Development Plan Production (Local Plan)	p.9
Supplementary Planning Documents	p.15
Table 2: Key Stages of Supplementary Planning Document Production	p.16
Other Planning Policy Documents	p.18
<i>Sustainability Appraisal</i>	p.18
<i>Statement of Community Involvement</i>	p.19
<i>Community Infrastructure Levy</i>	p.19
Table 3: Key Statutory requirements that must be undertaken when preparing the Charging Schedule	p.21
3. Neighbourhood Planning	p.26
What will Neighbourhood Development Plans do?	p.26
What are Neighbourhood Development Orders?	p.26
Who leads Neighbourhood Planning in an area?	p.26
What is the role of the Local Authority?	p.27

South Downs National Park Authority	p.28
Table 4: Key statutory requirements that the Councils must undertake when supporting the preparation of Neighbourhood Development Plans	p.28
Table 5: Key statutory requirements that the Councils must undertake when supporting the preparation of Neighbourhood Development Orders	p.32
Referendum	p.35
4. Development Management	p.36
The Weekly List of Planning Applications	p.36
Council Websites	p.36
Site Notices	p.37
Neighbour Notification Letters	p.37
South Downs National Park Authority	p.37
Pre-application Consultation Requirements	p.37
Viewing Planning Applications at Council Offices	p.38
Site Visits	p.38
Commenting on Planning Applications	p.39
Decisions on Planning Applications	p.39
Appendices	
Appendix 1 - Specific Consultation Bodies	p.41
Appendix 2 - Publicising Planning Applications	p.42
Appendix 3 – Planning Aid	p.45
Appendix 4 – Glossary	p.46
Appendix 5 – Contact Details	p.48
Appendix 6 – Privacy Notice	p.49

What is a Statement of Community Involvement?

- 1.1 A Statement of Community Involvement (SCI) seeks to describe how the public, businesses and interest groups within Adur and Worthing can get involved in Planning Policy, Neighbourhood Planning and the planning application decision making process. The SCI sets out the consultation measures that the Councils will undertake when consulting on Planning Policy documents and publicising planning applications. Adur and Worthing Councils are two separate Councils but have a shared officer structure and thus a single joint SCI.
- 1.2 Community involvement and consultation is a key part of any Council's decision making process. The Councils believe that the whole community should have the opportunity to engage in the preparation of both Adur and Worthing's Planning Policy documents and also in the consideration of planning applications by Development Management.
- 1.3 However, there will be instances where the Councils have to balance all relevant issues and this may mean a different outcome to some of the views expressed. Where this is the case, the respective Council will be transparent in their reasoning.
- 1.4 The SCI is guided by the Government's Consultation Principles: Guidance (2018)¹ which provides information on how consultations should be conducted in general providing a consistent consultation approach.
- 1.5 The Councils have a Consultation Policy Statement² which sets out the minimum standards the Councils will follow when developing consultation and engagement exercise, so that customers and communities know what to expect from us in providing appropriate opportunities to participate and to receive feedback. This Consultation Policy Statement sits alongside the SCI.
- 1.6 Whilst the SCI primarily sets out how the Councils will engage with communities, it also provides useful guidance to help inform developers and applicants on how to undertake effective community consultation activities.

Why has a new Statement of Community Involvement been produced?

- 1.7 The preparation of a SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 and once adopted, Councils are legally obliged to comply with it. Adur District Council and Worthing Borough Council prepared their first joint SCI in 2012 (previously both Councils had their own SCI in place). Since then, there have been changes to national policy including the publication of the revised National Planning Policy Framework (2018)³. There has also been changes to national legislation which includes the introduction of the

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1_.pdf

²<https://www.adur-worthing.gov.uk/media/media.124557,en.pdf>

³<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Neighbourhood Planning Act 2017⁴, the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 and also changes to Council procedures hence it is appropriate to review the SCI and bring it up-to-date. This revised SCI now includes a chapter on Neighbourhood Planning.

- 1.8 Regulation 4 of The Town and Country Planning Regulations (Amendment) Regulations 2017⁵ came into force on the 6th April 2018 and introduced amendments to the Town and Country Planning (Local Planning) (England) Regulations 2012⁶. The amendments require that a review of the SCI must be completed every five years, starting from the date of adoption of the SCI, in accordance with section 23 of the Planning and Compulsory Purchase Act 2004.

Resources

- 1.9 Both Councils acknowledge that the community contributes significantly to the operation of the planning service. Achieving the community involvement outlined in this document will require resources in terms of staff time, printing and other costs. This joint SCI seeks to achieve an acceptable balance between the importance of community involvement and keeping costs within realistic limits.
- 1.10 The Councils are aware of the issues associated with ‘consultation fatigue’ and will endeavour, wherever possible, to co-ordinate consultation exercises so that any feedback received is meaningful.
- 1.11 Both Councils will maximise the use of other resources such as the Planning Portal, the Royal Town Planning Institute’s Planning Aid Service and the Councils website in adding to the effectiveness of consultations.
- 1.12 However, as a minimum requirement, the Councils will make sure the resources available for community involvement takes account of:
- The different planning documents both Councils will have to prepare
 - The costs of any publicity and consultation required by the Planning Regulations
 - The collation of all the views of the local community and the response preparation, analysis and publication of them.
- 1.13 The Planning Aid service provides free, independent and professional town planning advice and support to communities and individuals who cannot afford fees for a planning consultant. Please see Appendix 3 for more information on Planning Aid.

⁴ Neighbourhood Planning Act 2017 (Chapter 20): <http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>

⁵ <http://www.legislation.gov.uk/uksi/2017/1244/contents/made>

⁶ <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

2. PLANNING POLICY

How is a Local Plan prepared and how can I get involved in the process?

What are the Council's proposals for future development?

What is Planning Policy?

- 2.1 England has a plan-led system of development. This means that Local Planning Authorities have to prepare a Development Plan, also referred to as a Local Plan and ensure that it is kept up-to-date. The Councils Planning Policy team is responsible for preparing the Local Plan which comprise of policies and principles to guide the scale, form and location of development based on evidence. Planning Policy also prepares Supplementary Planning Documents (SPD) which provides specific guidance underpinning a particular Policy in the Local Plan. Collectively these documents set out the respective Council's planning policies for meeting the community's economic, environmental and social needs where this affects the development and use of land.
- 2.2 The National Planning Policy Framework 2018 (NPPF) requires Local Planning Authorities to prepare Development Plans to set out a positive vision ("forward planning") for the future development of the Borough or District (usually 15-20 years), addressing needs and opportunities in relation to population growth, housing, the economy, community facilities and infrastructure as well as a basis for safeguarding the environment, adapting to climate change and securing good design. Development Plans are underpinned by evidence base studies such as housing and economic projections to understand likely demand for future growth.
- 2.3 A Development Plan sets the overall planning policies within a Local Authority and includes a Proposals Map and Site Specific Allocations. Development Plans are often referred to as a 'Local Plan' such as the adopted Adur Local Plan (2017) and the emerging Worthing Local Plan. However, Shoreham Harbour is preparing a Joint Area Action Plan (JAAP) which has the same status as a Development Plan but is being prepared jointly with Adur District and neighbouring authority Brighton & Hove City Council. Adur District and Worthing Borough Council are also required to prepare a Local Development Scheme (LDS) and ensure it is kept up-to-date. The purpose of the LDS is to set out the timetable for the production of documents which will form part of the Development Plan.
- 2.4 This SCI sets out four key consultation principles that will be adhered to in order to make any consultation process relevant and meaningful. Both Councils will:
 - I. Keep any consultation process simple and communicate clearly

Both Councils will clearly state how the community can get involved and make comments. The Councils will also set out documents and reply forms as simply, clearly and concisely as possible, in a layout that is easy to understand. The Councils will be clear about what they are asking people and must ensure that people understand what will happen as a result of this engagement.

2. Make it easy for the public to be involved

The Councils aim is to ensure that all planning documents produced are easy to understand by different members of the community. Whilst the Planning System is trying to simplify the planning process there is still technical jargon and abbreviations used. Although plain English will be used wherever possible there will be occasions when some technical terms will need to be used – in these instances glossaries will be used.

The Councils will strive to ensure that documents will be made available in different formats, to enable wide accessibility. This will include hard copy and electronic versions of key documents. The Councils will also put consultation material and information on their website.

3. Make sure the public's involvement counts

Both Councils will involve residents and stakeholders at an appropriate stage of the consultation process and at all subsequent stages of a policy document.

The Councils are committed to listening to what residents and the business community has to say. The Councils will carry out necessary steps to explore possible solutions and where justified, changes will be made in response to the comments submitted. However, the Councils have to act in accordance with planning law and therefore it is not always possible to address all concerns especially if the comments submitted are not a planning issue. Planning issues are such as those relating to highway safety, noise, design, Government Policy to mention but a few. Where appropriate, the respective Council will summarise (will redact personal details in accordance with the General Data Protection Act 2018) consultation representations which will then be published on the Councils website.

4. Share information and provide feedback

The respective Council will provide electronic versions of consultation documents on the Council's website.

Planning Policy will consider all responses to consultation and will, where appropriate, explain how views expressed in representations have been incorporated into the respective Council's decision making processes. This process also allows for the Council to explain why representations / comments have not been addressed.

How can you get involved?

- 2.5 Planning Policy maintains a database holding contact details of specific and general consultation bodies, individuals, groups, and stakeholders who the Councils regularly contact on planning policy matters).
- 2.6 People can register their contact details i.e. email address or by postal address if an email address is not available. Contact details will be stored confidentially; in accordance with the General Data Protection Regulations 2018. Please refer to the Privacy Notice in Appendix [INSERT NO]. The Councils will not pass on contact details on to any third parties and people can request to have their details removed at any time. Also, please notify the Planning Policy team if your contact details have changed so that we can ensure that the database is up-to-date. Please refer to Appendix 5 to view details on how to contact the Planning Policy team.

Who will the Councils consult?

- 2.7 Government Regulations require us to ensure that certain organisations (known as Specific Consultation Bodies) are consulted at key stages during the preparation of the Local Plan. The full list of consultees is provided in Appendix 1.
- 2.8 In addition to consulting Specific Consultation Bodies, Planning Policy has a further extensive list of organisations, bodies, businesses, consultancies, landowners and individuals that we will consult (known as General Consultation Bodies). However, these organisations are only consultation if they are made known to the Councils. These include to name but a few:
- Individuals on the Planning Policy Consultation Database
 - Residents' Associations
 - Housing Associations / Registered Providers
 - Chambers of Commerce
 - Local Council for Voluntary Services
 - Groups for people with disabilities
 - Voluntary groups
 - Faith groups
 - Youth groups
 - Local businesses
 - Environmental / Conservation groups
 - Local Strategic Partnership – Waves Ahead

- 2.9 The above list is not exhaustive and is amended or added to as required. In some cases, we have a degree of discretion over whether to notify certain general bodies if the topic of the document in question is not likely to be of interest or relevance to that body. The Councils will, when appropriate, target consultation towards those most likely to be affected, for example by setting up workshops on particular topics or hosting public exhibitions in areas of site allocation proposals.

‘Hard to reach’ groups in Adur and Worthing

- 2.10 In addition to the ‘specific’ and ‘general’ consultation bodies, the Councils are committed to involving a wide range of ‘other’ individuals and organisations, including members of the ‘hard to reach’ groups. Hard to reach groups can be defined as any group that may be difficult to reach or engage with for a particular reason. They can include: children and teenagers; Gypsies Travellers and Travelling Showpeople; black and minority ethnic groups; the homeless; people with disabilities and those without access to the internet. In addition, it is often difficult to engage successfully with local businesses and working people who are unavailable during core working hours.
- 2.11 This SCI sets out a range of consultation techniques and approaches to ensure that involvement is as inclusive and accessible as possible.

How will we consult?

- 2.12 The Government sets out statutory consultation requirements that the Councils must follow when publicising public consultation on Development Plans and SPDs. In addition to the requirements, the Councils will carefully consider using additional publicity options to help ensure that as many stakeholders as possible in Adur and Worthing are made aware of public consultations on Planning Policy documents and of the opportunity to comment on them.

Publicising Public Consultation

Electronic communications

- 2.13 When undertaking public consultation on Development Plans and Supplementary Planning Documents, it is a statutory requirement to provide an electronic version of the consultation document on the Councils website. Adur and Worthing has a joint website and both Councils will make extensive use of the website to give notice of future public consultations. The website will contain regular news updates, as well as consultation documents and information about how groups and individuals can get involved in Plan Making.
- 2.14 The use of IT based systems will be used in all public consultations. Computers are provided for public use in reception areas at Portland House (Worthing) and The Shoreham Centre (Shoreham-by-Sea) to access consultation documents online.
- 2.15 The Councils will inform those on the consultation database (refer to paragraphs 2.12 & 2.13) by email wherever possible as this is an efficient and most cost effective way of communicating.

- 2.16 Both Councils use social networking sites such as Twitter and Facebook to advertise public consultation. The Councils recognise that social media is an effective consultation notification method especially to engage with young people and those people that have limited time. Consultation information can be accessed on a 24hr basis enabling comments to be submitted anytime during the consultation period.
- 2.17 To help keep the community informed of the latest Planning Policy news for Adur and Worthing and the progression of Planning Policy documents, the Councils publish separate Adur Planning Policy Newsletters and Worthing Planning Policy Newsletters as and when its necessary. To subscribe or unsubscribe to the Newsletter(s), please contact the Planning Policy team.

Paper based communications

- 2.18 Whilst electronic technology makes communication easier to administer and access as well as having energy efficiency benefits, there are members of the community that are not able to use technology or have access to email or internet. In undertaking consultation the Councils will not disadvantage these groups.
- 2.19 Those people that have provided a postal address will be notified by post of public consultation. The respective Council will provide hard copies of the consultation document for reference purposes at the main reception areas at Portland House (Worthing) and / or The Shoreham Centre (Shoreham-by-Sea) throughout the duration of public consultation. All evidence base reports and background papers will be publicly available on the Councils website. Depending on the nature of the consultation document, the respective Council may also provide hard copies at additional venues i.e. local libraries.
- 2.20 The Councils preferred communication method is to receive representations via email. However, both Councils will accept representations submitted by post. Comments can be sent to the relevant planning department.

Additional Consultation Notification Methods

- 2.21 In addition to fulfilling the statutory notification requirements, the Councils will also consider using relevant additional notification methods to advertise public consultation to ensure that as many people and organisations as possible are reached. Such advertising methods may include:
- Adur and Worthing Councils webpage – Consultations and Engagement
 - Advertised on the front webpage of the Councils' website within the 'Latest news and consultations' section
 - Press Release
 - Advertise in local newspaper
 - Consultations will be publicised via the Councils social media – Twitter / Facebook

- Posters advertising consultation may be made where appropriate and placed on notice boards at relevant venues i.e. local libraries,
- 2.22 Planning Policy will encourage the active participation of individuals, groups, landowners and developers in the consultation process through a variety of techniques such as:
- Public exhibitions
 - Council Officers attending Town / Parish Council meetings on a specific matter
 - Workshops - Small Group Discussions
- 2.23 Officers, wherever possible, will undertake these consultation exercises in locations which are accessible to the local community, for example at community centres, public libraries and leisure centres. Where Planning Officers are present at public events, they will answer questions appropriate to the nature of the consultation and will assist in recording the comments received.

When to get involved in preparing Development Plans

- 2.24 The Town and Country Planning (Local Planning) (England) Regulations 2012, the Planning Compulsory Purchase Act 2004 and the Localism Act 2012, sets out the prescribed stages of preparing a Development Plan and also the requirements for consultation. The production of a Development Plan is an iterative process developed through two statutory stages (referred to as Regulation 18 and Regulation 19) in consultation with the public and key stakeholders. There is considerable flexibility open to Local Planning Authorities in how they carry out the initial stages of plan production, provided they comply with the specific requirements in Regulation 18 of the Town and Country Planning Regulations. Consultation exercises on emerging options are often termed “issues and options”, “preferred options” or “pre-publication”. Local Planning Authorities should always make clear how any consultation fits within the wider Development Plan process. Regulation 19 is the publication stage in which the Council considers the Plan ready for examination. In order for a Development Plan to be adopted by the respective Council, it must be found sound by a Government appointed Planning Inspector through an examination process.
- 2.25 Further requirements are set out within the National Planning Policy Framework (NPPF) and guidance is provided within the National Planning Practice Guidance (NPPG) . Table I shows both the key statutory stages of Plan production and the opportunities for involvement at each stage.

Table 1: Key Stages of Development Plan Production (Local Plan)

Key Stages of Production	What the Council Will Do	Your Opportunities for Involvement
<p>Initial Evidence Gathering</p> <ul style="list-style-type: none"> • Begin initial evidence gathering process (commissioning technical studies, identifying available sites, collating data, identifying the scope of the Plan) • Formulate initial aims and objectives • Start preparing the Sustainability Appraisal, Scoping Report and collating baseline data • Identify relevant environmental, economic and social objectives to inform the Sustainability Appraisal 	<ul style="list-style-type: none"> • Circulate Planning Policy newsletter to those registered on the database to be kept informed of latest news and forthcoming Local Plan milestones • Contact infrastructure providers to collate evidence on infrastructure requirements to support future growth • Ensure that the Councils website is kept up-to-date 	<ul style="list-style-type: none"> • Register your contact details to be placed on the consultation database to be kept informed of Local Plan preparation • Provide Planning Policy with details of any sites you may wish to promote for development via the Strategic Housing Land Availability Assessment¹ (SHLAA) process • Provide Planning Policy with any local evidence studies such as sites for Local Green Space designation
<p>Regulation 18: Preparation of a Local</p>	<ul style="list-style-type: none"> • Circulate Planning Policy newsletter 	<ul style="list-style-type: none"> • Review the Local Plan, Sustainability Appraisal,

¹ SHLAA: <https://www.adur-worthing.gov.uk/housing/policies-and-strategies/shlaa-hma/>

Key Stages of Production	What the Council Will Do	Your Opportunities for Involvement
<p>Plan Public Consultation</p> <ul style="list-style-type: none"> • Draft Local Plan considering a wide range of key topics and issues facing the District/ Borough/ relevant area (such as homes and jobs needed in the area; the provision of retail, leisure and commercial development; the provision of infrastructure, community facilities and protecting the environment etc) as well as identifying possible options to address identified key issues • Continue evidence gathering • Test emerging options through the Sustainability Appraisal 	<p>to those registered on the database to be kept informed of latest news</p> <ul style="list-style-type: none"> • Undertake public consultation for a duration considered appropriate by the respective Council • Notify specific consultation bodies and appropriate general consultation bodies and inform them how the document can be viewed and how comments can be made • Consult those people and organisations that have registered their contact details on the consultation database via email or post • Electronic version of the consultation document will be made publicly available on the Councils website • Hard copies to be provided for reference purposes • Where appropriate consider additional consultation methods (see paragraphs 2.21-2.23) • Ensure compliance with the Councils adopted Statement of Community Involvement 	<p>Habitat Regulations Assessment and evidence base</p> <ul style="list-style-type: none"> • Submit a representation to the Council outlining your comments, support or objection • Attend any scheduled public exhibitions / workshop events <p>All submitted representations will be made public and can be viewed by others. Signatures, postal address and email address details will be redacted.</p>
<p>Regulation 19: Publication of a Local Plan</p> <ul style="list-style-type: none"> • Review all the representations submitted 	<ul style="list-style-type: none"> • Undertake public consultation for statutory period of 6 weeks • Notify specific consultation bodies and appropriate general consultation 	<ul style="list-style-type: none"> • Review the Local Plan, Sustainability Appraisal and Habitat Regulations Assessment • If you submitted a representation during the previous consultation and that it remains

Key Stages of Production	What the Council Will Do	Your Opportunities for Involvement
<p>during Regulation 18 consultation and make any changes to the Plan where justified</p>	<p>bodies that the document is to be produced and the subject of that document</p> <ul style="list-style-type: none"> • Consult those people and organisations that have registered their contact details on the consultation database via email or post • Electronic version of the consultation document will be made publicly available on the Councils website • Hard copies to be provided for reference purposes • Where appropriate consider additional consultation methods (see paragraphs 2.21-2.23) • Ensure compliance with the Councils adopted Statement of Community Involvement 	<p>unresolved, resubmit your representation should you wish to maintain your objection</p> <ul style="list-style-type: none"> • Attend any scheduled public exhibitions / workshop events <p>This is the final opportunity to submit a duly made representation.</p> <p>You should be specific as to why you consider the Plan to be unsound, what change (s) you are seeking and why it would make the document sound. The Planning Inspector will only consider written representations submitted during this stage as it is considered that these representations (objections) are unresolved.</p>
<p>Regulation 22: Submission of Local Plan</p> <ul style="list-style-type: none"> • Submit Plan and any representations submitted during Regulation 19, along with the Sustainability Appraisal, evidence base, Statement of Consultation to Secretary of State • The Government will appoint a Planning Inspector • The respective Council has to wait for the Planning Inspector to set the 	<ul style="list-style-type: none"> • Provide hard copies of the Plan, Policies Map, Sustainability Appraisal, Statement of Consultation, copies of representations, any relevant supporting documents and statement of how to view documents for inspection • Inform general and specific consultation bodies that the Plan and documents listed above are available for inspection and of the places and 	

Key Stages of Production	What the Council Will Do	Your Opportunities for Involvement
<p>timetable for Examination in Public</p>	<p>times at which they can be inspected</p> <ul style="list-style-type: none"> • Give notice to those persons who requested to be notified of submission 	
<p>Regulation 24: Independent Examination</p> <ul style="list-style-type: none"> • Independent Inspector assesses the submitted Local Plan to determine whether it has been prepared in line with the Duty to Cooperate and other legal requirements. Inspector issues a report at the end of Examination in Public • Exceptionally, the Inspector will recommend the draft Local Plan to be withdrawn if it has not been prepared in accordance with the Duty to Cooperate or it is likely to be found unsound • Usually Planning Inspectors carry out a hearing in public, however if the plan is very straightforward and not contentious, the Inspector may be able to deal with the examination by means of written representations, negating the need for hearing sessions. 	<ul style="list-style-type: none"> • The relevant Council, via the Programme Officer, will write to representors informing them of the date, time and place at which the hearing is to be held • The relevant Council can ask the Inspector to recommend main modifications to make Plan sound or comply with other legal requirements 	<ul style="list-style-type: none"> • The Inspector will invite participants (via the Programme Officer) to speak at the hearing sessions on those matters and issues considered relevant by the Inspector • Selected participants will receive a programme (via the Programme Officer) for hearing sessions including matters/issues and the Inspectors Guidance Note • The hearing sessions are public and anyone can observe even if they haven't been selected to participate • Further information regarding the Examination in Public process can be found within the Planning Inspectorate Procedural Practice in the Examination of Local Plans (June 2016)²
<p>Regulation 25: Publication of the recommendations of the Planning Inspector</p>	<ul style="list-style-type: none"> • The respective Council must make the recommendations of the Planning Inspector and the reasons available on 	

²https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/531005/Procedural_Practice_in_the_Examination_of_Local_Plans_-_final.pdf

Key Stages of Production	What the Council Will Do	Your Opportunities for Involvement
<ul style="list-style-type: none"> Inspector's report is ratified Local Plan is to be amended if recommendations (Main Modifications) are made by the Inspector (if the Council requests these to be made) 	<p>the Councils website and for inspection</p> <ul style="list-style-type: none"> Give notice to those persons who requested to be notified of the publications of those recommendations, that the recommendations are available 	
<p>Regulation 26: Adoption</p> <ul style="list-style-type: none"> The respective Council may adopt the Local Plan with the Inspector's Modifications or choose not to Six week period for legal challenges after adoption 	<ul style="list-style-type: none"> Following adoption, the respective Council must make available (hard copy and on the Councils website) the Local Plan, adoption statement, Sustainability Appraisal Report and details of where the Local Plan is available for inspection and the places and times at which the documents can be inspected Send a copy of the adoption statement to any person who has asked to be notified Send a copy of the adoption statement to the Secretary of State 	
<p>Regulation 27: Withdrawal of a Local Plan</p> <ul style="list-style-type: none"> The respective Council does not adopt the Local Plan and instead withdraw it 	<ul style="list-style-type: none"> Respective Council must make a statement (hard copy and on the Councils website) of the fact that the Local Plan has been withdrawn Notify general and specific consultation bodies that the Local Plan has been withdrawn Cease to make available any documents relating to the withdrawn 	

Key Stages of Production	What the Council Will Do	Your Opportunities for Involvement
	Local Plan other than the withdrawn statement	
<p>Regulation 34: Authorities' Monitoring Report</p> <p>Adopted Local Plan policies are monitored against objectives and indicators and are reported within the relevant Council's Annual Monitoring Report which is usually published on the Council's website in December</p>		

Supplementary Planning Documents

- 2.26 These provide supplementary information in respect of the Policies in Development Plans. They provide greater detail and guidance on the application of a particular Policy in practice. SPDs do not form part of Development Plan and are not subject to independent examination. However, once adopted, the SPD will be a 'material consideration' in planning decisions. In exceptional circumstances a Strategic Environmental Assessment (Sustainability Appraisal) may be required when producing a Supplementary Planning Document. The Councils have produced a number of SPDs which can be found on the relevant Council's website¹.
- 2.27 The Councils are committed to involving the community in the preparation of SPDs, but the level and scope of consultation will vary according to the nature of the document being produced. The consultation process involved with the preparation of SPDs is less stringent than preparing a Development Plan in terms of the Planning Regulations.
- 2.28 The Councils are required to follow key statutory stages as set out in Part 5² of the Town and Country Planning Regulations which relate to community involvement. Table 2 sets out the key stages of producing an SPD and the opportunities for involvement at each stage in accordance with the Planning Regulations.

¹ Worthing SPDs: <https://www.adur-worthing.gov.uk/worthing-ldf/spd-and-guidance/>
Adur SPDs: <https://www.adur-worthing.gov.uk/adur-ldf/spd-and-guidance/>

² <http://www.legislation.gov.uk/ukSI/2012/767/part/5/made>

Table 2: Key Stages of Supplementary Planning Document Production

Key Stages of Production	What The Council Will Do	Your Opportunities for Involvement
<p>Initial Background Work</p> <ul style="list-style-type: none"> The respective Council will carry out research to identify the issues and relevant policy context as part of evidence gathering If applicable, start preparing the Sustainability Appraisal 	<ul style="list-style-type: none"> Update the Councils website and Local Development Scheme regularly with regards to the types of SPDs the Councils are working on Provide background report and studies on the Councils website 	<ul style="list-style-type: none"> Register your contact details to be placed on the consultation database to kept informed of SPD preparation
<p>Regulation 12: Public Participation</p> <ul style="list-style-type: none"> The respective Council will undertake public consultation on the draft SPD for a statutory period of 4 weeks 	<ul style="list-style-type: none"> Electronic version of the consultation document will be made publicly available on the Councils' website Hard copies for reference use will be made available at the Council Offices Additional notification methods to be used where relevant. Please refer to paragraphs 2.21-2.23 	<ul style="list-style-type: none"> Review the SPD Submit a representation to the Council outlining your comments, support or objection Attend any scheduled public exhibitions / workshops / meetings if relevant
<p>Finalise SPD</p> <ul style="list-style-type: none"> The respective Council will review all the representations submitted during consultation and make any changes to the SPD where justified 	<ul style="list-style-type: none"> Prepare a statement identifying those who were consulted, including a summary of the main issues raised and how those issues have been addressed Make copies of the statement and the amended SPD available to view on the Councils website and in hard copy 	

<p>Regulation 14: Adoption of the SPD</p> <ul style="list-style-type: none"> • SPD is adopted by the relevant Council • The Council publishes its adoption statement 	<ul style="list-style-type: none"> • Publish SPD and adoption statement on the Councils website and provide hard copy • Send a copy of the adoption statement to any person who has asked to be notified of the adoption of the SPD 	
<p>Regulation 15: Revocation or Withdrawal of a SPD</p> <ul style="list-style-type: none"> • The respective Council adopts the SPD but then revokes it i.e. it has become out of date • The respective Council does not adopt the SPD and instead withdraw it 	<p><u>Revocation</u></p> <ul style="list-style-type: none"> • Cease to make available any documents relating to the revoked SPD • Take other steps considered necessary to draw the revocation of the SPD to the attention of persons living or working in that area <p><u>Withdrawn</u></p> <ul style="list-style-type: none"> • Respective Council must make a statement (hard copy and on the Councils website) of the fact that the SPD has been withdrawn • Notify bodies or persons that made representations that the SPD has been withdrawn • Cease to make available any documents relating to the withdrawn SPD other than the withdrawn statement 	

Other Planning Policy Documents

Sustainability Appraisal

- 2.29 The aim of Sustainability Appraisal is to ensure the social, environmental and economic impacts of policies are assessed as part of the Development Plan preparation process. In exceptional circumstances, a Sustainability Appraisal may be carried out for Supplementary Planning Documents depending on the subject matter. The Councils must carry out Sustainability Appraisals (incorporating Strategic Environmental Assessment requirements) for each Development Plan and the outcomes will be used to inform decisions on land allocations and policy formulation.
- 2.30 The first stage of the sustainability appraisal is to consider the scope of the appraisal process. It includes a review of other relevant plans, policies and programmes that relate to the local area; information on the present state of the local environment (the baseline); a discussion of the local sustainability issues and a series of sustainability objectives that must be considered when preparing DPDs.
- 2.31 Public consultation will be undertaken on the draft Scoping Report before it is approved by the relevant Council. The Environmental Assessment of Plans and Programmes (SEA) Regulations (2004)¹ require that local authorities consult the following bodies and provide them with a copy of the document:
- Natural England
 - Environment Agency
 - Historic England
- 2.32 It is also necessary that a period of five weeks is provided for consultation in line with the statutory requirements. The respective Council must also take such steps as it considers appropriate to bring the preparation of the document to the attention of persons who are affected, likely to be affected or have an interest and inform them how they can inspect the document and how comments can be made. Reference copies will be made publicly available at the relevant Council Offices.
- 2.33 Once the Local Plan / Supplementary Planning Document is adopted, the respective Council must make a copy of the Plan, accompanying SA and statement available for inspection and take such steps as it considers appropriate to bring to the attention of the public. The Council must also inform the consultation bodies and those persons who submitted representations of where the Plan and SA can be inspected.

¹ The Environmental Assessment of Plans and Programmes Regulations 2004 [S.I 2004 No 1633]

Statement of Community Involvement

- 2.34 Regulation 4 of The Town and Country Planning Regulations (Amendment) Regulations 2017² requires that Local Planning Authorities review their Statement of Community Involvement every five years starting from the date of adoption of the SCI.
- 2.35 Should a review identify the need for an up-to-date SCI, the Councils will undertake public consultation. There is no legal requirement to undertake public consultation however the Councils consider it is good practice to undertake public consultation as it demonstrates the Councils commitment of strengthening public engagement opportunities within the planning system. The Councils will consult those who are on the Councils consultation database as well as those organisations that may have an interest in the SCI such as those that represent hard to reach groups. The Councils will publish the draft SCI on its website as well as providing hard copies at Portland House and The Shoreham Centre. Following consultation, a statement will be prepared setting out a summary of the representations received and how those issues have been addressed and will be made publicly available on the Councils website.

Community Infrastructure Levy

- 2.36 The Community Infrastructure Regulations 2010 (as amended)³ enable local authorities to raise funding for new infrastructure by levying a charge on new development within their area. CIL is an important tool for the respective Council for funding and delivering infrastructure to enable growth and mitigate the impact of new development within the Local Authority area. Worthing Borough Council adopted CIL in February 2015 but will continue to use S.106 Planning Obligations where appropriate. Implementation of the levy commenced on 1st October 2015. A full review of the Worthing CIL is currently being undertaken and it is expected that a revised Charging Schedule will be in place in early 2019. Adur District is not currently preparing CIL and is continuing with S.106 Planning Obligations.
- 2.37 As part of the CIL process, the Charging Authority (Council) produces the following documents:
1. Charging Schedule
 2. Regulation 123 List
- 2.38 The Charging Schedule sets out the rate for CIL levy and details the amount of CIL for different types of liable development. The Council must publically consult on both a

² The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 [S.I. 2017 No. 1244]

³ The Community Infrastructure Levy Regulations 2010 (England & Wales) Regulations 2010 [S.I. 2010 No. 948]: http://www.legislation.gov.uk/ukxi/2010/948/pdfs/ukxi_20100948_en.pdf

The Community Infrastructure Levy (Amendment) Regulations 2011 (England & Wales) [S.I. 2011 No. 987]
The Community Infrastructure Levy (Amendment) Regulations 2012 (England & Wales) [S.I. 2012 No. 2975]
The Community Infrastructure Levy (Amendment) Regulations 2013 (England & Wales) [S.I. 2013 No. 982]
The Community Infrastructure Levy (Amendment) Regulations 2014 (England & Wales) [S.I. 2014 No. 385]
The Community Infrastructure Levy (Amendment) Regulations 2015 (England & Wales) [S.I. 2015 No. 836]
The Community Infrastructure Levy (Amendment) Regulations 2018 (England & Wales) [S.I.2018 No. 172]

Preliminary Draft Charging Schedule and a Draft Charging Schedule prior to examination. It must undergo a public examination by an independent person before the charging authority can formally approve it. Unlike a Local Plan Examination, the selection and appointment of the examiner is made by the charging authority.

- 2.39 The Charging Schedule has to be reviewed to ensure it is up-to-date. This SCI will set out the key statutory procedures as set out in Table 3. Where appropriate, additional notification methods will be carried out as set out in paragraphs 2.21 – 2.23.
- 2.40 Worthing Borough Council has prepared a CIL Process Guide (November 2017) which provides information on the processes relating to the collection of CIL and signposts where additional information can be found. The guide can be viewed here: <https://www.adur-worthing.gov.uk/media/media,146960,en.pdf>
- 2.41 The CIL Regulation 123 List sets out the strategic infrastructure types or projects that the Local Authority may fund, in whole or in part, through CIL. The Regulation 123 list is intended to support the adopted CIL Charging Schedule and the projects listed within will support the level of development. Worthing Borough Council adopted its Regulation 123 List in February 2015. Further information about the Regulation 123 List can be viewed here: <https://www.adur-worthing.gov.uk/media/media,131817,en.pdf>
- 2.42 The Regulations do not set out any statutory consultation requirements however National Planning Practice Guidance states that Charging Authorities should ensure that changes are clearly explained and subject to local consultation.

Table 3: Key statutory requirements that must be undertaken when preparing the Charging Schedule

Key Stages of Production	What The Council Will Do	Your Opportunities for Involvement
<p>Initial Evidence Gathering</p> <ul style="list-style-type: none"> The respective Council will carry out research and evidence work to inform the proposed levy rates to be set out within the Preliminary Charging Schedule 	<p>N/A</p>	<ul style="list-style-type: none"> Register your contact details to be placed on the Consultation Database to be kept informed
<p>Regulation 15: Consultation on a Preliminary Draft Charging Schedule</p> <ul style="list-style-type: none"> The respective Council will undertake public consultation on the CIL Preliminary Draft Charging Schedule 	<ul style="list-style-type: none"> Send a copy of the preliminary draft to Local Planning Authorities that adjoin the Charging Authority's area, West Sussex County Council and (if applicable) Parish Councils that fall within the charging authority's area Notification to be sent to persons who are resident or carrying on business in its area, appropriate voluntary bodies and bodies which represent the interests of persons carrying on business in the charging authority's area 	<ul style="list-style-type: none"> Review the CIL Preliminary Draft Charging Schedule Submit a representation outlining your comments, support or objection
<p>Regulation 16: Publication of a Draft Charging Schedule</p> <ul style="list-style-type: none"> The respective Council will undertake public consultation on the Draft Charging Schedule 	<ul style="list-style-type: none"> Hard copy and electronic version of the consultation document, relevant evidence, statement of the representations procedure and statement of how to view hard copies will be made publicly available at the Councils offices and on the Councils website Send a copy of the consultation document and statement of representation 	<ul style="list-style-type: none"> Review the Draft Preliminary Charging Schedule Submit a representation outlining your comments, support or objection <p>This is the final opportunity to submit a duly made representation.</p>

Key Stages of Production	What The Council Will Do	Your Opportunities for Involvement
	<p>procedure to Local Planning Authorities (that adjoin the Charging Authority's area), West Sussex County Council and (if applicable) all Parish Councils that fall within the Charging Authority's area</p> <ul style="list-style-type: none"> • Legal advertisement notice setting out a statement of the representations procedure and a statement of fact that the draft Charging Schedule and relevant evidence are available for inspection and of the places at which they can be inspected 	
<p>Regulation 18: Withdrawal of a Draft Charging Schedule</p> <ul style="list-style-type: none"> • The respective Council withdraws the draft Charging Schedule 	<ul style="list-style-type: none"> • Publish a statement of that fact on its website • Give notice of that fact by local advertisement • Notify any person that was invited to make representations on the draft Charging Schedule of that fact • Remove from its website and from the places at which they were made available any copies, documents, evidence and statements made available or published 	

Key Stages of Production	What The Council Will Do	Your Opportunities for Involvement
<p>Regulation 19: Submission of Documents and Information to the Examiner</p> <ul style="list-style-type: none"> • Submit CIL Draft Charging Schedule, evidence base and representations received during Regulation 16 • Submit Statement setting out the representations made during Regulation 16 and a summary of the main issues raised by representations • The respective Council has to wait for the Planning Inspector to set the timetable for Examination in Public 	<ul style="list-style-type: none"> • Where the Charging Authority modified the draft Charging Schedule after it was published in accordance with Regulation 16, the Charging Authority must send a copy of the statement of modifications to each of the consultation bodies invited to make representations under Regulation 15; and publish the statement of modifications on its website • All submission documents will be electronically available on the Councils website and reference copies available at the Council Offices • Publish on the Councils website a statement of the fact that a copy of the draft Charging Schedule and submission documents are available for inspection and of the places at which they can be inspected • Give notice to those persons who requested to be notified of the submission of the CIL Draft Charging Schedule 	
<p>Regulation 21: CIL Examination- Right to be Heard</p> <ul style="list-style-type: none"> • A person can submit a request to be heard by the examiner 	<ul style="list-style-type: none"> • The Charging Authority must submit a copy of each request it receives to the examiner • Where a person has submitted a request to be heard by the examiner, the Charging Authority must publish the time and place at which the examination is to 	

Key Stages of Production	What The Council Will Do	Your Opportunities for Involvement
	<p>be held and the name of the examiner on its website; notify any person who has made a representation in accordance with Regulation 17 any person who has made a request to be heard and give notice by local advertisement of those matters</p>	
<p>Regulation 23: Publication of the Examiner's Recommendations</p> <ul style="list-style-type: none"> Examiner makes recommendations and reasons for those recommendations 	<ul style="list-style-type: none"> Charging Authority must make the recommendations and reasons available for inspection at the Councils offices and publish on the Councils website Give notice to those persons who requested to be notified of the publication of the examiners recommendations and reasons 	
<p>Regulation 25: Approval & Publication of a Charging Schedule</p> <ul style="list-style-type: none"> CIL Charging Schedule is adopted by the respective Council and published 	<ul style="list-style-type: none"> Publish CIL Charging Schedule on the Councils website Make the CIL Charging Schedule available for inspection at the Councils offices Give notice by local advertisement that a copy of the Charging Schedule is available for inspection and of the places where it can be inspected Give notice to those persons who requested to be notified of the approval of the CIL Charging Schedule Send a copy of the Charging Schedule to each of the relevant consenting authorities 	

Key Stages of Production	What The Council Will Do	Your Opportunities for Involvement
<p>Regulation 28: Charging Schedule: Effect</p> <ul style="list-style-type: none"> Should the Charging Authority determine that a Charging Schedule is to cease to have effect 	<ul style="list-style-type: none"> Charging Authority must publish a statement of that fact on the Councils website Give notice of that fact by local advertisement Notify the relevant consenting authorities of the fact 	

3. NEIGHBOURHOOD PLANNING

- 3.1 Neighbourhood planning is an important part of the Government's Localism agenda. It aims to give local communities power to shape development by taking a more active role in the preparation of planning policies at a local level. This is a tool whereby local communities have powers to prepare their own planning policies and site allocations and therefore Neighbourhood Planning initiation rests with a Parish Council or Neighbourhood Forum whom has discretion and responsibility for the process.
- 3.2 There are two types of Neighbourhood Planning. There is the Neighbourhood Development Plan (NDP) or a Neighbourhood Development Order (NDO) both of which:
- are prepared through a formal process including public consultation and an assessment by an independent examiner;
 - must gain majority support at a local referendum before they can be adopted; and
 - must be prepared having regard to national policy and generally conform with the policies in the Local Plan.

What will Neighbourhood Development Plans do?

- 3.3 They will give local communities the opportunity to come together through a local Parish Council (or where there is no Parish council, a Neighbourhood Forum). The matters to be addressed in a Neighbourhood Plan must relate to development and the use of land and should have the aim of furthering the social, economic and environmental well-being of individuals in the area, as well as shaping the area for the future.

What are Neighbourhood Development Orders?

- 3.4 Neighbourhood Development Orders will grant planning permission for a particular type of development in a particular area. This could be either a particular development, or a particular class of development (for example retail or housing). A number of types of development will be excluded from NDOs including:
- minerals and waste development;
 - types of development that, regardless of scale, always need Environmental Impact Assessment; and
 - Nationally Significant Infrastructure Projects.

Who leads Neighbourhood Planning in an area?

- 3.5 Where a community wants to take up the opportunities offered by neighbourhood planning, the legislation enables three types of organisation, known as qualifying bodies, to lead it:

- Parish Council
- Neighbourhood Forum (to be formally designated by the Councils)
- Community Organisation

Developers, businesses and land owners could be involved and work with local communities - funding and bringing forward plans.

What is the role of the Local Authority?

- 3.6 The Councils are required to advise, provide assistance and support to Qualifying Bodies throughout the process. The Councils are required to outline within their Statement of Community Involvement, their policies for giving advice or assistance in relation to Neighbourhood Planning in accordance with Section 18 of the Planning and Compulsory Purchase Act 2004¹. Therefore this SCI sets out information on the statutory requirements that the Councils must follow when supporting those communities preparing Neighbourhood Plans or Neighbourhood Development Orders. It is recommended that this chapter is read in conjunction with the Councils Neighbourhood Plans: Offer of Support document which is available on the Councils website².
- 3.7 This SCI will not prescribe what methods of community engagement must be followed as the appropriate level of community engagement and the scope of the Plan is to be decided by the Parish Council or Neighbourhood Forum. However, it is recommended that Parish Councils and Neighbourhood Forums consider undertaking public exhibitions, workshops, questionnaires and the use of social media to name but a few examples.
- 3.8 Neighbourhood Plans and Neighbourhood Development Orders must be prepared in accordance with various legislation including The Planning and Compulsory Purchase Act 2004, The Neighbourhood Planning Act 2017, The Neighbourhood Planning (General) Regulations 2012³, The Neighbourhood Planning (General) (Amendment) Regulations 2015⁴, Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016⁵ and The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017.⁶
- 3.9 Table 4 identifies the key statutory requirements set out in the Regulations that the Councils must undertake (it does not set out the statutory requirements that the Parish or Neighbourhood Forum must undertake) with regards to the Councils role when supporting Qualifying Bodies in the preparation of Neighbourhood Plans. Table 5 sets out the key statutory requirements the Councils must undertake when supporting Qualifying Bodies in the preparation of Neighbourhood Development Orders. Where appropriate

¹ http://www.legislation.gov.uk/ukpga/2017/20/pdfs/ukpga_20170020_en.pdf

² <https://www.adur-worthing.gov.uk/media/media.135178.en.pdf>

³ <http://www.legislation.gov.uk/uksi/2012/637/contents/made>

⁴ http://www.legislation.gov.uk/uksi/2015/20/pdfs/uksi_20150020_en.pdf

⁵ http://www.legislation.gov.uk/uksi/2016/873/pdfs/uksi_20160873_en.pdf

⁶ http://www.legislation.gov.uk/uksi/2017/1243/pdfs/uksi_20171243_en.pdf

the Councils will undertake additional notification methods as set out in paragraphs 2.28-2.30.

South Downs National Park Authority

- 3.10 Adur District Council and Worthing Borough Council will liaise with the South Downs National Park Authority (SDNPA) regarding the preparation of Neighbourhood Development Plans / Neighbourhood Development Orders, where relevant.
- 3.11 The SDNPA will be the lead authority in parishes wholly within the SDNP. Adur District Council will be the lead authority for Neighbourhood Planning outside of the National Park. For parishes partly in both authority areas, the lead authority will be the one where the main centre of population is based which will most likely be Adur.

Table 4: Key statutory requirements that the Councils must undertake when supporting the preparation of Neighbourhood Development Plans

Key Stages of Production	What the Councils Will Do
<p>Regulation 6: Publicising An Area Application</p> <p>An Area Application is to apply for designation of the boundary of the proposed neighbourhood area to which the Neighbourhood Development Plan relates to.</p>	<p>As soon as possible after receiving an area application from a relevant body, the local authority must publicise the following on their website:</p> <ul style="list-style-type: none"> • a copy of the area application; • details of how to make representations; and • and the deadline for making representations which must allow at least 6 weeks from the date of publication
<p>Regulation 7: Publicising a Designation of a Neighbourhood Area</p>	<p>As soon as possible after designating a neighbourhood area, the local authority must publish the following on their website:</p> <ul style="list-style-type: none"> • the name of the neighbourhood area; • map which identifies the area; and • the name of the relevant body who applied for the designation. <p>If the application for the neighbourhood area is refused, then the respective local authority must publish on their website:</p> <ul style="list-style-type: none"> • a ‘decision document’ setting out the decision and a statement of the reason(s) for refusing the application; and • details of where and when the decision document may be inspected

Key Stages of Production	What the Councils Will Do
<p>Regulation 9: Publicising a Neighbourhood Forum Application</p> <p>A designated neighbourhood forum is an organisation or group empowered to lead the neighbourhood planning process in a neighbourhood area where there is no parish council.</p>	<p>As soon as possible after receiving an area application from a relevant body, the respective local authority must publicise the following on their website:</p> <ul style="list-style-type: none"> • a copy of the application; • a statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn; • details of how to make representations; • and <p>the deadline for representations which must allow at least 6 weeks from publication</p>
<p>Regulation 10: Publicising a Designation of a Neighbourhood Forum</p>	<p>As soon as possible after designating a neighbourhood area, the respective local authority must publish the following on their website:</p> <ul style="list-style-type: none"> • the name of the neighbourhood forum; • a copy of the written constitution of the neighbourhood forum; • the name of the neighbourhood area to which the designation relates; and • contact details for at least one member of the neighbourhood forum <p>If the application for the designation of a neighbourhood forum is refused, then the respective local authority must publish on their website:</p> <ul style="list-style-type: none"> • ‘refusal statement’ setting out the decision and their reasons for refusing the application; and • details of where and when the refusal statement may be inspected
<p>Regulation 12: Voluntary Withdrawal of a Designation of a Neighbourhood Forum</p>	<p>As soon as possible after withdrawing the designation of a Neighbourhood Forum, the respective local authority must publish the following on its website:</p> <ul style="list-style-type: none"> • ‘withdrawal statement’; and • details of where and when the withdrawal statement may be inspected
<p>Regulation 16: Publicising a Plan Proposal</p>	<p>As soon as the respective local authority has received a proposal for a Neighbourhood Plan the Council must publish the proposals for 6 weeks on their website :</p> <ul style="list-style-type: none"> • details of the plan proposal; • details of where and when the plan proposal

Key Stages of Production	What the Councils Will Do
	<p>may be inspected;</p> <ul style="list-style-type: none"> • details of how to make representations; • a statement that any representations may include a request to be notified of the local authority's decision on the plan proposal; • the deadline for making representations which must allow at least 6 weeks from the date the plan proposal is first publicised; and • notify any consultation body⁷ which is referred to in the consultation statement submitted in accordance with Regulation 15 (Plan Proposals) that the Plan proposal has been received
<p>Regulation 17: Submission of Plan Proposal to Examination</p>	<p>As soon as possible after the appointment of a person to carry out an examination (the Examiner), the respective local authority must send the following to the person appointed:</p> <ul style="list-style-type: none"> • the plan proposal; • the documents referred to in Regulation 15 (e.g. the proposed plan, consultation statement and consultation statement) and any other document submitted by the qualify body • if the order proposal is one to which the Conservation of Habitats and Species Regulations 2010 applies, the information submitted in accordance with Regulation 102A of those Regulations; • a copy of any representations which have been made in accordance with Regulation 16 (in response to a plan proposal)
<p>Regulation 18: Publication of the Examiner's Report and Plan Proposal Decisions</p>	<p>Following the receipt of the Examiner's report, the respective local authority must make a decision on the Neighbourhood Plan. The local authority must publish on their website:</p> <ul style="list-style-type: none"> • the decision and their reasons for it (decision statement) • details of where and when the decision statement may be inspected; and • if a decision has been made in respect of the Examiner's recommendations, a copy of the Examiner's Report. <p>If the authority propose to make a decision which differs from that recommended by the examiner, it must notify the following people or</p>

⁷ Refer to list of Consultation Bodies set out in Schedule 1 of The Neighbourhood Planning (General) Regulations 2012 [S.I 2012 No.637]

Key Stages of Production	What the Councils Will Do
	<p>groups of their proposed decision (and the reason for it) and invite representations.</p> <ul style="list-style-type: none"> • the qualifying body • anyone whose representation was submitted to the examiner and • any consultation body that was previously consulted. <p>Any representations must be submitted within 6 weeks of the local planning authority first inviting representations.</p>
Regulation 19: Decision on a Plan Proposal	<p>As soon as possible after deciding to make a Neighbourhood Plan, the respective local authority must publish on their website and in such other manner:</p> <ul style="list-style-type: none"> • a statement setting out the decision and their reasons for making that decision (decision statement) • details of where and when the decision statement may be inspected; and • send a copy of the decision statement to the qualifying body; and any person who asked to be notified of the decision
Regulation 20: Publicising a Neighbourhood Development Plan	<p>As soon as possible after making a Neighbourhood Plan, the respective local authority must publish on their website:</p> <ul style="list-style-type: none"> • the Neighbourhood Plan; and • details of where and when the Neighbourhood Plan may be inspected; and • notify any person who asked to be notified of the making of the Neighbourhood Plan that it has been made and where and when it may be inspected
Regulation 30: Publicising a Modification	<p>As soon as possible after modifying a Neighbourhood Plan, the respective local authority must publish on their website and in such other manner:</p> <ul style="list-style-type: none"> • the document setting out the details of the modifications (the ‘modification document’); • details of where and when the modification document may be inspected; and • give notice of the modification to the qualifying body and any person the local authority previously notified of the making of the Neighbourhood Plan
Regulation 31: Revocation	<p>As soon as possible after revoking a Neighbourhood Plan, the respective local</p>

Key Stages of Production	What the Councils Will Do
	<p>authority must publish on their website and in such other manner:</p> <ul style="list-style-type: none"> • a document setting out the reasons for revocation (the 'revocation document'); • details of where and when the revocation document may be inspected; and • give notice of the revocation to the qualifying body and any person the Council previously notified of the making of the Neighbourhood Plan.

Table 5: Key statutory requirements that the Councils must undertake when supporting the preparation of Neighbourhood Development Orders

Key Stages of Production	What the Councils Will Do
<p>Regulation 23: Publicising an Order Proposal</p> <p>An order proposal relates to the boundary of the proposed area to which the Neighbourhood Development Order relates to.</p>	<p>As soon as possible after receiving an order proposal, the respective local authority must publicise the following on their website:</p> <ul style="list-style-type: none"> • details of the order proposal; • details of where and when the order proposal may be inspected; • details of how to make representations; • a statement confirming that any representations may include a request to be notified of the Council's decision under Regulation 26; and <p>The local authority must also notify any consultation body⁸ which is referred to in the consultation statement submitted by the qualifying body in accordance with Regulation 22.</p> <p>As soon as possible after receiving an on order proposal to which Regulation 29A of the EIA Regulations applies, the respective Council must also publicise the environmental statement:</p> <ul style="list-style-type: none"> • which gives notice by site display in at least one place on or near the land to which the order proposal relates; and • by publication of the notice in a local newspaper
<p>Regulation 24: Submission of Order Proposal to Examination</p>	<p>As soon as possible after the appointment of a person to carry out an examination of the Order Proposal, the respective Council must</p>

⁸ Refer to list of Consultation Bodies set out in Schedule 1 of The Neighbourhood Planning (General) Regulations 2012

Key Stages of Production	What the Councils Will Do
	<p>send the following to the person appointed [if you are wanting to shorten the document you could delete the below and just state that “relevant documents” need to be provided]:</p> <ul style="list-style-type: none"> • the order proposal; • the documents referred to in Regulation 22 • if the order proposal is one to which the Regulation 29A of the EIA Regulations applies, the environmental statement submitted; • if the order proposal is one to which the Conservation of Habitats and Species Regulations 2010(a) applies, the information submitted in accordance with Regulation 61(2) of those Regulations; • any other documents submitted to the Council by the qualifying body in relation to the order proposal; and • a copy of any representations which have been made in accordance with Regulation 23
<p>Regulation 25: Publication of the Examiners Report and Order Proposal Decisions</p>	<p>As soon as possible after making a decision about the Order Proposal (i.e. whether to refuse, make modifications etc. to the Order Proposal), the respective local authority must publish on their website and in such other manner:</p> <ul style="list-style-type: none"> • the ‘decision statement’ • details of where and when the decision statement may be inspected; and • in the case of a decision mentioned in sub-paragraph (c), the report made by the examiner under paragraph 10 of Schedule 4B to the 1990 Act <p>If the authority propose to make a decision which differs from that recommended by the examiner, it must notify the following people or groups of their proposed decision (and the reason for it) and invite representations.</p> <ul style="list-style-type: none"> • the qualifying body • anyone whose representation was submitted to the examiner and • any consultation body that was previously consulted. <p>Any representations must be submitted within 6</p>

Key Stages of Production	What the Councils Will Do
	weeks of the local planning authority first inviting representations.
Regulation 26: Decision on an Order Proposal	<p>As soon as possible after deciding to make a Neighbourhood Development Order, the respective Council must publish on their website and in such other manner:</p> <ul style="list-style-type: none"> • a document setting out the decision and their reasons for making that decision (decision statement) • details of where and when the decision statement may be inspected; and • send a copy of the decision statement to the qualifying body; and any person who asked to be notified of the decision.
Regulation 27: Publicising a Neighbourhood Development Order	<p>As soon as possible after making a Neighbourhood Development Order, the respective Council must publish on their website and in such other manner:</p> <ul style="list-style-type: none"> • the Neighbourhood Development Order; and • details of where and when the Neighbourhood Plan may be inspected; and <p>notify any person who asked to be notified of the making of the Neighbourhood Development Order that it has been made and where and when it may be inspected.</p>
Regulation 30: Publicising a Modification	<p>As soon as possible after modifying a Neighbourhood Development Order, the respective Council must publish on their website and in such other manner:</p> <ul style="list-style-type: none"> • the 'modification document'; • details of where and when the modification document may be inspected; and • give notice of the modification to the qualifying body and any person the Council previously notified of the making of the Neighbourhood Development Order
Regulation 31: Revocation	<p>If a Neighbourhood Development Order is revoked by the Secretary of State or local authority, as soon as possible after revocation, the respective local authority must publish on their website:</p> <ul style="list-style-type: none"> • the 'revocation document'; • details of where and when the revocation document may be inspected; and <p>give notice of the revocation to the qualifying body and any person the Council previously notified of the making of the Neighbourhood Development Order.</p>

Referendum

- 3.12 The referendum is an important part of the process allowing those that live in the neighbourhood area to decide whether or not the Neighbourhood Development Plan or Neighbourhood Development Order comes into effect or not. This is direct democracy and outlines the importance of working with the wider community and securing their support at an early stage in the process. It is necessary that more than 50% of those voting in the referendum vote “yes” in order to bring the plan into force.
- 3.13 If successful at referendum, a neighbourhood plan will become part of the statutory development plan for the area.
- 3.14 The relevant local authority must make arrangements of the referendum⁹ to take place. At least 28 working days before referendum and 56 working days before business referendum the Council must publish the information statement and specified documents on the website:
- The draft NDP
 - Examiners report
 - Summary of representations submitted to examiner
 - For a draft NDP a statement that the Council is satisfied that it meets the basic conditions and provisions as they apply
 - A statement that sets out general information as to town and country planning (and neighbourhood planning) and the referendum (prepared having regard to any guidance issued by SoS).

These documents will also be made available for inspection at the local authority offices.

⁹ Neighbourhood Planning (Referendum) Regulations 2012.

4. DEVELOPMENT MANAGEMENT

- 4.1 Both Councils will continue to carry out consultation with the community on planning applications in accordance with, or exceeding the minimum statutory requirements. Appendix 2 sets out in detail the Councils protocol for publicising planning applications. The provisions have been summarised below:

The Weekly List of Planning Applications

- 4.2 A weekly list of applications validated and requiring statutory consultation will be published in the local press each week.
- 4.3 A weekly distribution list of all planning applications validated each week will also be produced in electronic form (and in exceptional cases in printed form) for:
- Councillors and internal departments
 - Clerks to Lancing Parish Council and Sompting Parish Council
 - Members of certain local civic and amenity groups

Council Websites

- 4.4 There is a continuously updated search facility on the joint online planning facility for searching all planning applications validated or decided within any week selected (with an advanced search facility for any other period chosen). Any member of the public can now use the Adur & Worthing Planning Online 'Public Access' facility to:
- Search a constantly updated database of planning applications received and determined by the two Councils
 - View details, plans, documents and representations received for all current planning applications to the two Councils (and those determined since April 2011)
 - Comment on any current application using an online form. Personal details (i.e. phone numbers/email addresses) of persons making representations will normally be redacted from the representations of a highly personal or sensitive nature
 - Comments considered by the Council to be offensive or abusive will not be published
 - Monitor the progress of an application
 - View planning history of individual sites from June 1990 onwards.

The link is: <http://planning.adur-worthing.gov.uk/online-applications/>

- 4.5 It is also possible to look at the Planning Policy section of each Councils website, which includes policies set out in Local Plans or Core Strategies, as well as supplementary planning guidance and other documents (see Appendix 5 for weblink).

Site Notices

- 4.6 Site notices will be displayed for 21 days on or close to the site of all planning applications which have been subject to a newspaper advertisement, and also for developments where neighbour notification letters cannot be sent because there are no readily identifiable neighbouring addresses.

Neighbour Notification Letters

- 4.7 Neighbour notification letters will continue to be the primary means of publicising applications and will, as a minimum, be sent to the owner or occupier of premises adjacent to an application site.

South Downs National Park Authority

- 4.8 Both Councils administrative boundaries overlap with that of the South Downs National Park Authority. Formal delegation ceased on 1st April 2017 with South Downs National Park Authority processing and determining all planning applications that fall within the South Downs National Park boundary.

Pre-application Consultation Requirements

- 4.9 Both Councils strongly encourage detailed discussions with Planning Officers at the outset of any development proposal, also involving statutory and other consultees as necessary. This accords with the National Planning Policy Framework 2018 which emphasises the importance of pro-active pre-application engagement and front loading.
- 4.10 In addition, developers have a key role to play in involving the local community and other stakeholders in the design of their proposals at a preliminary stage prior to formalising their schemes for submission as a planning application. This can help resolve difficulties and misunderstandings and achieve a smoother application process that reduces decision time.
- 4.11 The Localism Act 2011 (section 122) makes it a mandatory requirement that developers engage in effective public consultation at an early stage and that they take the responses to the consultation into account before submitting their application. The detailed requirements have yet to be set out in a Development Order and consequently have not yet come into force.
- 4.12 In the meantime, Adur and Worthing Councils will expect to see evidence that developers have engaged in community consultation prior to submitting their applications if the development falls into the 'major' category or involves a formal Environmental Impact Assessment (EIA). 'Major' comprises:
- Any residential development of 10 or more homes
 - A residential outline application without any specified number—a site of at least 0.5 hectare
 - For any other development—a floor area of 1,000 square metres or more, or a site area of 1 hectare or more.

- 4.13 If developers consider their scheme inappropriate for such community engagement, for example because of the character of the particular location, they should agree this with Planning Services prior to formalising their scheme.
- 4.14 The public consultation process should be proportionate to the scale and impact of the scheme. This could include a combination of exhibitions, meetings, workshops, publicity in the local press, leaflet drops, questionnaires, etc. and it needs to include key stakeholders, amenity, business and other relevant groups. These applications, when submitted, will be expected to contain community involvement information on:-
- The steps and processes used to secure community involvement, including the relevant dates;
 - The extent of the area of consultation, including a list of properties and businesses contacted;
 - A list of interest groups or other bodies and organisations contacted;
 - A summary of all the comments received and issues raised;
 - A clear description of amendments to the scheme as a result of the comments received and the reasons why the other comments have not resulted in changes.
- 4.15 For smaller developments, down to the scale of householder extensions, the Councils also strongly encourage potential applicants to let neighbours know about their proposals before submitting their applications and to take their comments into account. This can be highly effective in enabling smoother processing of planning applications to achieve an outcome that is acceptable to all parties involved.

Viewing Planning Applications at Council Offices

- 4.16 All Adur and Worthing planning applications can be viewed electronically at Portland House, Richmond Road, Worthing and the Shoreham Centre, Pond Road, Shoreham-by-Sea during normal working hours (Monday to Friday 9am to 5pm). Larger schemes may also be available in paper format.

Site Visits

- 4.17 In processing a planning application the Case Officer will normally need to undertake a site visit in order to make an assessment of the potential impacts of the proposals. In most cases this will mean entering the application site, and sometimes a neighbouring property, particularly where a neighbour or other third party has raised a relevant issue. It will not always be practical to pre-arrange such visits.

Commenting on Planning Applications

- 4.18 Members of the public can comment on any current planning application using the online planning application register found on the Councils website¹. Comments can also be made in writing, by email or post, to Planning Services (Development Management) at Portland House (see Appendix 5 for contact details and website). Comments need to be received by Planning Services within the relevant consultation period. If received later, they may be taken into account if no decision has yet been made on the application concerned.
- 4.19 Comments are welcomed from any member of the community on individual planning applications provided they relate to relevant planning considerations, such as:-
- Visual impact on the street scene, design and scale or other visual amenity issues
 - Loss of light or privacy, or other residential amenity issues
 - Conservation of the built environment, including listed buildings
 - Protection of the countryside or beaches
 - Nature conservation and biodiversity
 - Flooding issues
 - Highway safety, traffic, accessibility or parking issues
 - Noise disturbance or pollution issues
 - Environmental sustainability and climate change issues.
- 4.20 The above are examples of the most common planning considerations but are not exhaustive. Comments can be made on matters that may not be listed above but are still of importance to either interested individuals or community groups or businesses. It should be noted that loss of property value or loss of a private view of a particular feature are, in themselves, not normally valid planning considerations, but there are exceptional situations where they can be. Matters of property law (such as breaches of covenants or boundary disputes) or moral, racial or religious views are also not normally valid planning considerations.

Decisions on Planning Applications

- 4.21 The Councils can either grant permission (with or without conditions) or refuse an application by one of the following decision-making methods:-
- Under Delegation, decisions can be made by the Planning Officers in Development Management; or
 - By the respective Adur Planning Committee or Worthing Planning Committee (comprised of elected Councillors).

¹ <https://www.adur-worthing.gov.uk/planning/applications/comment/>

- 4.22 Officer delegated decisions can be made as soon as the consultation period has elapsed. The Case Officer will take into account any material considerations, including any valid representations received, and will prepare a written report with a recommendation to the Planning Services Manager or one of the Principal Planning Officers (team leaders) who will then decide whether to authorise the decision.
- 4.23 The Planning Committees of each Council will decide those applications which fall outside the scope of the officer delegated powers. All applications classified as ‘major’ are decided by Planning Committee plus other applications if they have been ‘called-in’ by a Councillor or if they involve a ‘Departure’ from the Development Plan. The provisions are laid down in the ‘Scheme of Delegations to Officers’ forming part of the Constitution of both Councils. In addition, on some occasions Officers may consider an application gives rise to issues needing to be considered and decided on by the Committee.
- 4.24 In these instances, written reports are presented to the respective Planning Committee to enable them to consider the relevant issues, including any representations received, and then make a decision on the applications. The Committee meetings are open to the public. Applicants/agents and those who have made representations (both objectors and supporters) are given prior notice of the meeting when the application (in which they have an interest in) is being considered. This gives them the opportunity to register to speak at the Planning Committee meeting. Each Council has a Protocol for public speaking at Committee meetings and the arrangements currently differ slightly between the two Councils:
- Adur— details can be found at: <http://www.adur-worthing.gov.uk/meetings-and-decisions/committees/adur/planning/speaking/#public-speaking>
 - Worthing— details can be found at: <https://www.adur-worthing.gov.uk/meetings-and-decisions/committees/worthing/planning/speaking/>
- 4.25 All decisions on planning applications are viewable by the public on the Councils website. Decision notices as well as the Case Officer’s report are available to download by following the link to the Councils website: <http://planning.adur-worthing.gov.uk/online-applications>

Appendix I - Specific Consultation Bodies

Statutory Consultations

This appendix sets out the organisations who have been identified under the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 [S.I 2012 No. 767] that may have an interest in the proposals within a Development Plan Document.

Local Planning Authorities:

- Arun District Council
- Brighton & Hove City Council
- Chichester District Council
- Crawley Borough Council
- Horsham District Council
- Mid Sussex District Council
- South Downs National Park Authority
- West Sussex County Council

Parish Councils

- All Parish Councils within and adjoining Adur District (There are no Parish Councils in Worthing Borough)

Other Organisations

- The Coal Authority
- The Environment Agency
- Historic England
- Network Rail Infrastructure Limited
- Highways England
- Homes England
- Marine Management Organisation
- Natural England
- The Secretary of State for Transport in relation to the Secretary of State's functions concerning railways
- Local Nature Partnerships
- Utility companies (Gas, Electricity, Sewage, Telecommunications and Water)
- NHS Trust
- Clinical Commissioning Groups
- Sussex Police
- HM Prison Service / National Offender Management Service
- Royal Mail Properties

Appendix 2 - Publicising Planning Applications

Publicising Planning Applications

- 1.1 The Councils will comply, as a minimum, with statutory requirements for publicising applications for planning permission, Listed Building consent, Conservation Area consent and will also carry out non-statutory publicity for other types of application where considered appropriate (e.g. applications for approval of reserved matters, for advertisement consent, for works to trees subject to Tree Preservation Orders (TPOs) and for Hazardous Substances consent).

Local Newspapers

- 1.2 Local advertisements will be placed under 'Public Notices' in the Worthing Herald, Lancing Herald and Shoreham Herald weekly newspapers, listing those planning applications validated during the preceding week for which this type of publicity is statutorily required. These include those:
- Affecting character or appearance of a Conservation Area or the setting of a Listed Building
 - For Listed Building consent; or for Conservation Area consent
 - For residential developments of 10 or more dwellings or on sites of 0.5 hectare or more
 - For other developments which create floorspace of 1,000 square metres or more or are on sites of one hectare or more
 - Accompanied by an Environmental Impact Statement
 - For development which is a Departure from the Development Plan
 - For development affecting a Public Right of Way.
- 1.3 In addition, newspaper publicity may also be undertaken for proposals considered by the Planning Officer likely to create wider concern (e.g. generating substantial noise, smell, vibration, dust, crowds or traffic; or including very tall buildings, or felling of trees subject to a TPO). Applications for Hazardous Substances consent are required to be publicised in the local newspaper by the applicant prior to submitting the application.

Site Notices

- 1.4 Site Notices will be displayed for all those types of applications for which publicity is statutorily required, namely those:
- Affecting character or appearance of a Conservation Area or the setting of a Listed Building
 - For Listed Building Consent; or for Conservation Area Consent
 - Accompanied by an Environmental Impact Statement
 - For development which is a Departure from the Development Plan
 - For development affecting a Public Right of Way.
- 1.5 In addition, site notices will also be displayed for:-
- residential developments of 10 or more dwellings or on sites of 0.5 hectare or more
 - other developments which create floorspace of 1,000 square metres or more or are on sites of one hectare or more.

- 1.6 Site notices may also be displayed for proposals considered by the Planning Officer to be likely to create wider concern (e.g. generating substantial noise, smell, vibration, dust, crowds or traffic; or including very tall buildings, or felling of trees subject to a TPO).
- 1.7 Site Notices will be displayed for developments where neighbour notification letters cannot be sent because there are no readily identifiable neighbouring addresses. Although neighbour notification letters will continue to be the primary means of publicising applications, increasingly there will be circumstances where it is considered more appropriate or proportionate to publicise an application by means of a site notice instead. This is because neighbour letters are costly and it is not always the best use of scarce resources. For examples, it would be much better practice to put up a site notices for an application that is very minor in nature, rather than send neighbour letters to all the occupiers of a large flat block.
- 1.8 A site notice will normally be displayed on the highway frontage of the site concerned. More than one site notice may be displayed for large sites with more than one highway frontage.

Neighbour Notification

- 1.9 Written notification will be the normal means of consultation. Letters will be sent to owners or occupiers of properties adjoining an application site for all applications for planning permission, Listed Building Consent, Conservation Area Consent, Hazardous Substances consent, and approval of reserved matters.
- 1.10 In the case of applications for advertisement consent and works to trees subject to Tree Preservation Orders, the need for notification will be considered on a case by case basis depending upon whether the proposal is of more than a minor nature.
- 1.11 'Adjoining' will be taken to mean those properties sharing a common boundary with the application site. In cases where there is a road adjoining the site, unless the proposal is of a minor nature and not significantly affecting the application site as seen from the front, those properties directly opposite the application site will also be notified if the road concerned is less than 20m wide. Additionally, properties further away from an application site will also be notified if, in the opinion of the Planning Officer, the development is likely to have a wider impact.
- 1.12 Where minor proposals, such as replacement windows or works to protected trees, adjoin or are situated within a development of flats, neighbour notification will normally only be undertaken with those flats that adjoin the proposal or are considered by the Planning Officer to be directly affected.
- 1.13 Where an application is amended during the period prior to its determination, although there is no statutory requirement, discretionary re-notification will be undertaken. Consideration will be taken as to whether or not earlier representations were made and the significance the changes in relation to those representations, as well as in relation to the characteristics of the application as originally submitted before this is carried out. Neighbours and other third parties will be notified of revisions to a planning application where the revisions are considered to raise new or different impacts compared to the original submission. Re-notification will not normally take place where a planning

application has been amended to satisfactorily address a particular issue and which does not result in new impacts.

Councils Website¹

- 1.14 Details of all applications falling within the categories listed above will be published on the Councils websites in accordance with the statutory requirements and, in addition, so will the details of all other applications.

Time given for submission of representations:

- Newspaper advertisements – 14 days/ 21 days from the date of publication of the newspaper (the 21-day period relating solely to applications relating to Listed Buildings and Conservation Areas);
- Website - 14 days/ 21 days from the date of publishing the information (the 21-day period relating solely to applications relating to Listed Buildings and Conservation Areas);
- Site Notices - 21 days from the date of display of the Notice;
- Neighbour notification letters - 21 days from the date of the letter;
- Re-notification letters (e.g. revision to plans etc.) - 7 days from the date of the letter.

¹ <https://www.adur-worthing.gov.uk/>

Appendix 3 – Planning Aid

- 1.1 Both Councils realise that planning can be a complex and technical area for the public to fully understand. To help the community to engage with planning, there is a source of free information that the community may find useful for information gathering and understanding of the planning system.
- 1.2 Planning Aid provides free independent and professional help, advice and support on planning issues to people and communities who cannot afford the services of a planning consultant.
- 1.3 Planning Aid complements the work of local authorities but is wholly independent of them. In most UK regions, Planning Aid is operated by the Royal Town Planning Institute (RTPI). In this area, the relevant contact is Planning Aid South.
- 1.4 Planning Aid offers two main services:
 - Free and independent casework advice from a qualified planner;
 - Community planning activities (training, information and facilitation for groups about how planning may be affecting your community).
- 1.5 For this region there is a Caseworker (who is fully qualified to give independent advice and who will sometimes hand cases over to a volunteer) and a Community Planner who works alongside communities in helping to plan their neighbourhood.
- 1.6 Residents and businesses can use the tools on the RTPI website <http://www.rtpi.org.uk/planning-aid/> to find out about the services available, including how to qualify for Planning Aid assistance and how to make contact.

Appendix 4 – Glossary

Term	Definition
Authorities' Monitoring Report (AMR)	An annual report setting out the performance of policies based on core and local indicators. It also measures the progress of documents set out in the Local Development Scheme.
Area Action Plans (AAP)	Area Action Plans are used to provide the planning and implementation framework for areas where significant changes are envisaged. They are a type of Development Plan Document.
Community Infrastructure Levy (CIL)	The Community Infrastructure Levy (CIL) is a charge which local authorities will be empowered (but not required) to charge on most types of new development in their area. CIL charges will be based on simple formulae which relate the size of the charge to the size and character of the development paying it. The proceeds of the levy will be spent on infrastructure to support the development of the area.
Development Plan	At the time of writing this includes adopted Local Plans, neighbourhood plans (where they exist) and is defined in section 38 of the Planning and Compulsory Purchase Act 2004.
Development Plan Documents (DPD)	Development Plan Documents are a type of Local Development Document, and constitute part of the Local Development Framework. They contain policies and proposals for development, and are subject to consultation and independent examination. They carry significant weight in determining planning applications.
Localism Act (2011)	An Act which allows greater freedom and flexibility for Councils and local people to decide how their Councils should be governed. The Act passes significant new rights direct to communities and individuals, relating to planning and other activities.
Local Development Document (LDD)	LDDs comprise of a range of Local Development Documents. These can be Development Plan Documents or Supplementary Planning Documents. The Statement of Community Involvement is also a LDD.
Local Development Framework (LDF)	The collective term for the set of Local Development Documents which will, collectively deliver the spatial planning strategy for the area.
Local Development Scheme (LDS)	This is a statement of the Council's programme for the production of Local Development Documents. It will be revised where necessary – for example, as a result of the Annual Monitoring Report, or if there is a need to prepare new Local Development Documents.
Local Enterprise Partnership (LEP)	The NPPF defines this as a body, designated by the Secretary of State for Communities and Local Government, established for the purpose of protecting and improving the conditions for economic growth in an area.
Local Strategic Partnership (LSP)	A group of public, private, voluntary and community organisations and individuals that is responsible for preparing Adur and Worthing's Sustainable Community Strategy.

Major Development	Major development is defined in the Town & Country Planning (Development Management Procedure) (England) Order 2010 as: 10 or more dwellinghouses, or sites of 0.5 hectares or more where it is not known if the development will have 10 or more dwellinghouses; the provision of a building or buildings where the floorspace to be created is 1,000 sqm or more; or development on sites of 1 hectare or more).
Minor Development	Minor development is defined in the Town & Country Planning (Development Management Procedure) (England) Order 2010 as: 1-9 dwellings / under .5HaOffice/light industrial - Up to 999 sqm/ under 1 Hectare General Industrial - Up to 999 sqm/ under 1 Hectare Retail - Up to 999 sqm/ under 1 Hectare Gypsy/Traveller site - 0-9 pitches
Mixed-use developments	A development that contains two or more uses e.g. residential, employment, leisure, community uses.
Planning Obligations	Planning Obligations are secured through Section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal and are a legally enforceable obligation.
Policies Map	A map on an Ordnance Survey base that forms an integral part of the LDF and which identifies sites/areas to which particular policies apply.
Stakeholder	Any individual or group with an interest in the future planning of the area.
Statement of Community Involvement (SCI)	Document which sets out the standards to be achieved by the local planning authority in involving the community in the preparation of documents within the Local Development Framework and planning applications. The SCI enables the community to know how and when they will be involved in the preparation of Local Development Documents and how they will be consulted on planning applications.
Supplementary Planning Document (SPD)	Supplementary Planning Documents (SPDs) provide detail to support policy in higher level Development Plan Documents (DPDs). They undergo a more straightforward preparation process than DPDs and they are not subject to independent scrutiny by a planning inspector. They are Local Development Documents, and form part of the Local Development Framework.
Sustainability Appraisal (SA)	The Planning and Compulsory Purchase Act (2004) requires Local Development Documents to be prepared with a view to contribute to the achievement of sustainable development. A Sustainability Appraisal is a systematic process, to appraise the social, environmental and economic effects of the strategies and policies in a Local Development Document. The SA process incorporates Strategic Environmental Assessment.

Appendix 5 – Contact Details

Planning Policy

(e.g. Local Plan, Supplementary Planning Documents, Neighbourhood Planning)

Postal Address: Adur & Worthing Councils, Planning Policy, Worthing Town Hall,
Chapel Road, Worthing , West Sussex, BN11 1HA

Telephone: (01273) 263000

Email: planning.policy@adur-worthing.gov.uk

Website: www.adur-worthing.gov.uk/planning-policy/

Development Management

(e.g. Planning Applications & Enforcement)

Postal Address: Adur & Worthing Councils, Planning Services, Worthing Town Hall,
Chapel Road, Worthing , West Sussex, BN11 1HA

Telephone: (01903) 221065

Email: planning@adur-worthing.gov.uk

Website: www.adur-worthing.gov.uk/planning/applications/

Appendix 6 – Privacy Notice

What this Privacy Notice covers

This Privacy Notice explains how the Council(s) use information in the course of our Planning Policy work as a local planning authority. This work includes:

- Preparing Local Plans and associated planning policies / guidance
- Working with neighbourhoods on their plans
- Working with neighbouring authorities on strategic policies
- Monitoring development

Adur & Worthing Councils are the data controllers (referred to in this notice as 'we' or 'us') of your personal data for the purposes of applicable data protection legislation in relation to statutory plan making and associated Planning Policy work.

In relation to your personal data we are committed to collecting, using and protecting it appropriately. This privacy notice explains

- How and why we collection and use your personal data
- The type of personal data that we collect
- When and why we will share personal data with other organisations
- The rights and choices you have in relation to the personal data that we hold about you

Why we need your personal data

The Planning Policy Team collects personal data to fulfil our statutory duty and help us deliver sustainable development. Processing this data is necessary for the performance of a task (statutory plan making and associated policy work) carried out in the public interest or in the exercise of official authority vested in the Council.

We are relying on GDPR Article 6(1)(a) & (e) as the lawful basis for processing

What we collect and how it is used

We collect names, addresses and other contact details. However, when publishing the representations received during a consultation we will only publish the name of the individual respondent or the organisation that they represent. All other personal information will be omitted or redacted - this includes the contact details and signatures of individuals.

On rare occasions the Council might decide that it is necessary, justified and lawful to disclose some personal data but in these circumstances we will let you know our intention before publication.

We may share personal data with other departments within the Councils. We will not provide personal data to anyone else or use the data about you for any other purpose unless the law allows or requires us to.

When planning documents are formally submitted for Examination representations made on the document in question will also be shared with the appointed Planning Inspector (this is in line with the Town and Country Planning Regulations).

In the case of Neighbourhood Plans, the Planning Policy Team is responsible only for that data collected as a result of Adur and Worthing Councils' duties in respect of Neighbourhood Plans. It is not responsible for data collected by Parish Councils or Neighbourhood Forums in the establishment or development of a Neighbourhood Plan.

Planning Policy Consultee Database / Newsletter

All interested parties are able to subscribe to receive newsletters from the Planning Policy Team and can request to be added to the Planning Policy Consultee Database. All those on the database will be forwarded a copy of the newsletter and will be notified when any relevant documents are published.

If you subscribe to a newsletter or request to be added to our consultee database, we will not pass your details on to any third parties. Contact details will be stored confidentially, in accordance with the GDPR. You will also be offered the opportunity to unsubscribe at any time through the newsletters / documentation you receive.

How long the information is kept for

Records are kept in accordance with the Council's disposal schedule and we will not keep your information for longer than necessary.

Your rights

You have certain rights under UK Data Protection law including:

- The right to be informed
- The right of access to your personal data
- The right of rectification (to have any inaccuracies corrected)
- The right of erasure (to have your records deleted)
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

Further [information about your rights is available on the website of the Information Commissioner's Office](#). If you have a concern about the way that we are collecting or using your

personal data, we ask that you contact us in the first instance. Alternatively, you can [contact the Information Commissioner's Office](#).

How to contact us

If you have any questions about how we collect, store, or use personal data please:

- Telephone us on 01273 263009 (Planning Policy)
- Email us on planning.policy@adur-worthing.gov.uk

The Councils' Data Protection Officer can be contacted at:

- Adur & Worthing Councils
Worthing Town Hall
Chapel Road
Worthing
West Sussex
BN11 1HA
- Email: data.protection@adur-worthing.gov.uk

**Adur & Worthing Councils
Planning Policy
Portland House
44, Richmond Road
Worthing
West Sussex
BN11 1HS**



**ADUR & WORTHING
COUNCILS**



Proposed Revision to Pre-Application Charging

Report by the Director for the Economy

1. BACKGROUND

- 1.1 In 2015, the Committee agreed to charge for pre-application advice for residential and commercial proposals. (This followed an earlier agreement to charge for such advice in 2010, but was not implemented at that time due to the recession and an ongoing service review). The Committee agreed to the charging of fees from £150 + VAT for proposals of 1-4 dwellings or up to 499 square metres of commercial floorspace up to £750 + VAT on proposals of over 50 dwellings or above 5000 square metres of commercial floorspace. Strategic schemes, such as New Monks Farm or Teville Gate, are subject to bespoke planning performance agreements (PPA). There is currently no charge for advice for householders. The current charging schedule is attached as **Appendix 1**.
- 1.2 When considering the proposals in 2015, Members did indicate that the charging scheme should be reviewed after a suitable period, and given that nearly 3 years have elapsed since the scheme was introduced, your Officers now feel it is appropriate to review the charges.
- 1.3 Government advice encourages pre-application discussions and such discussions are often beneficial in ensuring that the Council's planning policies are explained to an applicant at an early stage. Often, discussions at the pre-application stage reduce the length of time taken to determine an application when it is subsequently submitted. Early engagement can secure design improvements and advice on relevant planning policies that the application will need to address

- 1.4 It is also relevant to note that planning application charges fall along way short of covering the cost of the Service. This has been compounded in recent years as changes in legislation have meant that a number of applications now do not attract any fee (prior approval applications for instance which still require neighbour notifications and planning assessments if objections are received).
- 1.5 In 2017/18 the cost of the Development Management Service was £1.638 million whilst the fee income received was only £0.680 million. The Government has recognised that there is a need to invest in the Service and last year fees were increased by 20% which has helped increase fee income and reduce the level of shortfall. Nevertheless, even with this increase in fees it is likely that the Service would have a shortfall for this financial year of £1.536 million.

2.0 Current Workload

- 2.1 The number of pre-application enquiries remains high and there is little apparent evidence that the charging scheme has dissuaded applicants from seeking advice. Indeed, the number of pre-application enquiries is still a significant part of the workload of Officers, reflective of the number of planning applications between the Councils remaining at its peak of around 1900 per annum, having dropped to around 1500 during the recession. Householder planning enquiries, for which no fee is currently charged, also remain high and in light of the fact that no fee is charged, relatively resource intensive. Indeed, out of 700 pre-application enquiries received during the financial year, only 15% attracted a fee. The total income from pre-application charging in the financial year 2017/2018 was £27,550 and for this current financial year a total of xxx has been secured.
- 2.2 Given the benefits of providing pre-application advice, it is important to ensure that the Service meets the costs of providing such advice and we ensure that, as far as possible, the advice can be provided is of high quality and provided in a timely manner. It is noted that Arun District Council and Brighton and Hove Councils recently suspended their pre-application advice services, except for the most major schemes, because of the backlog of enquiries received. There is no desire from your Officers to suspend pre-application advice, given the benefits of providing such advice as outlined above. However, it is important that the financial costs of the providing such a service are appropriate and cover all application types.

3.0 HOUSEHOLDER PRE-APPLICATION ENQUIRIES

3.1 It is noticeable that a high number of householder enquiries are received. Your Officers note that other local authorities in the area charge as follows:

Arun:	£30 for enquiry and response and £30 for any subsequent meeting.
Brighton and Hove:	£100 or £150 with a meeting
Chichester:	£100
Crawley:	Do not charge
Horsham:	£50
Mid Sussex:	Verbal advice free but £50 if a site visit required.

A comparison with other local authorities who currently provide a similar level of performance to the Councils, in respect of speed of decision making for non major applications (with reference to the government performance tables), also revealed:

East Hampshire:	£48
Elmbridge:	£70 to £210
Central Bedfordshire:	£84
Test Valley:	£58

Other Councils, particularly in London charge significantly more for instance Westminster charges £300 for householder development.

3.2 While, both Adur & Worthing generally perform well in terms of government performance tables (ordinarily in the top third of planning authorities), it has become increasingly difficult, especially in Worthing, to maintain current performance levels with the current level of work being received.

3.3 It does appear from the above comparisons that, Crawley BC apart, other local authorities both locally and of similar performance, charge for advice on householder proposals and therefore the Councils would be justified in doing the same.

3.4 Aside from the obvious benefit of providing income to the Councils, a charge for pre-application advice for householder proposals, with set parameters for the information that needs to be submitted for such advice to be received, is likely to improve the quality of information submitted making easier and quicker to deal with the enquiry. Often, at present, householder enquiries lack

information which requires Officers to contact the enquirer again to seek more information or alternatively means that only basic advice can be given. It is also hoped that it would help to reduce very speculative enquiries where a householder is unsure about what they want and could obtain general planning guidance from the Planning Portal.

- 3.5 It is therefore considered that a charge of **£100** (inc VAT) would be justified for householder pre-application proposals. Officers have considered whether there should be a sliding scale of fees depending on either the size or value of the property. For instance the charge could vary depending on the council tax band. However, your Officers favour a more simple charging regime and most smaller extensions are likely to be permitted development in any event.
- 3.6 Nevertheless, there is scope to increase the charge for very large householder extensions as the cost of a large two storey extension on a large detached house is likely to be significant. It is recommended, therefore, that for extensions in excess of 100 sqm (gross floorspace) a charge of **£175** would be reasonable. An extension of this size would cost approximately £160,000 and therefore, in this context, such a fee would be a modest outlay.
- 3.7 The fee for dealing with householder development is currently £206 (although an applicant could apply for two extensions at the same time for this fee). It is not considered appropriate that the pre-application charge for advice should exceed the cost of the application, although it is noted that some London authorities have exceeded the application fee.

4.0 RESIDENTIAL PRE APPLICATION ENQUIRIES

- 4.1 In respect of residential development proposals, the Council pre-application charges are currently as follows:

1-4 dwellings:	£150 + VAT (£180)
5-9 dwellings:	£350 + VAT (£420)
10-49 dwellings:	£550 + VAT (£660)
50+ dwellings:	£750 + VAT (£900)

- 4.2 Comparison with other authorities is rather more difficult in respect of this category as different thresholds are used by the various authorities. Using the fees for below 10 dwellings, where the Councils fee is currently £180 - £420 after VAT:

Arun:	£204 to £380
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Brighton & Hove:	£420 to £1,012 (including meeting)
Chichester:	£350 to £550
Horsham:	£350
Mid Sussex:	£205 to £307.50
East Hampshire:	£130 to £245
Elmbridge:	£145 to £870
Central Bedfordshire:	£180 to £600
Test Valley:	£144 to £432
Westminster	£600 to £3,000

4.3 The table above demonstrates that fees vary significantly between authorities, although the more local authorities in the table appear to charge a higher fee for smaller developments (the lower Arun fee only applies for developments up to 2 dwellings and the lower Chichester fee for developments up to 3 dwellings). The Councils current charging regime does differ quite markedly between 4 dwellings, which would attract a fee of £150 + VAT, and 5 dwellings which would attract a fee of £350 + VAT, although the likely work required in responding to the respective proposals is unlikely to differ as widely.

4.4 It is considered, therefore, that there may be scope to raise the 1 - 4 dwelling figure to **£450** (inc VAT) with the 5 - 9 dwelling figure increasing to **£650** (inc VAT). This would still be in line with neighbouring authorities but still significantly less than some authorities. Whilst, a higher figure could be justified when considering the potential uplift in the value of land and/or the overall cost of the development, your Officers are keen to encourage pre-application dialogue and not be completely out of kilter with neighbouring authorities given that often we are dealing with the same agents and developers.

4.5 For developments between 10 and 49 dwellings, where the Council currently charges £550 + VAT, other authorities currently charge:

Arun:	£700 (up to 99 dwellings)
Brighton and Hove:	£720 to £1560 (up to 99 dwellings)
Chichester:	£2,000
Horsham:	£500 to £750
Mid Sussex:	£460
East Hampshire:	£550
Elmbridge:	£360 to £2160
Central Bedfordshire:	£960 to £2400
Test Valley:	£763 to 10% of planning application fee
Westminster	£3,000

4.6 The Council's charge is therefore lower than the majority of the other councils quoted, and given the relative rarity of developments of this size within the Borough and District, there may be some justification to raise the charge to a higher level to that of Arun and Horsham's charge, at **£1,000**.

4.7 At present, the Councils charge a fee of £750 + VAT for all developments over 50 dwellings, whereas some of the authorities in the table below, have further thresholds at over 100 dwellings for example.

Arun:	£700 upto 100 dwellings) £1500 (upto 200 dwellings). Over 200 dwellings £300 for every additional 50 dwellings)
Brighton and Hove:	£1560 to £2400
Chichester:	£2500 to £4500
Horsham:	£1250
Mid Sussex	£460 to £770
East Hampshire:	10% of the planning application fee
Elmbridge:	£720 to £4320
Central Bedfordshire:	£2400 + £120 per additional dwelling
Test Valley:	10% of the planning application fee + VAT.

4.8 It is considered that there is scope to significantly increase the fees for these larger developments and it is recommended that a charge of **£1,500** for schemes between 50 and 100 dwellings would be appropriate.

4.9 For the very large strategic developments of over a 100 dwellings an individual negotiated fee through a bespoke Planning Performance Agreement (PPA) would be required. This would set out a proposed timetable for pre-application discussions and a target determination timescale and involve senior Officers within the Council. These have been successfully negotiated with large scale developments in Adur (Free Wharf) and Worthing (Teville Gate) and fees of £15,000 have been agreed particularly where the pre-application discussions involve Regional Design Panels such as Design South East (DSE).

4.10 Nevertheless, it would still be important to set out a basic fee for these strategic developments and a fee of **£3,000** would be appropriate particularly such developments would involve the Head of Planning and Development or the Planning Services Manager and the Design and Conservation Officer. It is noted that one Council seeks to set the fee on the basis of a percentage of the

application fee, however, there is a significant difference in fees between outline and full applications and therefore this is not considered an appropriate way of calculating the fee.

5.0 Performance Standards

- 5.1 It is important that the guidance notes accompanying the new pre-application charging fees set out clearly the level of service that customers can expect. For householder enquiries for instance site visits will not be undertaken and written advice will be provided without a meeting. For larger development proposals a site visit would be taken, if required, and for major developments a meeting with the relevant Case Officer would be included with the charge. Where a series of meetings is required a Planning Performance Agreement (PPA) would be required and an appropriate fee calculated based on the Officer time anticipated to be spent on the enquiry.
- 5.2 The guidance notes are being prepared in consultation with planning officers to ensure that any service standards set can be delivered.

6. COMMERCIAL PRE APPLICATION ENQUIRIES

- 6.1 At present, commercial and residential pre-application enquiries are subject to the same pricing regime based on the size of the development.
- 6.2 Current charges are, therefore:

Up to 499 sq m:	£150 + VAT
500 to 999 sq m:	£350 + VAT
1000 to 4999 sq m:	£550 + VAT
5000 sq m+	£750 + VAT

- 6.3 The other authorities listed above currently charge:

Arun:	No charge except for food retail, between £750 and £1500	
Brighton & Hove:	Up to 499 sq m	- £420/£840 (letter/meeting),
	500-999	- £612/£1012,
	1000-4999	- £720/£1200,
	5000-9999	- £936/£1560,
	10000+	- £1440/£2400
Chichester:	Up to 499 sq m	- £350,
	500 to 999	- £550,

	1000 to 2499	- £2000,
	2500-4999	- £2500,
	5000+	- £4500 or 10% of application fee
Horsham:	Up to 999 sq m	- £350
	1000-4999	- £500,
	5000-9999	- £750,
	10000+	- £1250
Mid Sussex:	Up to 999 sq m	- £102/£250 (letter or meeting),
	1000-4999	- £153/307,
	5000+	- £256/£512
Test Valley:	Up to 100 sq m	- £108,
	100-499	- £288,
	500-999	- £540,
	1000+	- £648
Elmbridge:	Up to 49 sq m	- £70 to £210
	50-999	- £145-£870,
	1000-4999	- £360-£2160,
	5000	- £720-£4320
Central		
Bedfordshire:	Up to 999 sq m	- £600,
	1000-1999	- £960,
	2000-2999	- £1440,
	3000+	- £2400

- 6.4 The above fees therefore vary, but it does appear that the current charge of £150 + VAT for developments of up to 499 square metres is rather less than other authorities, and it is suggested that there to simplify the charging regime that a single fee of **£450** for all developments up to 999 sq m may be appropriate, particularly as the likely work involved between pre-application enquiries of, say, 250 square metres and 750 square metres is likely to be quite similar, therefore justifying a flat rate fee.
- 6.5 The current charge for development between 1000 and 4999 square metres appears comparable to other authorities but there is no reason why a slightly higher charge of **£650** could not be justified (this would be comparable with the proposed increase for smaller residential developments of 5 - 9 dwellings). For developments over 5,000 sqm a fee of **£850** is proposed and for over 10,000 sqm a fee of **£1,500** is considered reasonable. Where food retailing is proposed it is considered a higher charge would be imposed if this required the appointment of retail consultants to undertake a retail impact assessment.

7. OTHER PRE APPLICATION OR GENERAL ENQUIRIES

LISTED BUILDINGS

- 7.1 At present there is no charge for listed building enquiries, but these are often of a specialist nature and require the input of the Council's Conservation Architect. Given the statutory protection afforded to listed buildings, effective pre-application advice is often of importance and can be of considerable benefit to an applicant in the formal application process. Some of the other authorities charge for listed building advice as follows:

Chichester	- £95
Horsham	- £150
Mid Sussex	- £76/153 (letter/meeting)
Brighton & Hove	- £216/£432 (letter/meeting)

- 7.2 It would appear justifiable for the Council to charge a fee equivalent to that of the householder fee at **£100 + VAT**. Whilst this is still a lower cost than some of the authorities above, other authorities do not appear to charge at all as is the case presently at Adur & Worthing and it is relevant that there is no charge for a Listed Building Consent application.

ADVERTISEMENTS

- 7.3 Similarly, some other authorities charge for advertisement pre application enquiries as follows:

Chichester	- £120
Horsham	- £150
Mid Sussex	- £76/153 (letter/meeting)
Brighton and Hove	- £150/£300 (letter/meeting)
Test Valley	- £58

- 7.4 Advertisements are an important part of the street scene, especially in district or town centres and again it is considered that a charge of **£100 + VAT** could be justified.

TREES

- 7.5 Both Horsham and Mid Sussex charge for pre-application advice:

Horsham	- £30
Mid Sussex	- £30.75

7.6 The Councils have a single Arboricultural Officer whose individual planning application caseload is usually higher than any other Officer. Given the high number of enquiries received, it is felt that there is justification to charge for tree advice and while higher than the examples above, a similar charge to listed buildings and advertisements of **£100 + VAT** could be applied.

7.7 It is noted that Chichester charge for other specialist advice, Environmental Health being cited as an example. The Council's Environmental Health team are intending to introduce their own charging regime which could be linked to any planning advice where necessary with consideration to a joint charge being applied once the Environmental Health section have finalised their own fees. This would be particularly important for major developments where there is a need to consider air quality and more complex noise/environmental issues.

8.0 CONFIRMATION OF COMPLIANCE WITH CONDITIONS/SECTION 106 OBLIGATIONS

8.1 The Councils receive many enquiries regarding compliance with conditions from potential purchasers of properties and a charge of £116 is applied to such enquiries and it is proposed that this is increased to **£125**. However, at present there is no charge for confirmation of compliance with Section 106 obligations (eg provision of infrastructure). Often, the enquiries relate to obligations agreed some years ago and therefore they are quite time consuming to respond to. It is therefore considered that a charge of **£125** could also be applied to Section 106 enquiries.

9.0 CONCLUSION

9.1 It is considered that the pre-application charging system has proved successful in the quality of pre-application advice provided and that, after 3 years, it is justified to review the charges to bring them in line with other local and comparable authorities.

10.0 RECOMMENDATION

10.1 It is recommended that the Committee considers the proposed changes to the Councils Charging Schedule and recommends to the Adur and Worthing Executive Members for Regeneration that the following charges are adopted by both Councils to be implemented from the 1st April:

Householder:	£100 and £175 (extensions over 100 sqm)
1-4 dwellings:	£450
5-9 dwellings:	£650
10-49 dwellings:	£1,000
50 dwellings and above:	£1,500
100 dwellings and above:	£3,000

Commercial developments up to:

999 sq m -	£450
1,000 to 4999 sq m	£650
5,000 sq m -	£850
10,000 and above	£1,500

Listed Buildings:	£100
Advertisements:	£100
Trees:	£100

Confirmation of compliance with Conditions and Section 106 obligations: £125

(All the above are excluding VAT other than Householder enquiries which will be inclusive of VAT)

Local Government Act 1972

Background Papers:

Charging Schedules of other Authorities
2015 Planning Committee Report - Introduction of Pre-Application Charges

Contact Officer:

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Schedule of other matters

1.0 Council Priority

1.1 Protecting front line services

1.2 Ensuring value for money and low Council Tax.

2.0 Specific Action Plans

2.1 (A) Provide and develop customer driven cost effective services.

(B) Generate financial capital, increase income and seek external funding sources.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 No direct HR implications arising from this report.

7.0 Reputation

7.1 It is anticipated that introducing charging for householder enquiries will reduce the number of speculative enquiries and free up Officer time to deal with genuine proposals. Overall it is envisaged that charging for pre-application advice will enhance the reputation of the Council by ensuring that the pre-application service is appropriately funded.

8.0 Consultations

8.1 Stakeholders will be advised of the revision to the charging system following committee consideration and Executive Member approval (if given)

9.0 Risk assessment

9.1 There is a perception that charging for pre-application advice raises the expectation of the customer about the level of service they can expect to receive, but at present a number of enquiries are received which do not attract a charge which officers are finding difficult to respond to within prescribed timescales.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership working

12.1 Matter considered and no issues identified



ADUR & WORTHING
COUNCILS

Pre Application Advice Charging Scheme
(Commenced from 3rd October 2016)

Why make a pre application enquiry?

Both Adur and Worthing Councils have operated a free pre-application service for a number of years and this has provided a valuable assistance to applicants, developers and agents to help prepare planning applications and secure the necessary planning permission.

However, the majority of Councils now charge for such services and both Councils have now agreed that charging is necessary to provide a cost effective development management service.

The National Planning Policy Framework encourages engagement with Local Planning Authorities and local communities to achieve early consideration of fundamental planning issues and improved outcomes.

Discussions about schemes before they are formally submitted as planning applications can help steer proposals into a form that are more likely to be acceptable whilst leading to the reworking or dropping of proposals that appear to be fundamentally unacceptable.

Entering into pre application discussions will help save time, wasted expense and avoid frustration.

Further benefits include:

- Avoiding incomplete applications that cannot be registered
- Reducing the number of unsuccessful applications
- Reducing confrontation in the planning process
- Raising the quality of development
- Gaining community acceptance
- Securing satisfaction with the process

We will expect that guidance given by the planning officers is taken into account in the preparation and development of your proposals. Where it is evident that pre application advice has not been sought or taken into account in a subsequent planning application, the Councils may not negotiate on a scheme and applications could be determined as submitted.

What is covered by the Charging Scheme?

The charging scheme covers all requests for pre-application advice regardless of whether a meeting or written response is requested. The charging scheme includes the cost of providing specialist design, historic buildings and archaeology advice where necessary.

The following exemptions apply:

- General planning advice on householder development proposals
- Incidental advice or information given by telephone
- Where the works are required to meet the needs of a person's registered disability
- Discussions in relation to enforcement matters
- Enquiries relating only to listed building consent – these will be dealt with directly by the Councils' Design and Conservation Officer
- Enquiries relating to advertisements and demolition of unlisted buildings in conservation areas (conservation area consent)

In addition, the charging scheme will not apply to advice given by the following organisations:

- West Sussex County Council
- Housing Associations (unless a mixed market/affordable scheme is proposed)

Generally, we will expect developers and agents to seek advice on trees from arboriculture consultants and will not therefore provide advice to individuals on tree related matters.

You should also be aware that advice in relation to the highways aspects of development is available from West Sussex County Council as the Highway Authority. Advice in relation to flood risk is available from the Environment Agency.

What will it cost me to obtain advice?

From the 3rd October 2016 the following charges apply:

We WILL charge for advice on:	Level of Charge:
<p>'Minor' Residential development of 1-4 dwellings or Commercial floor space up to 499 sqm.</p> <p>Initial written advice based on a desk top study and/or meeting on site or at the Council offices (if required).</p>	<p>Fixed Fee £150 + VAT</p> <p>A subsequent meeting with Officers will be charged at the above rate.</p> <p>For additional written responses only, these will be charged at 50% of the fixed fee.</p>
<p>Residential Development of 5-9 dwellings or Commercial floor space between 500-999 sqm.</p> <p>Up to 1 hour meeting on site or at the Council offices followed up by written advice.</p>	<p>Fixed Fee £350 + VAT</p> <p>Any additional meeting with Officers will be charged at the above fixed fee.</p>
<p>'Major' Residential Development of 10-49 dwellings or Commercial floor space of 1,000 to 4,999 sqm.</p> <p>Up to 1 hour meeting on site or at the Council offices followed up by written advice</p>	<p>Fixed Fee £550 + VAT</p> <p>Any additional meeting with Officers will be charged at the above fixed fee.</p>
<p>Significant Major Residential Development (50+ dwellings) or Commercial floor space of more than 5,000 sqm.</p> <p>Up to 1 hour meeting on site or at the Council offices followed up by written advice.</p>	<p>Fixed Fee £750 + VAT</p> <p>Each additional meeting with Officers will be charged at the above fixed fee.</p>

Validation of pre-app will not take place unless/until payment is received.

Payments can be made by cheque (payable to 'Adur District Council' for applications in Adur or 'Worthing Borough Council' for applications in Worthing) or debit/credit card by telephone on 01903 221065, Monday to Friday between 10am and 4pm.

The table above outlines the service that the Councils will provide depending on the type of case involved. A written reply setting out the Councils' pre application advice will be provided in every case. Depending on the complexity of the case the Planning Officer will determine whether a site visit is necessary and more than one meeting is likely to be required 'major'/'large major' schemes. The fee payable includes the cost of specialist advice on design and heritage matters although specialist advice from West Sussex County Council is likely to incur additional charges (for access to Historic Environment Records (HERs) for instance).

For the most significant schemes or strategic scale development, a Planning Performance Agreement (PPA) is likely to be more appropriate in which the process of dealing with the proposal in accordance with a timetable, principles and procedures are agreed with the applicant. A Planning Performance Agreement would be drawn up at the pre-application stage and would lead the process through the application stage.

How do I obtain pre application advice?

Requests for pre-application advice should be made by e-mail to 'planning@adur-worthing.gov.uk' or in writing to the Planning Services Manager with a subject heading of *Pre-Application Advice*. Alternatively, you may wish to complete and send to us the Pre-Application Advice form which is available on our website. This form sets out the information required for a request to be accepted.

Upon receipt of your request for pre application advice, we will aim to contact you within 5 working days either to request further details or to confirm that your request is complete and has been allocated to a Case Officer for action.

What do I need to do before advice can be given by the Councils?

As a minimum, we will expect the following to be provided to enable your request to be actioned:

- Payment of relevant fee (by cheque, debit card or credit card)
- Completed Pre Application Advice form
- Location and site plans
- Sketch or indicative plans of the proposal
- Supporting studies/information (for major schemes)

To ensure that requests for pre-application advice are as productive as possible, applicants or their agents will be expected to provide sufficient information and plans to describe and explain their proposals including:

- An assessment of the character of the area
- An analysis of the opportunities and constraints of the site in its context.

These details will be used to promote a design led approach to the scheme and will enable the Councils to assess whether a development team including specialist officers should be brought together.

What can I expect from the process?

Requests for advice will be allocated to case officers according to their complexity. Major schemes will normally be dealt with by a senior officer. To ensure that the process is as seamless as possible, the case officer will usually deal with any subsequent planning application.

We will aim to provide a written reply or arrange a meeting within 25 working days from the date your request is accepted as complete, except for the more complex proposals where we may need to agree a longer timescale with you. We will endeavour to reply to householder enquiries quicker than this where possible.

Where a meeting is held, a written summary of the main points will be sent within 10 working days of the meeting. Our preferred method of written communication is via e-mail and this will be used wherever possible.

In the case of major development proposals, it may (at the officer's discretion) be necessary to consult statutory consultees and other groups prior to providing advice. In such cases, the pre application process may take longer in order that we are in a position to provide a comprehensive response.

The case officer will assess the submitted information and will aim to provide you with constructive comments on the scheme in relation to the following so far as they are relevant:

- Relevant development plan policies and other Council strategies that may have a bearing on the proposal
- Site constraints, e.g. statutory designations such as conservation areas, Tree Preservation Orders and other constraints including listed buildings, flood zones and rights of way.
- Relevant planning history
- The details of the proposal, i.e. the acceptability of the land use, design and amenity considerations and highways and access issues where appropriate
- Infrastructure requirements, including the need for affordable housing, open space and contributions towards Council or County Council services.

What if a subsequent decision on an application does not follow the advice I was given?

Advice given will be based on the case officer's professional judgement and assessment of the information provided. Pre-application advice whether favourable or not is given on a 'without prejudice' basis since the Councils must on submission of an application go through the statutory procedures and formal consultations and assess the outcomes before a decision can be made

Whilst advice will be given in good faith, we cannot guarantee that a subsequent planning application will be successful. We nevertheless believe that pre application advice is an extremely important part of the planning process. Fees for pre-application advice will not be refunded and do not affect any statutory planning application fee subsequently required.

What if I disagree with the advice received?

We recognise that you may not agree with the advice you receive and it remains open to you to reject the advice and submit a formal application for determination. Except where additional meetings are deemed necessary for major and large major proposals, pre-application advice is provided for the scheme submitted only. Significant changes to a submitted enquiry may need to be the subject of a new enquiry and may require a further fee.

Confidentiality

Requests for pre application advice and the response provided will not be placed on the Councils' website. There is however the possibility that under the Freedom of Information Act, we will be asked to provide information about enquiries for advice and copies of any advice given. We will need to decide whether such information can be treated as exempt from disclosure, for example if it is clear that its release could prejudice commercial interests. You are therefore encouraged to indicate whether and for how long any information needs to remain confidential when making your request for advice.