



ADUR DISTRICT COUNCIL

24 February 2023

Adur Planning Committee	
Date:	6 March 2023
Time:	7.00 pm
Venue:	QEII Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chair), Jeremy Gardner, Carol O'Neal, Vee Barton, Mandy Buxton, Dan Flower, Jim Funnell, Joe Pannell (Vice-Chair) and Julian Shinn

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 **midday on Friday 03 March 2023**.

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 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. 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 02 March 2023**.

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)

4. Members Questions

Pre-submitted Members questions are pursuant to rule 12 of the Council & Committee Procedure Rules.

Questions should be submitted by **midday** on **Wednesday 1 March 2023** to Democratic Services, democratic.services@adur-worthing.gov.uk

(Note: Member Question Time will operate for a maximum of 30 minutes.)

5. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on **31 January** and **6 February 2023**, which have been emailed to Members.

6. Items Raised Under Urgency Provisions

To consider any items the Chair of the meeting considers urgent.

7. Planning Applications (Pages 5 - 114)

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

8. Levelling Up and Regeneration Bill: Reforms to National Planning Policy (Pages 115 - 134)

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

9. Proposed Revision to Pre-Application Charging Fees (Pages 135 - 148)

To consider a report by the Director for Economy, attached as item 9.

Part B - Not for publication - Exempt Information Reports

None

Recording of this meeting

Please note that this meeting is being audio live streamed and a recording of the meeting will be available the Council's website. This meeting will be available on our website for one year and will be deleted after that period. 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:
Katy McMullan Democratic Services Officer 01903 221006 katy.mcmullan@adur-worthing.gov.uk	Caroline Perry Senior Lawyer & Deputy Monitoring Officer 01903 221081 Caroline.perry@adur-worthing.gov.uk

Duration of the Meeting: Three 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.

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**ADUR DISTRICT
COUNCIL**

**Planning Committee
6 March 2023**

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWD/1962/22 Recommendation – Approve subject to a s.106 Agreement, the receipt of additional information and outstanding consultee responses

Site: Land At Former 5 Brighton Road, Shoreham-By-Sea

Proposal: Proposed mixed-use re-development between 3 and 8 storeys comprising 21 townhouses, mixed-use apartment block of 24 flats, commercial unit, riverside walk, play area, landscaping, and parking (with revised design and provision of on-site affordable housing)

2

Application Number: AWD/1314/22 Recommendation – To contest the appeal against the non-determination of the application within the statutory timeframe

Site: Land East Of 3 Salt Marsh Road, Shoreham-by-Sea

Proposal: Proposed mixed use building set over 5no. floors comprised of ground floor commercial space (Use Class E) and 34 new apartments

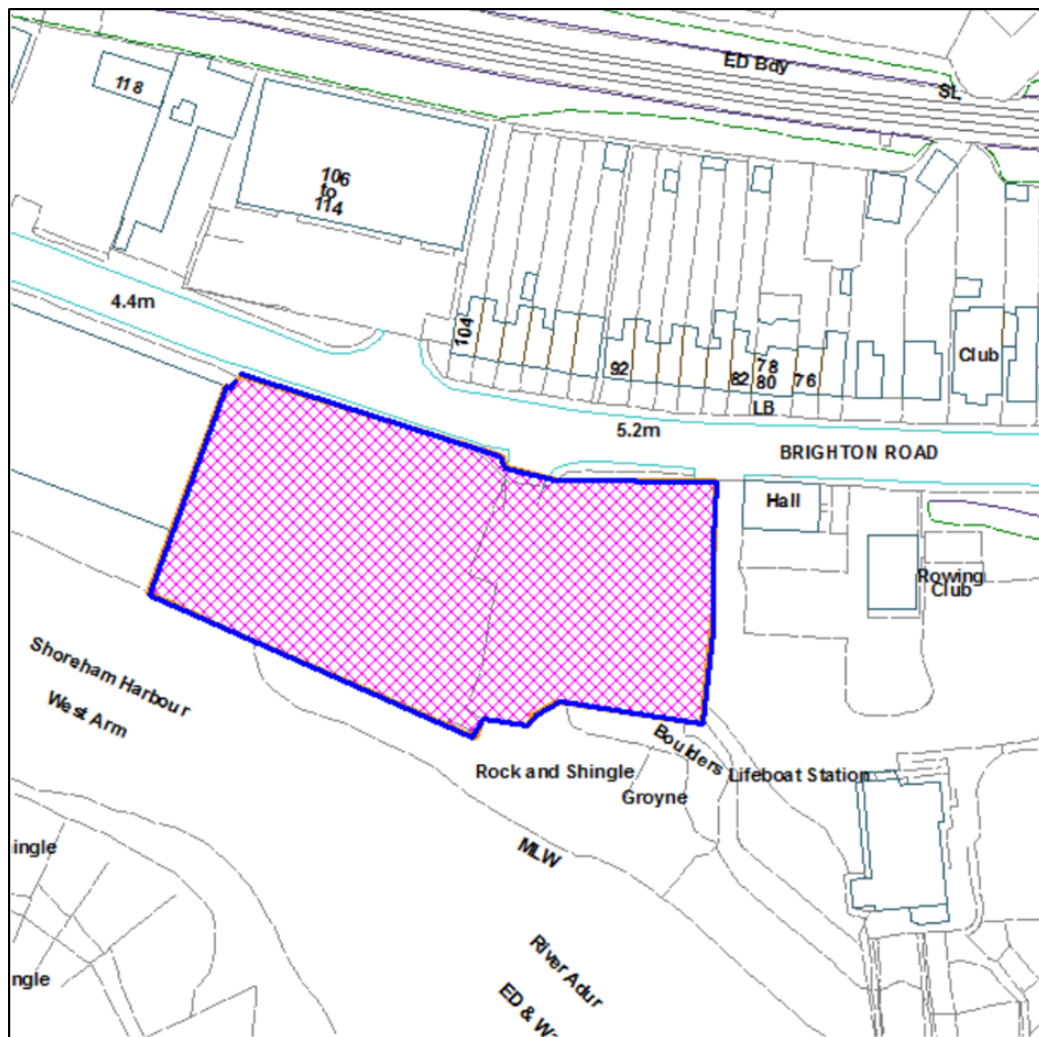
3

**Application Number: AWDM/0018/23 Recommendation – Approve, subject to
Deed of Variation**

Site: Shoreham Airport, Cecil Pashley Way, Lancing

**Proposal: Extension of airport apron, use of spoil to relevel land and relocation of
existing grass helicopter landing pad.**

Application Number:	AWDM/1962/22	Recommendation - Approve subject to a s.106 Agreement, the receipt of additional information and outstanding consultee responses
Site:	Land At Former 5 Brighton Road, Shoreham-By-Sea	
Proposal:	Proposed mixed-use re-development between 3 and 8 storeys comprising 21 townhouses, mixed-use apartment block of 24 flats, commercial unit, riverside walk, play area, landscaping, and parking (with revised design and provision of on-site affordable housing)	
Applicant:	Cayuga 011 LLP	Ward: Southwick Green
Agent:	Lewis and Co Planning SE Ltd	
Case Officer:	Stephen Cantwell	



Not to Scale

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Proposal, Site and Surroundings

This full planning application for 24no. townhouses, 21 apartments and a small riverside commercial unit (56 sqm), is an amended proposal, which follows the refusal of a previous application AWD/1481/21 in September 2022 for reasons broadly of design, linked to impact upon the nearby listed lighthouse and the lack of affordable housing (the full reason is stated under 'Relevant Planning History', below).

The main amendments comprise:

- i) Alterations to the building designs, roof forms and materials
- ii) Affordable housing provided on-site and slightly amended size mix
- iii) Revised energy strategy using Air Source Heat Pumps and Solar PVs
- iv) Additional vehicle and cycle parking with electric vehicle charging points
- v) A children's play area in the central courtyard, with additional landscaping
- vi) Internal layout changes, providing dual aspects throughout



Fig 1: Image of Amended Proposals (from east)

This vacant riverside site of approximately 0.47ha lies at the easternmost end of the Western Harbour Arm (WHA) in the Shoreham Harbour regeneration area. It fronts onto a bend in the southern side of the A259 Brighton Road, with frontages of 95m to the road and river and an average site depth of approx. 50m.

As previously, development would comprise 24no. townhouses arranged in three terraces of three and four storeys height, also an eight storey block of 21 apartments. These would be set around a central amenity and parking courtyard. The commercial unit is in the ground of the apartment block, with an associated seating terrace. A vehicular access at the western end of the site would serve

parking for the apartment block, another vehicular access would serve the townhouse courtyard to the east, via a ramp from the street. A proposed riverside walk would connect with that approved at the neighbouring site, Kingston Wharf. The amended scheme also confirms the applicants intention to surface the adjoining public footpath alongside the eastern boundary to Kingston Green.



Fig 2: Image of Amended Proposals (from harbour mouth)



Fig 3: Amended Site Layout (play area close to southern corner)

The Howard Kent repository building was demolished around four years ago, leaving a concrete yard and palisade-steel security fencing. The narrow roadside pavement

is 1m width, with a pole-type bus stop approximately 15m from the north east corner of the site. The terrace of houses opposite part of the site and Kingston Green are Victo-Edwardan. A two storey, mid/late-C20th industrial building is opposite the western part of the site behind a parking forecourt.

The western boundary is with the Kingston Wharf site, where redevelopment works are in progress to construct 255 flats and a commercial building. The closest residential block of six storeys at the Kingston Wharf development will be 14m from the western boundary of the site; a ramped driveway will occupy the intervening space, providing service-only access to the riverside.

Immediately east of the site is Kingston Green and Beach, which contains a Victorian single storey building at its north-west frontage to Brighton Road; most recently this was used as a Scout Hall and is 5m from the site boundary. Kingston Green has village-green status and also contains the barrel-roofed, three-storey Lifeboat Station and two storey Rowing Club buildings along with informal car parking and grassland. The southern edge of the application site comprises the reinforced riverbank, adjoining an area of riverside mud and rock revetment, which faces towards the nearby harbour mouth which is to the south of the site and Kingston Green & Beach.

Kingston Buci Lighthouse, a listed building, lies at the east side of the Green close to the road frontage. The Kingston Buci conservation area is situated 90m to the north of the site, beyond the intervening terraced houses, road and railway. It contains listed buildings at Shoreham College some 250m north of the site, although lines of site between them are largely obscured at eye level by intervening buildings and railway-side trees.



Fig 4: Amended Proposals: Aerial View

Consideration Of Amendments

This report is an updated version of that which was considered on 5th September 2022, with discussion of the above-listed changes i) - vi) in relevant sections & sub-sections of the report, notably:

- Sustainable Design and Energy
- Affordable Housing and Viability
- Design, Size and Heritage
- Parking
- Residential Amenity / Outdoor Space
- Fire Safety

Other matters are unchanged by the amended plans. All consultation responses and representations listed below are those received in relation to this new application.

The text of the Planning Assessment section uses '**Amended Plans/Proposals**', in bold font, in order to highlight aspects of the development which have changed.

Relevant Planning History

AWDM/1481/21 Proposed mixed-use re-development between 3 and 8 storeys comprising 21 townhouses, mixed-use apartment block of 24 flats, riverside walk, landscaping, and parking.

Refused 05.09 2022 (refusal notice issued 15.09 2022) for the reason:

- 1) The proposal, by reason of its scale, height and design, is considered to cause harm to the setting and the significance of the designated heritage asset, Kingston Bucci lighthouse. Whilst this is considered to be less than substantial harm, the Local Planning Authority does not consider that there are public benefits of the proposal sufficient to outweigh this harm, the under provision of affordable housing provision contributes to this lack of outweighing public benefit. The proposal is therefore contrary to the following Policies of the Adur Local Plan, 2017:- 15 (Quality of the Built Environment and Public Realm); 16 (A Strategic Approach to the Historic Environment); 17 (The Historic Environment); 21 (Affordable Housing) and Policy CA7 of the Shoreham Harbour Joint Area Action Plan 2019 (including the associated paragraph 4.7.70) and paragraphs 199-200 & 202 of the NPPF, 2021.***

A second reason attached to the refusal notice is a standard reason referring to the need for a completed s.106 legal agreement, which would have secured the infrastructure and contributions proposed by that application, had an approval been granted. **An appeal was lodged against the refusal in early December 2022, but is currently awaiting an appeal commencement letter from the Planning Inspectorate**

AWDM/1979/17 Demolition of existing building and erection of 3 buildings to provide 136 dwellings (including 30% affordable) comprising 21no. three bed, 61no. two bed,

46no. one bed and 8no. studio flats, community and residents' space as flexible D1/D2 space to ground floor, flexible A1/A3 to ground floor, 136no. parking spaces, provision of England coastal path, access, enhanced sea defences, enhanced flood defences, connection to the Shoreham Harbour Heat Network, creation of a new public realm to the A259 with hard and soft landscaping and other associated infrastructure. **Withdrawn 24.08.2018**

Consultations

West Sussex County Council Highways Authority: No Objection

Trips: Satisfied with additional trip generation 11 AM peak and 15 PM peak trips. As such no junction modelling of the proposals is required. Proportional contributions are required towards highway infrastructure

[Planning Officer Comment - this was previously £145,074 split between £35,680 Local Plan Measures (A27 Steyning and Hangleton junctions) and £109,394 Sustainable transport improvements within the JAAP; confirmation has been sought as to whether there is any required change to these figures. It was also acknowledged that works to the adjacent public right of way FP 3556 (adjoining the eastern boundary) would provide a wider public benefit and could reduce the level of contribution.]

Access: No details of dropped kerbs/tactile paving have been provided for the interim situation at the main site access, prior to the delivery of a future segregated cycle path. Plans now confirm pedestrian/cyclist priority at the access crossings and provision of the riverside path

Parking: Whilst the total level of parking (51 spaces and 41 cycle spaces) is acceptable, no details have been provided as to how parking would be restricted within the large areas of paved surface within the development. It would be beneficial to increase cycle parking.

Safety: The Council may wish to request documents and correspondence referred to in the Road Safety Audit, for clarity.

[Officer Comment: It is noted that the Highway Authority had no objection to 44no. parking spaces in the previous proposal. It is also assumed that the following Highway Authority requirements in respect of the previous scheme, remain applicable:

- Construction of new kerb-line in Brighton Road, with widening for pedestrian and cycle paths and dedication of Highway land;
- Contribution towards provision of cycleway surfacing / kerbing
- Surfacing of footpath FP 3556, value/specification to be agreed with the Rights of Way team.
- Travel Plan statement and auditing fee of £1,500 or towards wider travel plan promotion within Shoreham Harbour;

- Car Club vehicle provision;
- Additional cycle parking (3 Sheffield stands) has been provided in the vicinity of the proposed café

Planning conditions, including: Construction of access; car and cycle parking provisions including EV charging and ongoing management plan. A construction management plan (CMP/CEMP) during development works, including liaison with other development in Western Harbour Arm and/or along A259 Brighton Road.

County Council Public Rights of Way (PROW) : Comment awaited

[*Previous comment:* No objection subject to the developer improving the surface of the existing FP3556 to a specification to be agreed and separate approval of the PROW team and of the landowner. We would ask for a minimum width of 2m but if the existing footpath width is greater then we would encourage the whole width to be surfaced to the agreed specification.]

County Planning Officer: Recommends contributions:

Education (primary)	£149,533
Education (secondary)	£160,934
Education (six form)	£ 37,700
Libraries	£ 21,848
Fire and Rescue	£ 1,580

County Fire & Rescue Service: Further Information Requested

Evidence required to show that all points inside all apartments are within 45 metres of a fire appliance. Any not within this distance will need to be mitigated by installation of domestic sprinkler or water mist system.

County Lead Local Flood Authority (LLFA): Further information required

[**Officer comment:** Further information has been received from the applicant in response to the LLFA response below. Their comment is awaited]

- Correct and up to date climate change allowance should be used. This ensures that the proposed drainage system is large enough to drain a 1 in 100 plus climate change event.
- Calculation of Qbar [average flood event], to determine whether the proposed drainage system is large enough.

Adur & Worthing Councils

Parking Services Team: Comments awaited

[*Previous comment:* There is no controlled parking zone in the area but there is limited available unrestricted on-street parking in the area. A Traffic Regulation Order

shows that double yellow lines and provision of parking would be required.]

Conservation and Design Officer :

The harm caused to the setting of the Grade II listed lighthouse was previously considered under proposal AWDM/1481/22, and deemed to be less than substantial. The current scheme has introduced a minor change to the roof form / silhouette of the proposed residential units flanking the eastern side of the application site. In the circumstances the harm is considered to still be less than substantial.

It is important to note that *less than substantial harm* covers a large range of harm, from almost substantial harm right down to minimal harm. The lighthouse was obviously designed to be seen clearly from ships at sea, and therefore other views are more incidental. Although the lighthouse sits to some extent in isolation, various buildings form a backdrop to its setting. The warehouse that used to occupy the application site no longer exists having been demolished a few years ago, and therefore this has currently left a very open site.

The proposed buildings will cause some harm to the setting of the lighthouse, although this is likely to be at a fairly low level of harm. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the heritage asset's conservation (NPPF, Paragraph 199). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Environmental Health Private Sector Housing . No Objection

Environmental Health Public Sector Health: Comments Awaited

[*Previous comments :*

Noise:

No objections provided there is effective mitigation, more work is needed on the acoustic assessment, to confirm that internal noise standards can be achieved with the proposed glazing arrangement. As windows will need to remain closed other than for access and egress onto balconies or for purge ventilation, alternative ventilation will be required along with an overheating assessment.

For apartments above the cafe a minimum airborne sound insulation value of 50 dB (DnTw + Ctr dB) is recommended by condition. This may make the commercial use more versatile and allows for later opening times if called for. Conditions should cover hours of use, and any external plant. Any music noise level measured 1m from any speaker shall not exceed 75dB(A) LAeq 1 min. etc would be helpful. A condition for only background music for commercial use up to 11pm.

Air Quality

The Assessment dated June 2021 concludes that the impact on local air quality will be negligible. As a minimum I would expect commitment to implementation of a car

club at this location, ideally linked to other car clubs in the area, with an ongoing commitment to its operation. A Construction Management Plan is recommended (covering mitigation in sections 10.1.3 and 10.2.2, in order to protect those residing and working within the AQMA's from air pollution

Electric Vehicle Charge Points are now required under Building Regulations.

Contaminated Land:

Standard contaminated land conditions recommended.]

Technical Services Officer (Drainage): Comments awaited

[Officer comment: Further information has been received from the applicant The comment Technical Services is awaited. The following is an abridged summary of their comment upon the previous application:

We request that standard rainfall durations are modelled, along with a variable head time tidal boundary to more accurately demonstrate whether the designed system will cope with tidal locking and not result in flooding to the development or as a result of the development. As per previous requests, the following scenarios should be modelled.

- a) a 30 year climate change rainfall event combined with a 2121 MHWS tidal event, to demonstrate no flooding;
- b) a 100 year climate change rainfall event combined with a 2121 MHWS tidal event, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere; and
- c) a 2 year climate change rainfall rainfall event combined with a 2121 200 year tidal event, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere. Coincidence of rainfall and tidal peaks should be considered.

The application is within flood zone 3. An emergency plan should be provided to evidence how safe access and egress will be provided.

Waste Services Officer: Comments awaited

[Previous comment: As long as drain covers and the surface can support the weight we have no issues with this as a collection access.]

South Downs National Park Authority: comments

The application site is some 1.6km to the south of the National Park boundary, along the A27. The intervening land cover comprises the built-up area of Southwick. It is therefore unlikely that there would be any harmful impacts upon the setting of the National Park.

Environment Agency: No objection

The following conditions to be attached to any planning permission granted: Adherence to flood risk assessment and levels and inclusion of rising flood barriers; contamination remediation strategy & verification when implemented; groundwater protection & approval of piling methods (over-piling of the river wall is very unlikely to be supported,

Southern Water Services : No Objection

Investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. A formal application for a connection to the public sewer should be made by the applicant or developer.

For surface water drainage a timetable for implementation should be specified, with arrangements and responsibilities for subsequent maintenance.

Shoreham Port Authority: Comments awaited

[Previous comment: The Daylight & Sunlight Lighting Impacts Assessment states that; “The impact of the internal and external lighting of the proposed residential development at the former Howard Kent site upon navigation within the harbour and River Adur are expected to be minor.”

The findings and conclusions look reasonable to the port, however, the unknown during the construction phase in which the design and equipment may be slightly altered could still cause an issue. Could there be a Reasonable Endeavours Clause [in the s106 obligation] from light emissions causing navigational issues assigned to this development for future alterations outside of the gia Charter Surveyor’s Daylight & Sunlight Lighting Impacts Assessment?

As previously discussed as part of the snagging process, a signoff action should be implemented for the light emissions to be checked at night from a vessel entering the port, comparing this to the gia report conclusions.]

National Highways: No objection.

Satisfied that the proposals will not have unacceptable impact on the strategic road network. Consideration should be given to modal shift away from privacy care use. A construction management plan should seek deliveries outside 8-9am & 5-6pm peak hours. Loose loads to be adequately secured.

Health & Safety Executive: Comments awaited

Historic England . Confirms no comment.

Suggests that views of the Council’s Conservation officer be sought

Brighton City Airport: No Objection

Recommends a planning condition for agreement of a Bird Hazard Management Plan. Also reminds the applicant of BS Code of Practice for use of cranes.

Sussex Police: Comments

No major concerns with the proposals, recommends the following of Secured by Design (SBD) and Building Regulations Part Q Security – Dwellings) to reduce the opportunity for crime and the fear of crime, creating safer, more secure, sustainable environments.

Residential:

- Control of entry to flats for authorised persons only, i.e a visitor door entry system or access control system and a recognised electronic key system. Postal arrangements to be through-the-wall or externally mounted secure post boxes.
- Communal parking areas must be within view of an active room (not bedrooms) within the property with direct and visual connection between the room and parking area. Cycle stores and footpaths to be secure-designed under SBD.
- Landscaping - ground planting should not be higher than 1 metre where windows of observation needed
- Lighting should also conform to relevant British Standard and mindful of light pollution/dark skies.

Commercial:

- It will be important to ensure, clear segregation of the residential and commercial elements and that the structure of this development is maintained so that the uses do not cause conflict with each other.
- Specifications are recommended for CCTV and installation of an intruder alarm; also consultation Police Licensing at Sussex Police in the event of alcohol sales.

Health and Safety Executive (Fire Safety) - Comments awaited

NHS Clinical Commissioning Group (CCG) - Comments awaited

[*Previous comment:* Requests a contribution from the applicant of £60,271, which will be used most likely towards the new health hub for Shoreham, or additional estate].

Adur District Conservation Advisory Group. - Comments awaited

[*Previous comment abridged* :“The large block of 8 floors will inevitably impact on the Kingston Buci conservation area with south views. A building of no more than 5 floors would be preferred & more in keeping”. Concerned about increased traffic, parking & air pollution and effect on climate change bearing in mind the site is within the JAAP local plan. Members recommend refusal.]

Representations 18 letters: 17 Objection, 1 Support

Support

Design and scale better than most of surrounding developments
Management of paired vehicular accesses need to avoid confusion

Objections

Overdevelopment, swamping of the area
Approach to Shoreham with large buildings will become gloomy
Eight storeys out of keeping; three storeys acceptable
Design out of keeping, poor quality
Setting of lighthouse ruined
Concern for future slums and blight
Lack of affordable housing, not proportionate to proposal for 45 homes
Provision of one bedroom flats does not help local families
Additional traffic and queuing in Brighton Road
Access close to dangerous bend with restricted visibility and safety risks
Access must not conflict with future cycle path
How much parking is provided?
Parking will use up existing parking for beach and lifeboat users
Wind-funnelling on river
Loss of light and privacy from tall buildings and roof gardens; should be 2-storey only
Canyoning effect and noise
Air quality impacts will increase - funds should be provided to construct cycle path
Additional efficient energy technologies should be used
Lack of green space; size of play area is unsuitable for families
South side of Brighton Road should be left open with development only on north side
Tree planting is essential
Lack of infrastructure: existing schools & medical are overcrowded
Inadequate sewers will be worsened.
Other sites outside flood risk area should be used
Lighting would distract vessels in harbour

Relevant Planning Policies and Guidance

Adur Local Plan (2017). Policies:

- 2 – Spatial Strategy
- 3 – Housing Provision
- 4 – Planning For Economic Growth
- 8 – Shoreham Harbour Regeneration Area
- 11 – Shoreham-By-Sea
- 15 – Quality of the Built Environment
- 16 & 17 – The Historic Environment
- 18 – Sustainable Design
- 20 – Housing Mix & Quality
- 21 – Affordable Housing
- 22 – Density
- 28 – Transport & Connectivity
- 29 – Delivering Infrastructure

- 30 – Green Infrastructure
- 31 – Biodiversity
- 32 – Open Space, Recreation & Leisure
- 34 – Pollution & Contamination
- 36 – Flood Risk & Sustainable Drainage

Shoreham Harbour Joint Area Action Plan, 2019 (JAPP). Policies:

- CA7 – Western Harbour Arm (Land Parcel WH7)
- SH1 – Climate Change, Energy & Sustainable Building
- SH3 – Economy & Employment
- SH4 – Housing & Community
- SH5 – Sustainable Travel
- SH6 – Flood Risk & Sustainable Drainage
- SH7 – Natural Environment, Biodiversity, Green Infrastructure
- SH8 – Recreation & Leisure
- SH9 – Place Making & Design Quality
- SH10 – Infrastructure Requirements

South Inshore and South Offshore Marine Plan, 2018. Policies:

S-PS-1 – Objectives & Policies

Other Supplementary Planning Documents, Guidance & Study Documents

- *Sustainable Energy – Supplementary Planning Guidance, (August 2019)*
- *Adur & Worthing Joint Open Space Study (including calculator) (2019)*
- *Guidance Note on Intertidal Habitats (2018)*
- *The Shoreham Harbour Transport Strategy (October 2016)*
- *The Western Harbour Tall Buildings Capacity Study (2017)*
- *Planning Contributions for Infrastructure Provision SPD (2013)*
- *Development Control Standards: Space around New Dwellings & Flats (ADC)*
- *The Provision of Service Infrastructure Related to New Development in West Sussex Part 1 (WSCC)*
- *Guidance on Parking at New Developments, May 2019 (WSCC, August 2019)*
- *National Planning Policy Framework, 2021 (NPPF)*
- *National Planning Practice Guidance 2014-present (NPPG)*
- *Technical Housing Standards – Nationally Described Space Standard (CLG 2015)*

Adur Local Plan (2017) – the development plan

The Adur Local Plan is the development plan for the purposes of determining planning applications. This document is now over five years old and work has commenced on its review. The age of the existing plan at 5 + years has implications for the weighing of housing delivery against its targets, when determining individual planning applications. This is considered in the housing need section below.

In accordance with NPPF, Policy 1 of the Local Plan supports the principle of development which is sustainable in terms of meeting economic social and

environmental objectives, including: the right types of development with provision of infrastructure; sufficient number and type of homes in well-designed environments and the protection and enhancement of existing built environments, minimising energy needs and pollution and adapting to climate change.

Policy 2 identifies Shoreham Harbour as a focus for development to facilitate regeneration through delivery of a mixture of uses including housing which will be delivered through a Joint Area Action Plan (JAAP). Policy 3 identifies a minimum housing requirement over the Plan period of 3,718 new homes (an average of 177 new homes a year) with a minimum of 1,100 of these new homes being delivered as part of the Shoreham Harbour Regeneration Area Western Arm (within Adur).

Policy 8 requires proposals to be determined in accordance with the JAAP and identifies key priorities for the Western Harbour Arm (WHA) which include its comprehensive redevelopment to become an exemplar sustainable, mixed-use area and sets out a range of applicable environmental criteria to achieve this.

Policy 15 requires high quality design to enhance and respect the prevailing character of the area in terms of size, design and layout contributing to local distinctiveness. It should avoid unacceptable impacts on neighbours in terms of privacy, light and outlook and should contribute to biodiversity. Where development affecting any heritage asset is permitted, policy 16 requires that it must be of a high quality, respecting its context and demonstrating a strong sense of place. The setting of listed buildings should not be adversely affected (Policy 17)

Under policies 18 & 19 Sustainable designs should include renewable energy, including provision to connect to a potential future Shoreham District Heating Network. Water efficient standards should achieve a target water usage efficiency (110 litres per person/day). Policy 29 requires that developments should provide or contribute to the provisions made necessary by them in terms of facilities, infrastructure and services. Major residential development, such as that proposed here, should also provide 30% of homes as affordable housing, under Policy 21

Shoreham Harbour Joint Area Action Plan, 2019 (JAAP)

The JAAP, which was approved in October 2019, covering regeneration of the riverside area between 2017- 2032 (the plan period). The JAAP contains policies SH1-9 which shape standards of development, such as high quality design, flood defence, sustainability, transport, employment, spaces and nature. The application site falls within the 'Western Harbour Arm' (WHA) which is also subject to the area-based JAPP policy CA7. This policy re-affirms Adur Local Plan's Policy 8 support for the delivery of a minimum of 1,100 new homes in WHA. The JAPP states a minimum density target of 100 dwellings/ha and mainly comprising flats.

Policy CA7 also allows for cafes, restaurants or shops. These are said to play an important role in harbour-side regeneration, if they are ancillary to the primarily residential and employment generating developments within the WHA area. It is noted that this position predates the introduction of the National Use Class E in 2021, which merged shops, restaurant and office uses together, alongside other uses such as light industry, health services and crèches.

Policy CA7 also states that:

- Developments should provide a continuous riverside path and to make provision for a segregated roadside cycle-path in Brighton Road; also linkage of new development to the future Shoreham Harbour District Heat Network.
- Residential development will need to be lifted up above likely flood level
- Flood defences should be integrated with high quality public realm
- Open space should be provided, although off-site improvements will be considered
- Green infrastructure should include appropriate planting along Brighton Road
- Development should include habitat creation, including enhancements at the riverside and protection of intertidal habitats or its compensation

The site is identified as land parcel WH1, and described as follows:

‘WH1, at the eastern end of the Western Harbour Arm Waterfront, has the dual function of forming a strong edge to Kingston Beach, helping to define the space, and to mark the gateway to the Western Harbour Arm. A key consideration here is the potential navigational impact of residential development. Discussions will be required with Shoreham Port Authority at an early point in the design process to ensure navigational issues are addressed’.

South Inshore and South Offshore Marine Plan (July 2018)

Policy S-PS-1 of the Marine Plan seeks to ensure that development in coastal and port areas does not harm protected marine environments, including two, which are located approximately 10 km to the east and south west.

National Planning Policy Framework (2021)

The National Framework is due to be updated in the coming months, prior to a further view later this year. The current 2021 version describes the purpose of the planning system and planning decisions as contributing to the achievement of sustainable development. Sustainability is characterised by three objectives which are said to be interdependent:

- Economic: a strong, responsive economy by ensuring the right development to support growth and by coordinating the provision of infrastructure.
- Social: strong, vibrant and healthy communities, via sufficient number and type of new homes, with accessible services and open spaces. In the 2021 NPPF, the need for well-designed places as part of the social objective is now accompanied by the description *‘beautiful and safe’*.
- Environmental; the protection of historic and natural environments including improvement of biodiversity, resource and low-carbon efficiency adapting to climate change and minimising waste

The NPPF states a presumption in favour of sustainable development which meets the development needs of the area; aligns growth and infrastructure; improves the

environment; mitigates climate change, (including by making effective use of land in urban areas) and adapt to its effects (Para 11a). Furthermore, under para 11c, proposals which accord with an up-to-date development plan should be approved without delay.

In cases where new housing proposals do not accord with the development plan, para 11d applies additional weight (a 'tilted balance') to the merits of housing proposals, if there is either:

- less than a five year provision of housing permissions, or
- if the rate of housing delivery is less than 85% of the required rate during the previous three years.

This tilted balance applies unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.'* (para 11d(ii))

As part of the Government's objective of significantly boosting the supply of new homes. It is important that *inter-alia*, the needs of groups with specific housing requirements are addressed. Where need includes for affordable housing this should be met on-site unless an off-site provision or appropriate financial contribution in lieu can be robustly justified (paras 60 & 63).

In the matter of development contributions, such as affordable housing or those related to infrastructure, it should be assumed that requirements based on an up to date Local Plan are viable. However, an applicant may demonstrate that particular circumstances justify the need for a viability assessment as part of a planning application. The weight to be given to such assessment is a matter for the decision maker, having regard to all the circumstances in the case, including any change in site circumstances since the Local Plan was brought into force (para. 58).

Regarding design, the revised NPPF (para 125) recommends area-based character assessments, design guides, codes and master plans to help ensure the efficient use of land at appropriate densities, while also creating beautiful and sustainable places. Significant weight should be given to well designed, sustainable development; that which is not well designed should be refused (para 134). Impact upon heritage must be considered and any harm must be weighed against any public benefits of the proposal if less than substantial harm (paras 194-203). Opportunities for tree-lined streets and new trees in developments should be taken, including arrangements for their long-term maintenance, compatible with highways standards and the needs of different users (para 131).

Approach to Decision Making

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended). This provides the applications 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, which requires the

decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 subsection (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a comparable requirement relating to Conservation areas and provides “In the exercise, with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” (The aforementioned NPPF para 194-206 attaches a similar test to development affecting their setting)

Publicity

The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the display of site notices, notification letters sent to neighbours, and a notice being displayed in local newspapers. Amended Plans were notified to 286 addresses in May 2022 with a 21 day period for responses. Further responses after this date are included in the summary of representations below.

The applicants have invited local groups and residents close to the site to a series of direct further discussions during August 2022. It is anticipated that the applicant will provide a summary of comments received as an update for the Committee.

Environmental Impact

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA development), regard has been given to environmental factors such as the change in physical scale of development at the site, as proposed by comparison with the previous commercial development, also to the need for remediation of ground contamination as part of the development.

Whilst the development is less than 1ha or 150 dwellings and is not considered to constitute “EIA development” for which an Environmental Statement would be required, this does not override the need to consider matters of environmental importance such as air quality, traffic, energy, impact, appearance and impact on existing neighbour and future residents, which have been subject of individual assessment in the current application. These are relevant considerations in the determination of this application and considered in the planning assessment below.

Planning Assessment

Principle of Development - Land Use

Principles SH4 - SH9 & policy CA7 of the Shoreham Joint Area Action Plan, 2019 (JAAP) and Policy 3 of the Adur Local Plan envisage development of a minimum 1100 dwellings in the Western Harbour Area (WHA) of Shoreham Harbour. These should provide a mix of sizes and tenures, including suitable family accommodation. Small scale ancillary retail uses may enliven frontages.

The amended proposal would produce a range of 1-4 bed homes in accordance with these principles and policy, including the first houses to be seen in the WHA. The number of one-bedroom apartments have been increased by 2. With commensurate reduction in the number of two-bedrooms. The small cafe (56 sqm) is unchanged. Its location and riverside terrace are also well located to add vitality to the new river walk.

The density remains as previously at 96 dwellings/ha, which is slightly below the minimum 100 dwellings/ha sought by policy CA7. This lower density was not a point of the previous refusal. Mindful of the higher densities already approved elsewhere in WHA (250/ha at Kingston Wharf and 199/ha at Free Wharf, (following the recent application AWDM/1315/22 - Committee meeting 6th February 2023), this is not considered to be problematic.

The site is also the smallest in WHA, whereby the land-take for accesses, footpath widening and new riverside walk, impose a proportionately greater impact on space for new buildings. The need to blend with the existing residential context (including existing houses opposite and Kingston Buci Lighthouse), also serves as a density-limiting factor here.

Transport provisions, according to JAPP policies and principles, should reduce reliance on private car use including innovative solutions, minimising surface and on-street parking space but with improvements to the highway network and public realm; also contributions to community and social infrastructure. Developments should be flood-defended, increase natural capital/biodiversity and improve access to the River.

These matters are described in detail later in this report but in broad terms the amount of parking (44 spaces, and in the **amended plan** possibly some additional driveway spaces in front of some of the townhouses) and provision of a car club as previously, is considered reasonable.

Improved footpaths on the three site frontages, including the wider roadside path, the new riverside path and a contribution to wider highway improvements by the Highway Authority are considered to meet the JAAP requirements. Contributions to health, education and open space would also be secured by legal agreement in accordance with JAAP and Local Plan policies.

Raised floor levels and flood defences are supported by the Environment Agency. New native-riverside and roadside planting would add to green infrastructure. The Port Authority was previously satisfied with the size and positioning of windows.

These are unchanged in the **amended plans**, minimising light spill onto the river for the sake of navigational safety. However, confirmation is awaited that the new pitched roofs with south facing integrated solar PVs, are also acceptable.

Sustainable Design and Energy

JAAP Policy SH1 combined with Local Plan Policies 18 & 19 require energy efficient building designs which demonstrate good thermal performance in order to minimise energy demand. As part of the policy requirement for low or zero carbon heating and cooling, development should achieve a policy target of at least 10% on-site energy provision by renewable or low carbon methods. The Council's Sustainable Energy SPD and its declaration of Climate Change Emergency in 2019, add further weight to this low-carbon approach and expresses the 10% saving in terms of CO2 reduction; it strives for even better outcomes.

The amended proposals have moved away from the previously proposed use of a combined gas-fired and solar photovoltaic (PV) approach, to a combination of air source heat pumps (ASHPs) and solar PVs. The ASHPs are to be installed individually for houses and communally for apartments. This implies that wet systems will be used to distribute heat and hot water in each case. The assumed efficiency of the ASHPs is said to be 300%,

Thermally efficient construction is also proposed, as before. Specifications for walls, roofs, windows and doors, would have thermal efficiency values around one third to one half in advance of the Building Regulations Regs baseline. A ventilation strategy for flats would be informed by an overheating analysis, which may require mechanical ventilation, at least in part of the building. Passive/natural ventilation is proposed for the 21no. houses, according to the energy assessment, making use of the dual aspects internal layouts. However, the acoustic report for the scheme indicates that houses on the north and eastern elevations, facing or close to Brighton Road, may also need mechanical ventilation, which will exert an energy demand.

The applicant's calculations for this new energy strategy, including the thermally efficient fabric and renewable energy generation, indicate a Co2 reduction of 35% against the Building Regulations baseline (Part L) of 2013. This is an improvement over the previously predicted 31.3% and is considered a reasonable outcome under the Sustainable Energy SPD. Confirmation has been sought that the proportion of energy from on-site renewable sources is at least 10% as required by policy.

Information as to the siting of the ASHPs has also been requested, in order to check for any visual impact. The PVs would be either roof-mounted behind parapets in the case of flat roofs, or integrated with the zinc roofing of the pitched roofs of the eastern and southern terrace, with little visual impact.

Confirmation has also been sought upon the energy/Co2 implications of the probable need for mechanical ventilation to some dwellings. It is noted that the detailed overheating and ventilation calculations are likely to require more detailed design work after planning determination. [In design terms the applicant has previously stated that this will not lead to a change in window sizes, which could otherwise affect the appearance of the development]. However, the predicted 35% CO2 your

reduction by comparison with the policy required 10%, suggests that there is scope for some reduction whilst remaining well in advance of policy as promoted by the Council's SPD.

A planning condition can be applied to require verification of the energy and CO2 saving outcomes of the completed development, with requirement for further improvements if performance is significantly below the predicted value. The use of water-efficient installations will provide a predicted water rate usage of up to 110 litres/person/day in accordance with policies 18 & SH1. The verification condition can also cover this expected outcome.

Future connection to a Shoreham Harbour District Heating System, is made possible for the apartments, by inclusion of a proposed basement plant room and pipework in the apartment block. This would connect to the communal wet system to provide heat and hot water to the apartments, in accordance with policy 19. Further connection to individual houses has not been specially catered for, although each of these would have a wet system.

Housing: Need, Mix & Affordability

Housing Need

Policies 3 and 8 of the Local Plan and CA7 of the Joint Area Action Plan of 2019 (JAAP) set out a minimum target of 1,100 new homes in the redevelopment of the Western Harbour Arm of the Shoreham Harbour Regeneration Area. This contributes to the wider housing target of 3718 homes for Adur up to 2032.

Since adoption of the JAAP, a total of 803 new dwellings in the Area are under construction at the neighbouring Kingston Wharf and at Free Wharf and 14 apartments completed at Humphrey's Gap corner. The proposal would bring the total to 862 which represents 78% of the minimum target. This would increase to 1045 / 95% if current proposals AWDM/1473/21 for the Frosts site, 69/75 Brighton Road are approved.

Although the uptake of the development potential allocated by the JAAP and Local Plan has been extremely good within the Regeneration Area, the wider rate of housing arising from commitments (sites with planning permission and allocations) for Adur overall, has been slightly below the target required under the National Planning Policy Framework (NPPF).

The latest figures for the Five year Land Supply were published last year and have a base date of 1st April 2022. This indicates that at that point there was a 4.8 year land supply but since that time the Local Plan is now regarded as out of date (in housing delivery terms) being beyond 5 years from adoption and measured against the current housing delivery requirements there is a much greater housing shortfall.

The rate at which approved new housing has been completed in the Local Plan area has also been below that required by the NPPF. Over the three year period 2018/19-2020/21, the number of housing completions has been 353 against a 457 target, i.e. 77 percent against the NPPF's required 85 percent. As such a 20%

buffer is added to the Five year Land Supply Test (and an Action Plan produced). The presumption in favour of sustainable development is not triggered by the Housing Delivery Test as the delivery exceeds the 75% threshold. However, your Officers anticipate that the 2022/23 period which will be published shortly will show that we did not exceed 75% due to the redevelopment of existing housing sites such as the Mannings in Surry Street (HDT based on net completions) and therefore the Council would be a presumption authority under this as well as 5 year supply assessment.

It is clear therefore that the tilted balance is triggered and there is a presumption in granting this sustainable development unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.'*

Housing Mix

The amended plans have adjusted the mix of dwellings by substituting two of the previous two-bed apartments for one-beds. The resulting mix is summarised in Table 1, including the percentage of each size. The right hand column gives the percentage of needs identified in the Council's Assessed Needs Study of 2015 which was undertaken to inform the current Local Plan.

Table 1: Proposed Dwelling Sizes and Need*

Size	Amended Proposal	Previous Proposal	Need
1 bed	5 (11%)	3 (6.7%)	35%
2 bed	16 (35%)	18 (40%)	60%
3+ bed	24 (53.3%)	24 (53.3%)	5%

Table 1 shows that the amended development in isolation bears little resemblance to the percentage dwelling sizes required across Adur District; notably the 53% of 3+ bedroom homes is far above the 5% need and the number of one-bed homes is far below.

Table 2 adds the proposed mix to the overall mix in the Shoreham Harbour Regeneration Area (the Free Wharf figure includes the 39no. additional homes approved at the Committee meeting of 31st January 2023). Comparison of the percentages in the 'Combined' and 'With Proposal' columns shows that the effect of the current proposal makes very little difference to the percentages of one and two bedroom homes in the Shoreham Harbour regeneration area.

Each of the percentages of 1,2 & 3+ bed sizes are within 2% of the percentage need for each dwelling size. This indicates that the slight increase in one-bed homes is in keeping with demand; also that there is scope to accommodate the high proportion of three and four bedroom homes (53% of the current proposal) without harming the

wider mix-strategy.

Table 2: Dwelling Numbers & Sizes at Shoreham Harbour

Approved Dwellings					With Proposal	Need
	Kingston Wharf	Free Wharf	67 Brighton Road	Combined (%)		
1 bed	87	200	10	299 (34.9%)	304 (33.7%)	35%
2 bed	149	366	4	519 (60.6%)	535 (59.4%)	60%
3+ bed	19	19	0	38 (4.4%)	62 (6.9%)	5%
Total	255	587	14	856	901	

As in the previous application, in design terms the significant proportion of houses allows the development to make a transition in scale between existing two-storey housing in Brighton Road, and the scale of the proposed apartment block at the western end of the site, which adjoins the 4-8 storey apartment blocks under construction at Kingston Wharf. The unique addition of houses made by the proposal, broadens the range of households which can be accommodated in the regeneration area, in accordance with its aim for mixed and balanced housing.

Affordable Homes & Viability

The amended proposal now includes provision for five shared-ownership homes, (one house and four apartments) by contrast with the payment in lieu of £181,598, offered previously towards off-site provision. This represents 11 percent of the proposed homes and is a marked improvement over the previous proposal. The applicant explains that this is achieved through a combination of savings from changing material prices and the receipt of an offer from an affordable housing provider, Landspeed Homes (whose other sites include several in Arun, Mid Sussex and Lewes), which has created greater developer confidence and less risk.

In policy terms, this offer remains below the required 30 percent of affordable homes and the viability assessment undertaken for the previous application has been updated in accordance with national (NPPF) guidance, and is under review by the Council's consultant.

The applicant's viability update uses the land value, construction and fee costs identified in the Council's previous review and the other financial contribution costs expected in a s.106 Agreement (highways, education, open space etc.). It also

includes a confirmatory letter from Landspeed, of its offer for the affordable homes.

This viability assessment includes the revenue impact of the shared ownership offer; the affordable homes are said to provide 65% of the income of market housing, which accounts for a £427k reduction. This is greater than the £181k in lieu payment offered previously. The added design costs (£150k for the new roof design and £75k for the play area) are included and there is consideration of. Slowing house price increases and higher borrowing costs, although it is concluded that local demand remains steady.

The conclusion is that the overall market value of the development is less than half of that identified in the Council's previous review; respectively £515k and £1.178m, the reduction due largely to a combination of the added design and play area costs and provision of affordable homes. The applicant's consultant concludes that *this falls well short of being able to provide any additional affordable housing pot contribution.*

NPPF and Policy 21 require that any viability assessment is robust and independently assessed, if the exception to affordable housing, which may be considered under these policies and guidance, is to be accepted. Accordingly an update will be given upon the outcome of the Council's independent peer review. If accepted, the proposed five shared ownership homes would form part of a s.106 Agreement for the development.

Cafe Space

The small cafe space of 56 sqm remains as previously proposed, with its associated riverside terrace in the ground floor frontage of the apartment block. This would be well located for users of the river walk and would be accessible from Kingston Beach a short distance to the east. This (Planning) Class E commercial use is supported by JAAP and Local Plan policies. It is possible to limit it to sub-classes E.a) & E.b) such as to allow either food and drink or retail uses, but not other Class E uses such as creches, gymnasiums, offices and light industry, which may lead to other effects on future residents in the block immediately above and closeby.

Also in the interests of residential amenities, it is recommended that hours of use are as follows:

Monday – Saturday 07:30 – 21:00

Sunday & Bank/Public Holidays: 08:30 – 20:00

No use of the café terrace before 08:30 on any day

Planning conditions are also recommended by the Environmental Health officer to require internal sound insulation, the control of odour extraction and ventilation equipment, including its effectiveness and acoustic /vibration qualities; also to control the volume of amplified sound and future signage, particularly illuminated signage, mindful of river navigation and to some extent the riverside setting of the listed Lighthouse.

Subject to these provisions, the use is considered to make a positive contribution to

the recreational value and vitality of the new riverwalk and the nearby Kingston Beach.

Design, Size and Heritage

The amended proposals are directed towards the previous reason for refusal, which was based upon the impact of the previous scheme on the setting of the listed Kingston Buci Lighthouse at Kingston Green and Beach to the east. The harm was due to the inter-related design and size of the proposal. This harm was not considered to be outweighed by other benefits, particularly given the lack of affordable housing, with only a payment in lieu. The reason stated:

AWDM/1481/22: *The proposal, by reason of its scale, height and design, is considered to cause harm to the setting and the significance of the designated heritage asset, Kingston Bucci lighthouse. Whilst this is considered to be less than substantial harm, the Local Planning Authority does not consider that there are public benefits of the proposal sufficient to outweigh this harm, the under provision of affordable housing provision contributes to this lack of outweighing public benefit. The proposal is therefore contrary to the following Policies of the Adur Local Plan, 2017:- 15 (Quality of the Built Environment and Public Realm); 16 (A Strategic Approach to the Historic Environment); 17 (The Historic Environment); 21 (Affordable Housing) and Policy CA7 of the Shoreham Harbour Joint Area Action Plan 2019 (including the associated paragraph 4.7.70) and paragraphs 199-200 & 202 of the NPPF, 2021.*

Following this refusal, the applicant's consultant has considered the heritage significance of the listed lighthouse alongside the evolution of amended proposals. The resulting changes are focused on the eastern terrace at the site boundary, which would form a new backdrop to the lighthouse when viewed from the east, and the southern elevation, which would be seen from the river and harbour mouth. Fig 5 & 6 shows comparisons between the proposed and previous plans.



Fig 5. Eastern View: Amended Proposal above, Previous below



The key change in the amended proposal is to the roof of the eastern terrace in figure 5. The long horizontal area of the flat roof above the top floor window has been pared-back to the window heads and replaced by a series of south-facing pitched roofs. Their rise and fall dips slightly below and above the height of the original horizontal roof-form, which is intended to break up the silhouette and solidity of the roof and overall profile, with segments of skyline laced in-between its angles.

This treatment also serves to distinguish the eastern terrace from the proposed apartment block in the background and give a stronger sense of the air-space in between the two. The stepped footprint of the southern end of the terrace is also accentuated by the slight concealment of part of the north face of the southernmost roof by that of its neighbour.

The mass of the resulting form, whilst only slightly changed, is visibly softened by the more sculptural saw-tooth profile. It is noted that the Design Review panel at an earlier stage of design evolution, had recommended the use of a simple roof form and that the use of repeated triangular forms echoes the simple tradition of the series of south-facing pitched roofs of the existing terraced houses to the north. A practical benefit of this design change is the ability to integrate solar PV panels into these roof slopes.



Fig 6. Southern View: Amended Proposal above, Previous below



A similar change to the amended southern elevation is shown in figure 6 . Here the rise and fall of the skyline also produces a softer edge to the form and mass of the building together with the slight curve produced by its stepped footprint. In the background and behind the lighthouse, the design influence can be seen in the form of the existing pitched roofs of terraced houses.

Heritage

The amended proposals and their heritage impact must be assessed under NPPF paragraphs 199 – 205 and policy 17. As already mentioned the significance and setting of the lighthouse and other heritage must be assessed. Any harm, even if it is less than substantial, must be weighed, including any public benefit of the development.

In consideration of the lighthouse, this is a Grade II listed building, constructed around 1865. It is associated with the Victorian growth in trade, wharfage and industry throughout the harbour & riverside. Its architectural significance is present in its tapering stone tower with moulded plinth and head, supporting the polygonal lantern structure and globe. Its functional significance is largely due historically to its visibility from the harbour mouth and sea.

Onshore, the original openness of its setting on the coastal road was reduced by buildings in the late Victorian and early-mid C20th period which has somewhat impacted upon the significance of views towards the lighthouse from the coastroad; these buildings were also of utilitarian appearance with no positive impact on the setting of the lighthouse. The immediate openness of Kingston Beach setting remains but there is some impact from the 2011 lifeboat station when viewed from the east in Brighton Road and from the harbour, as can be seen from the photo with the previous Howard Kent warehouse on the site, now demolished, at fig 7.

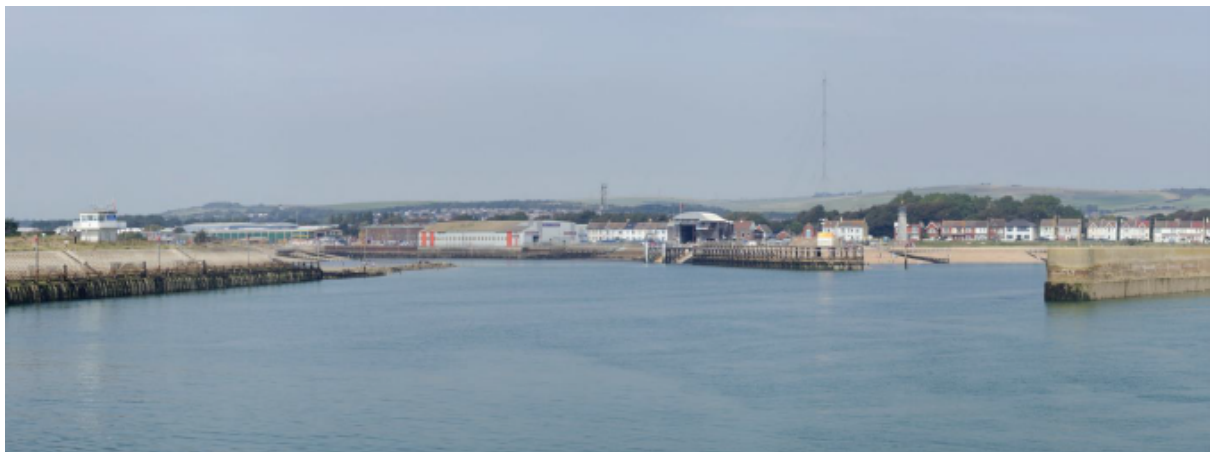


Fig 7. Harbour-mouth view of the lighthouse and site
(prior to-demolition of Howard Kent warehouse building)



Fig 8. Image of the lighthouse from Brighton Road (with development proposal)

The impact of the proposal upon the setting of the lighthouse is not considered to arise from the principle of new buildings, since the setting was occupied by the large Howard Kent warehouse building visible in figure 7. for many years.

Height has been considered previously in the Council's Tall Buildings Study of 2017. The Study noted the townscape and heritage importance of the Grade II listed Kingston Buci lighthouse in combination with the terraced houses in Brighton Road, for instance the view received from the east. In order for the lighthouse to remain its visual dominance and for it to remain above the skyline for 50% of its height, the Study recommended that development heights in the area to the west of Kingston Green & Beach should be limited to 4 storeys (12m) within the first 170m from the Green and up to 6 storeys (18m) within 260m.

If followed, the Study recommendations would limit all development on the application site to four storeys, including a distance spanning the first 75m of Kingston Wharf, only rising to six storeys some 165m west of its boundary with the current application site.

In considering the height proposed the Design Panel (December 2021) considered the proposed height, including an eight storey block to be acceptable in principle:

'We believe that the most important historic views [of the lighthouse] are from the sea. The land views are secondary to its historic significance and as such, should not constitute a reason to refuse the application. It is however a distinctive historic feature in the local townscape, along with the open aspect to the south, and this development as the interface between the redevelopment of the JAAP area and Kingston Beach should acknowledge this significance. The design of the west-facing arrangement of volumes and the silhouette of the development should respect and reflect this context more thoughtfully'

It is notable that this tallest part of the proposed development is at the western end of the site, relatively distant from the lighthouse, with terraces stepping down closer towards it. The large mass of the modern lifeboat station already contributes to this setting, in views from the water and Brighton Road. The spaciousness of the Green and Beach in the immediate setting of the listed lighthouse are however, unchanged.



Fig. 9: Proposed Materials

The applicant's heritage assessment also considers the greater design quality of the proposed building, in contrast to the utilitarian character of the demolished warehouse. It is agreed that the proposed building is a more considered series of related architectural forms, with the use of well-related proportions, (as evident in the shapes and sizes of windows and openings). The penthouse of the apartment itself, creates a distinctive and light-weight tapering form, which is slightly evocative of the lighthouse lantern.

Design unity is reinforced by the palette of material in figure 9, comprising contrasted light and red bricks and the coloured-zinc cladding and copper panelling, including the new pitched roofs, which produce a consistent and far superior standard of design. Officers have reservations and consider that a brick shade which is closer to that of the lighthouse would be more appropriate here than the grey shown in fig 9, but acknowledge that this is a matter of judgement. Samples of materials would be required by planning condition.

One current unknown is the impact of any external air source heat pumps. If mounted on any externally visible part of the proposed buildings, these may affect its appearance. Further information has been requested and an update will be given.

Taking all of these considerations into account, whilst it may still be argued that the singular distinctiveness of Kingston Buci Lighthouse would be affected by the larger buildings, the amended roof forms have introduced a softening and a greater suggestion air-space at the skyline. The resulting slight shift in the massing of the buildings and the design referencing the existing terraced housing, as a long-standing part of the setting of the lighthouse, is considered to tilt the balance of impact away from an unacceptable one, to one in which any harm is less than substantial.

In terms of heritage policies and guidance, it is important that this conclusion is weighed alongside any benefits of the scheme, particularly any public benefits. This is considered in the final summary at the end of this report.

In relation to other heritage assets at Kingston Barn (Grade II); St Julian's Church (Grade I); Shoreham College (Grade II); The Old Rectory (Grade II); Shoreham Fort (Scheduled Monument), the heritage assessment concludes that impacts are unlikely due to distance and lack of / or limited intervisibility with the proposed development. A conclusion which is broadly similar to that of the officer report concerning the previously refused application; these heritage assets did not form part of that refusal and the impacts of the amended scheme are not considered to differ in this regard.

Highways, Access & Parking

Access and Traffic

As previously, the proposal includes two vehicular accesses as shown by red arrows in Fig. 10 below. The eastern access, in the location of the existing site access, would serve the courtyard of 21 houses. The western access, near the boundary with Kingston Wharf, would serve the apartment block, with one staff-parking space for the café. Pedestrian access, via steps and wheelchair ramps are shown in blue.

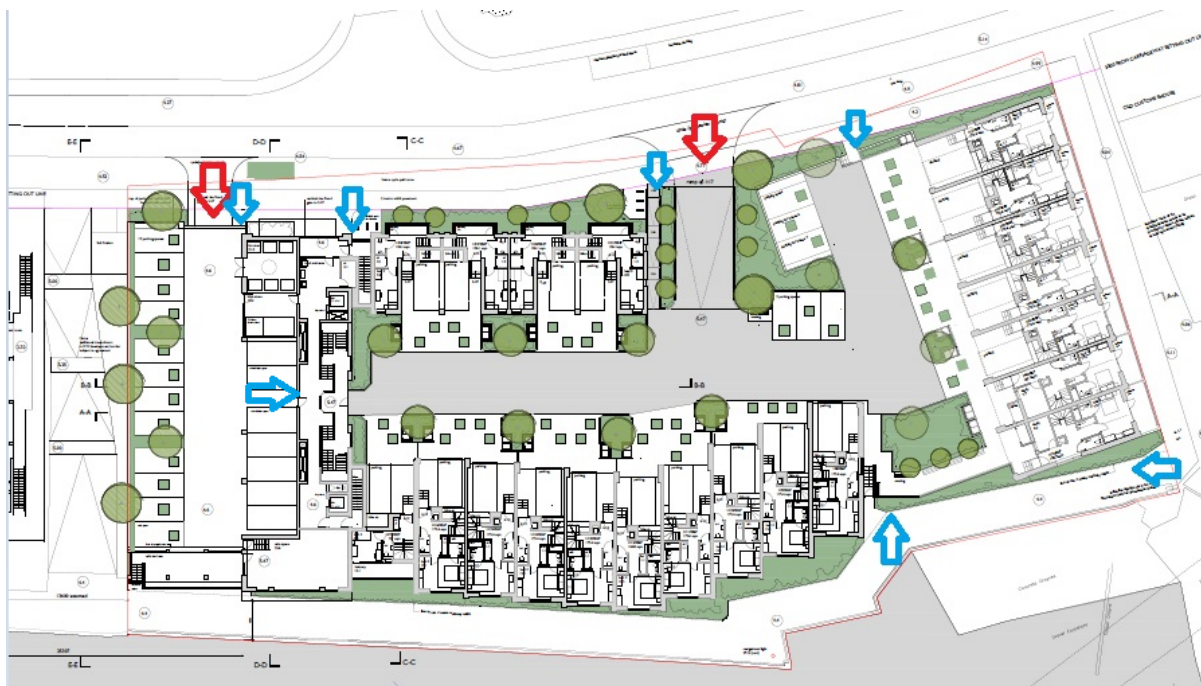


Fig 10: Site Layout - Accesses

The Highway Authority is satisfied with the predicted additional 11 AM peak and 15 PM peak trips arising from the development, and the visibility at the accesses along with pavement widening, using land dedicated from the site. This would be secured by s.106 Agreement along with a highway improvement contribution of £145,074 for other works within the District. The wider pavement would allow for a bus shelter and later construction of the future Brighton Road cycle path. Details of interim crossing designs and any signage at the intersection of the accesses have been requested.

The Highway Authority was previously satisfied with the 44 parking spaces and car club offer. Parking spaces are shown in figures 10 & 11; those for the town houses and half of those for the apartments, are in undercroft locations.

In the amended proposal the applicant has sought to increase parking by the use of the driveway spaces in front of the town house undercrofts; the Highway Authority has asked for details of how this might be achieved, given the need for a central keep clear area for service and emergency vehicles, which is shown in figure 11. This is discussed in the Parking section, below.

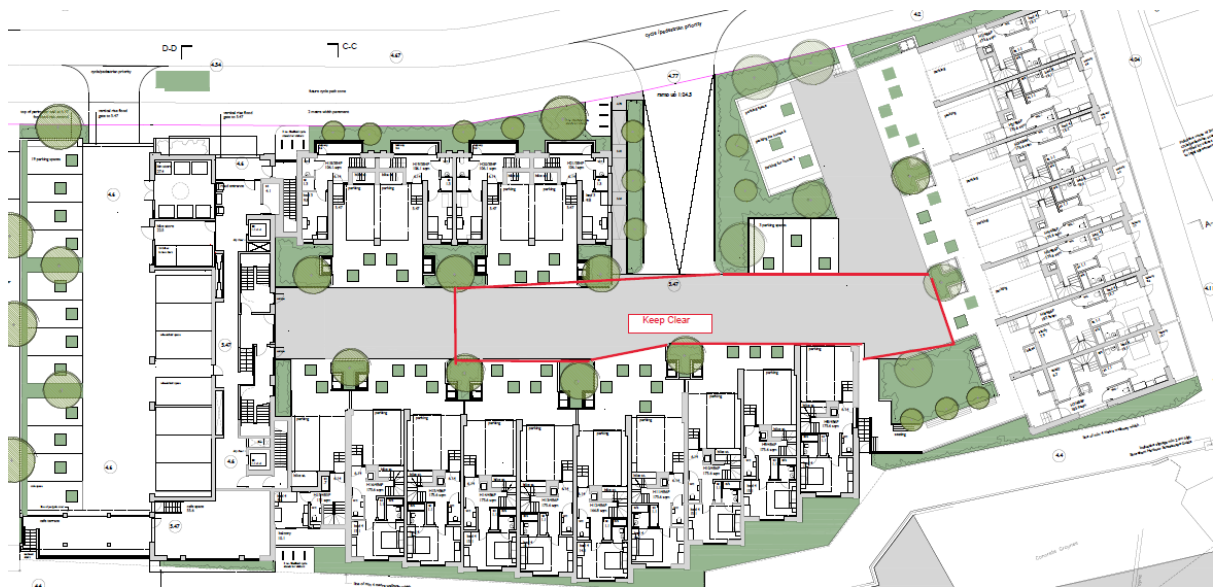


Fig 11: Keep Clear area (shown in red)

At the riverside a 4m wide foot & cycle path would be created by the provision of land from within the site, also via s.106 Agreement; this would link to the neighbouring path provided by the Kingston Wharf development.

The amended proposal formalises the applicant's previous offer to surface the public right of way (PROW - FP3556) outside the eastern boundary with Kingston Beach. This is currently uneven and only part-surfaced. A planning condition could secure this improvement with detailed works to be approved by the County Rights of Way office. This would ensure a surfaced connection between the riverside route and Brighton Road, albeit cyclists would be required to dismount along the PROW. A longer term route may be found to the east in future, but this is outside the scope of this planning application.

Parking

The amended proposal shows 44no. parking spaces as previously. The applicant hopes to increase this by use of some of the courtyard driveway area, which is discussed further below.

The 44no. spaces comprise one per house and 18 to serve the flats. Four visitor spaces are included and one space for the café. Table 3 below summarises the proposed provision. It also compares these with County Parking Guidance 2019 for Parking Behaviour Zone (PBZ3), within which the site is located.

Table 3: Parking Proposed* Compared With WSCC County Guidance

*This does not include any additional courtyard driveway spaces

Type of Car Space	Number of Spaces		Notes
	WSCC Guide PBZ3	Proposed*	2 spaces are for wheelchair users (4.5%)
Houses	45	21	All spaces have EV charging points
Flats	28	18	
Cafe	3	1	Café: WSCC guide =1 space per 25sqm + 1 per member of staff
Visitors – <i>Allocated or</i>	9	4	Visitor parking: WSCC ratio is 0.2/dwelling where non-visitor spaces are allocated to dwellings.
Visitors <i>Unallocated</i>	5		
Total	81 or 85	44	

Table 3 shows that the 44no. spaces fall below the parking demand for PBZ4 of between 81 and 85 spaces. The under-provision for apartments is 10no. spaces (36%) and for houses it is 24no. spaces (53%); also 2no for the café.

In support of this level of provision, census data (2011) for the Southwick area indicates that 50% of households in apartments have no car, which supports the 36% under provision.

Census data for houses shows that 20% of households have no car and 50% have one car. If this is applied to the proposed development, which provides one parking space per house, 70% of the houses would be adequately served. The under-provision is therefore 30% (7no.) houses which, according to census data, would likely have more than one car.

In response to this, the applicant has sought to identify additional driveway spaces within the townhouse courtyard. By examination of the opposing rows of under-croft parking spaces these are typically separated by more than the requisite 6m separation and manoeuvring distance; most are between 11m – 16.5m, with two being 6.4m - 8.4m.

By use of these measurements and comparison with the keep-clear area in fig. 11, it appears possible that some additional spaces could be found. Although this is unlikely to provide the +17no. spaces to which the current application refers, it is possible that +7no. might be identified. This is subject to provision of a plan to be considered by the Highway Authority.

A consequence of any additional courtyard spaces is the dilution of the landscaped courtyard character and its amenity value, a factor warned against by the Design Panel. Furthermore the arrangement would place great reliance on future private management of the courtyard, to reduce the risk of unplanned parking. Residents may assume that each townhouse would have equal entitlement to a second driveway space but some would conflict with the keep clear area. Lastly, the additional spaces may be regarded as contrary to planning policies which promote lower levels of car ownership.

Whilst the number of workable additional spaces is yet to be identified (an update will be given), the applicant proposes to include at least one car club space, with paid membership for 2 years per household (houses and apartments) and a £50 drive-time voucher. A Travel Plan would promote public transport and cycling, possibly a voucher for the incoming residents to spend on these modes. This element is consistent with policies to promote less reliance on private car ownership and can be secured by a combination of planning conditions and s.106 Agreement.

It is also noted that the amended proposals now include EV charging points for all parking spaces to houses and the apartment car park. This is well in advance of current policies and Building Regulations and provides a good degree of sustainability future-proofing. The applicant has been asked to identify whether there is further scope for cycle storage, as recommended by the Highway Authority, and an update will also be given on this point.

Residential amenity - for proposed dwellings

Internal Space

In the amended proposal, the internal rearrangement of apartments has now achieved dual aspect homes throughout the development. Some of those at the ends-of-terraces are triple-aspect, as are several of the flats above the third storey. Otherwise, this assessment of internal space remains as previously.

The proposed 21no. houses mostly comprise four-bedrooms (17no), and four of them are three-bedroom. These would house a potential total of 118 people. The proposed 24no. flats are largely two-bedroom (18) with three each of one-bedroom and three-bedrooms. These would house a potential total of 71 people, bringing the residential total to 189 people.

In each case the dwellings would exceed nationally described space standards; houses are between 15 – 53 percent above and most flats are between 0.7 – 3.5 percent above; the three-bedroom penthouse is 8 percent above. Therefore the internal space is acceptable in each case.

All flats are on a single level with dual aspect living areas, each is accessed by stairs and lifts from the ground floor hallway. The layout appears to provide convenient access to future occupiers and allows for cross-ventilation of each apartment.

All houses are aligned to face either north and south or east and west. Whilst bedrooms are largely single aspect, each house has a semi-open-plan living space

with openable windows facing in each direction. This also provides for cross-ventilation of each house.

Therefore, internal layouts meet space requirements and with a few points of reservation, are considered to provide good internal amenity. The points of reservation concern flats at the northern end of the apartment block, which rely heavily on windows in the noise sensitive frontage to Brighton Road and to a lesser extent those of the adjoining northern terrace of proposed houses. The design quality of individual entrance areas in the under-croft parking bays is a further point of reservation. These are discussed in 'External Relationships: Light, Privacy & Noise' below.

One further observation is the proposed location of open-plan living space on the top floor of houses. This arrangement provides direct access to spacious, individual roof terraces. However, it also means that daytime living space is reached by two flights of stairs. Whilst this has little weight as a planning consideration, it may have convenience impacts on future occupiers.

External Relationships: Light, Privacy & Noise'

The western face of the proposed apartment block, its windows and balconies would face the approved neighbouring block at Kingston Wharf, also containing windows to habitable rooms. The proposed distance between the two buildings would be approximately 26m, this is similar to distances used between blocks at Kingston Wharf, although it is slightly below the minimum 28m distance sought for light and privacy in the Council's Supplementary Planning Document: Space around New dwellings and Flats'

The other proposed buildings would be grouped around the communal central courtyard. Distances between the facing windows of the 3 & 4 storey northern and southern terraces would be between 16.5 – 18m, and 1.8m less than this where facing towards a balcony. Much of the eastern terrace is 30m away from the others, although its southernmost pair of houses would face the end wall and windows of the southern terrace across a much lesser distance of approximately 14m,

Privacy: These distances are much less than those indicated in the Council's guidance (22 metres between two storey properties), and although windows have been positioned with care, there will be a significant degree of overlooking between facing neighbours across the central courtyard. Such relationships and impact seem to be unavoidable where two rows of terraced houses are proposed across a site of tapering width.

On this matter, the Council's SPD allows for on-merit judgements to be made. National Guidance (NPPF – para 125) also recommends flexibility, particularly in the case of high density development. The current proposals are for a density of 96 dwellings/ha which is slightly less than the minimum target density of 100/ha for the harbourside regeneration area. It is likely that a redesign to increase spacing, would affect the amount of development achievable here, and further-reduce its density below the target level.

Another consideration is that these lower spacings are sometimes found in streets of

houses where 'homezone' principles are used, (streets with shared and informal intervening spaces rather than conventional roads and pavements). Among the Shoreham Harbour developments approved to date, the proposed development of this site is unique in the inclusion of courtyard-houses rather than apartments. It is therefore considered reasonable that this flexibility is applied to the spacing between them.

Light: These relationships are considered reasonable in terms of privacy but they have also been tested in terms of natural light penetration using methods recommended in best practice guidance by the Building Research Establishment (BRE), supported by National Planning guidance (NPPF, 2021)

This assessment found that 95% of all proposed habitable rooms would meet or exceed guidelines for natural light, with 87% of rooms also achieving the target skyline visibility guideline for new homes. The 11no. affected rooms are only marginally below one or other of these targets (0.1% - 0.2%), and are bedrooms, where this is less significant than in the case of rooms in typical daytime use.

The Design Panel strongly recommended assessment of any amended plans to ensure adequate light penetration, including the interior of the courtyard to encourage successful tree and shrub growth and amenity use.

In the amended proposal It is noted that the light assessment predates a reduction in the size of the apartment block, which happened during the course of the previous application. It now also predates the introduction of the pitched roofs to the southern terrace. These changes are likely to have either beneficial impacts or insignificant negative ones. A qualitative professional addendum to the original report should suffice and is awaited. This can also address the need for a more detailed explanation of the relationship of the proposed apartment block upon the neighbouring block approved at Kingston Wharf, as referred to in the Residential amenity section concerning neighbouring dwellings, later in this report.

Noise and Ventilation: As mentioned, the use of dual aspect layouts throughout the development provides opportunity for natural ventilation, particularly on the south-facing and courtyard elevations, away from the noisier roadside.

A specialist noise assessment has concluded that the northern elevation facing the road, and some side elevations will be subject to road-noise levels which require a higher standard of acoustic glazing; also that mechanical ventilation with heat recovery is likely to be required in these places.

It is noted that many windows on the north elevation are smaller than other elevations and tend to serve stairs, hallways and bathrooms, rather than main habitable rooms. The notable exception is the north-facing flats, where lounge-kitchen, bedrooms and balconies are located with smaller secondary side-facing windows. These, and side facing units, will rely heavily on mechanical ventilation, with the opportunity to open windows for periods of room-purging.

The Environmental Health officer previously recommended that further information be provided to confirm that internal noise standards can be achieved with the proposed glazing arrangement. The applicant has confirmed that this can be

provided without changing the sizes of windows, but this advice needs to be refreshed, with support from the acoustic consultant. Advice is awaited as to whether an overheating assessment is required in advance of a planning approval, or whether it can be dealt with under planning condition; also a future management plan as part of a s.106 Agreement. An update will be given.

Outdoor Space

The amended proposal gives greater detail concerning proposed planting for the townhouse courtyard, with a tendency towards shade-tolerant plants. This semi-landscaped space is shown to be edged with shrub-filled planters, in response to Design Panel advice which recommended that the courtyard should provide shared amenity space for the residents, more planting and less vehicular circulation space. Details of planting densities, trees and maintenance would be required by planning condition.

For the green- roof of the roadside terrace, planting is described as tolerant to harsh and variable weather. Details can also be required by planning condition

In the south-east part of the courtyard, fronting the river, a communal planted space of the previous proposal has been slightly enlarged and re-cast as a mixed seating and children's play area, with three elements of play equipment and riverside-facing benches, framed by planting.

As previously, individual apartments would each have a balcony, the depth of which has been increased to 1.8m in almost all cases, as recommended by the Design Panel. Seventeen of 21no. town-houses has a roof terrace, typically 25sqm and all of them have a balcony, those without terraces have larger balconies facing into the courtyard. As such the proposals provide a degree of outdoor space for residents, and for many homes a direct view of the river and/or Kingston Green & Beach.

Also, as previously, privacy for ground floor bedrooms of future residents has been addressed by the provision of increased shrub planting along the roadside. Along the external pathway edges to the riverside and Kingston Beach, bedroom floors are approximately 1.7-1.8m above path level, (see Fig. 12 below) so that even floor-to-ceiling windows, as proposed, will be above most pedestrian's eye-level.

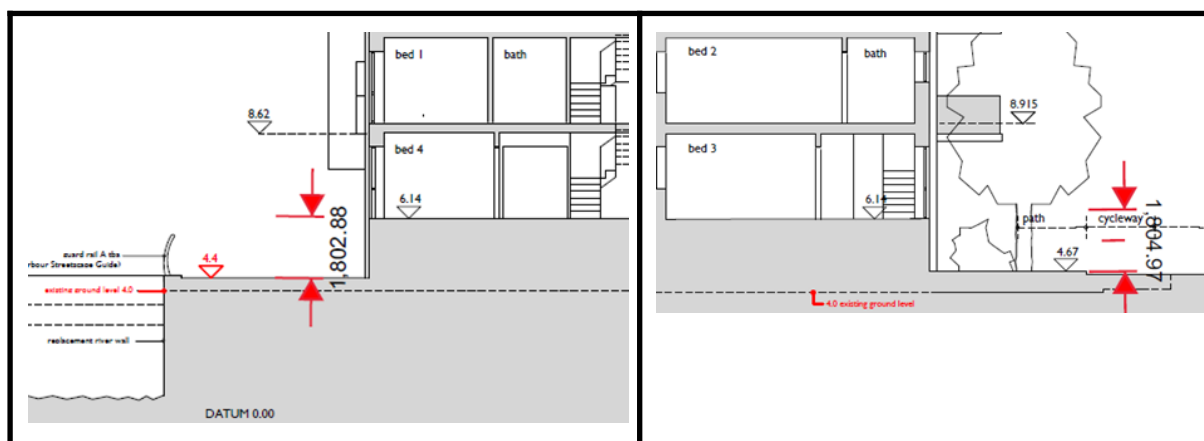


Fig. 12: Ground Floor Rooms - Heights relative to public paths

An added safeguard is the proposed use of frosted in the (low-level) glass balcony screens along the eastern elevation and for the lower sections of bedroom windows along the southern side. Details can be required by condition to ensure effective obscuring and appropriate external design at these prominent site edges.

In common with other harbourside developments approved hitherto, the proposal provides public amenity value by the provision of the riverside path. This also serves to connect residents of the proposed development to Kingston Green and Beach via a gate in the proposed boundary wall, so that residents have access to public outdoor space. However, the provision of other types of outdoor space and play opportunities will rely upon the making of a financial contribution. A figure of £130,000 has been calculated, using the Council's recently adopted Open Space Study and Calculator. This would also be secured as part of a s.106 Agreement.

Residential amenity - effect on existing dwellings

In the amended proposal, distances and relationships to neighbouring properties, including windows, are unchanged. Aside from the updated consideration of light impacts below, this assessment of effects on neighbours is as previously stated in September 2022.

In consideration of neighbouring privacy it is noted three dwellings of the proposed western terrace would face existing houses in Brighton Road, including relatively small kitchen and sitting room windows at second floor. The intervening distances of 21m – 24m are considered reasonable in relation to privacy in the context of this well-used street.

The northern end of the proposed eastern terrace would also face three existing houses across a similar distance. Landing room windows are proposed at first and second floor, with a fairly large, secondary window to the third floor family room and glazed opening to the rear terrace leading from the room.

A neighbour has raised the question of limit inter-visibility from these vantages, including the roof terrace which is taller than the existing houses and may have a downward line of sight towards existing windows. In consideration of this it is noted that a person in a seated position on the roof terrace would be behind the masonry parapet. However, a suggestion has been made to the applicant that windows, including the glazed terrace opening, might be obscure glass. Whilst the factor of distance across the well-used street must be considered in determining whether such an arrangement would form the basis of a planning condition, an update will be given upon the applicant's reply.

In consideration of impacts upon natural light, at neighbouring properties, an assessment has been undertaken in accordance with Building Research Establishment (BRE) good practice guidelines. National Policy advises that such tests are not definitive and should be applied flexibly. The BRE-type assessment has considered the impact on natural light reaching neighbouring windows by measuring the volume of the proposed building which would fall within the 25 degree angle measured from the centre of existing windows.

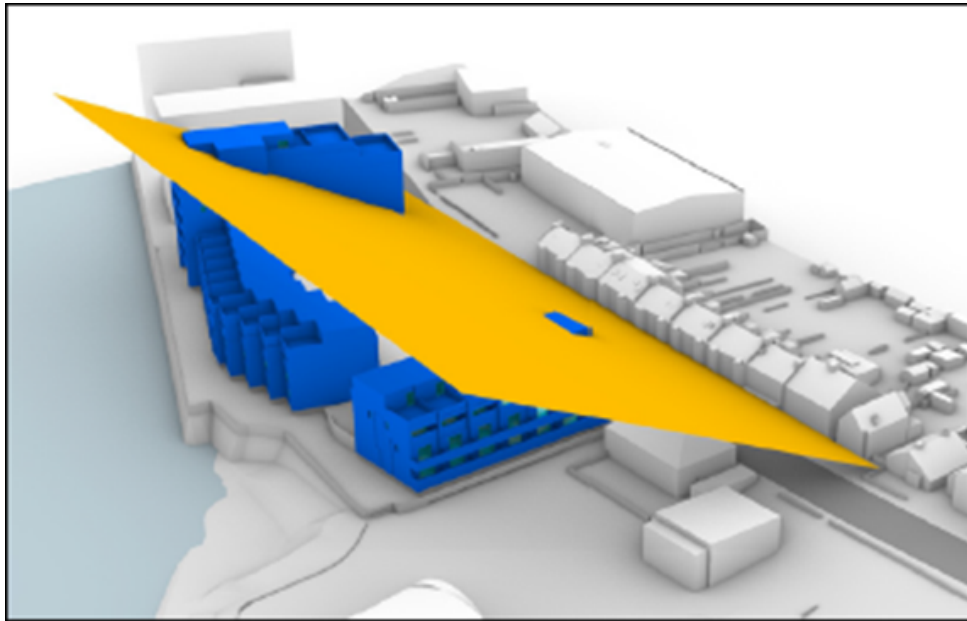


Fig 13: Natural Light 25 Degree Test

The results in Fig. 13 indicate that over one-third of the height of the apartment block will reduce light within this angle (the 25 degree angle is shown in yellow) to the car-park forecourt of the commercial building opposite but not the building itself. In consideration of existing houses in Brighton Road, only one of these would be affected according to the 25 degree test. However, as this impact is due to the topmost part of the roof to the proposed eastern terrace; the degree of impact is categorised as marginal, non-material such that no further daylight or sunlight test is considered necessary.

In the amended proposal, a partial update of this assessment has been requested, for properties on the north side of Brighton Road, opposite the eastern terrace, where the closest part of the newly pitched roofs is approximately 0.9m taller. This area corresponds to the linear area of blue which projects below the yellow 25 degree plane in fig. 13. An update will be given.

It is noted that the test makes a general comment that daylight impacts upon the approved but as-yet unbuilt eastern of the Kingston Wharf development block are considered acceptable, however, a more detailed explanation has been requested on this point.

In more qualitative terms, it is noted that much of the proposed buildings would be of light coloured brick, which has a slightly greater light reflectance value than red brick. This may also assist in minimising light impact.

In terms of neighbouring outlook, it is noted that a building of any height on this site would remove or reduce lines of sight of the river, which were opened-up by the demolition of the original building in recent years. The proposal is also likely to be more prominent from these outlooks due to its comparatively greater height.

However, it is important that the tallest of the proposed buildings would be opposite a commercial forecourt and that existing housing would look onto the proposed 3-4

storey terraces and intervening gap. The inclusion of frontage planting as a complement to the distinctive architectural form, is considered to provide a reasonable outlook, despite the larger size of the buildings by comparison with the demolished one.

Landscaping & Biodiversity

Following the recommendations of the Design Panel, the proposals include planting along the road and riverside the boundaries and within the internal courtyard. These changes use a range of three tree types of varying size (holm oak, strawberry tree and small pine), between 4m – 20m, each of which are associated with coastal locations and conditions.



Fig 14: Images of landscaped courtyard

The holm oaks clustered around the site accesses to Brighton Road would make a prominent contribution to the greening of Brighton Road, together with the range of

evergreen shrubs proposed for the frontage planters. It is noted that one planter may be reduced in size in order to provide adequate space for a bus shelter, however, this small change is unlikely to diminish the overall effect.

The smaller trees which are proposed for the courtyard, (as shown in Fig 8. images and layout plan below), would provide vertical greening instead of an earlier-proposed green wall, which was deleted on the Design Panel's recommendation. Of particular note, trees and shrubs in the 'gap' part of the courtyard will also be glimpsed both from Brighton Road and houses opposite, who will also face the new roadside planters. Details of planters, tree pits and aftercare can be required by planning condition.

Site boundaries and building edges provide opportunities for elements of art, the provision of which would be included in a legal agreement obligation. Boundary details and future boundary controls can also be required by planning condition, to ensure that these complement the proposed buildings and setting. The applicant has been advised to co-design boundary treatments for the intervening space at the eastern end of Kingston Wharf, in order that this appears as purposeful and integrated space.

A modest green space (90sqm) at the southern part of the gap will also be part-visible from the road and riverside, with seating for residents and informal play elements for younger children. The riverside walk would be edged by mixed maritime grasses.

An ecologist's report confirms the existing low ecological value of the site but recommends a precautionary approach to site clearance in case of reptiles or birds during the nesting season, for which a planning condition can be applied. In the redevelopment, new vegetation would provide new habitat, chiefly for invertebrates and bird and bat boxes are also included, which meets policy requirements for biodiversity gain.

Flood Risk & Drainage

The site falls within flood zone 3 where ordinarily a sequential test would be required which seeks to ensure that there are no other sites available that are less vulnerable to flooding. However, this was undertaken in connection with the Local Plan and JAAP and was accepted by both Planning Inspectors. Even with the inclusion of sites within flood zone 3 the Local Plan could not meet its objectively assessed housing needs for the Local Plan area.

In accordance with JAAP and Local Plan policies the development meets requirements of the flood risk exceptions test by setting the proposed ground floor above the 1:100 year flood level and provision of flood barriers and a flood evacuation plan. The floor level includes an allowance for predicted climate change. This is approximately 1m - 1.7m above street level and 1.8m above the riverbank edge. Accordingly the outer edges of the proposed development are characterised by raised plinths, which in common with the Kingston Wharf development, are softened by planter beds and planted edges.

The main site access would be ramped up to 1m but the apartment block access to Brighton Road would be at ground level, with the edges of the building providing a flood defence and a second door to the central courtyard at a higher level a means of access or escape in a flood event. In the amended plans demountable flood barriers would protect the lower entrance in flood events.

The Environment Agency is satisfied with these exception test provisions and has recommended conditions for their implementation and to the submission of a flood emergency escape plan, which would become the ongoing responsibility of the site owner or management entity by obligation of a legal agreement as part of planning permission.

Southern Water (SW) has confirmed that adequate foul water drainage capacity can be provided to serve the development. The applicant would make a separate application to SW for connection.

Surface water drainage would be directed into the river via pipes through the river wall, a principle which is supported by the County Lead Flood Authority (LLFA) and the District Council Engineer. The system would include an area of permeable paving, to store excess surface water before its release to the river. Pollution interceptors and filters would be included, details of which would be required by condition, along with future maintenance arrangements. Future management responsibility would also be an obligation upon the owner/management entity via a planning legal agreement.

In the amended proposal, comments of the District Engineer are awaited. Previously, further evidence was required that surface water storage capacity on the site is sufficient for predicted rainfall events, including climate change, including periods of tidal locking of outfall pipes by high river water levels. The amended drainage information is with the Engineer for assessment and an update will be given, although it is possible that this technical detail will need to be settled after the Committee meeting under delegated authority.

Fire Safety

The amended proposals include an updated fire statement. This has been referred to the Health Safety Executive (HSE), in accordance with national fire safety procedures for tall buildings. The HSE response is awaited. It is noted that ground floor entrance arrangements in the apartment block have been amended to increase compartmentalisation following the HSE response to the previous plans. The applicant's fire safety consultant has also considered the relationship of entrances to the townhouses with undercroft car parking.

Any response from the HSE received before the Committee meeting will be reported.

It is noted that the County Fire and Rescue Service has requested information concerning hosing distances or the need for internal sprinklers. The applicant's confirmation has been requested. This is likely to overlap with the HSE's consideration and can be made subject of a planning condition, if required by either of these consultees.

Air Quality

In the amended proposal, whilst the comments of the Environmental Health Officer are awaited, it is noted that previous comments supported the use of car clubs and EV charging. These remain component parts of the current proposal.

The assessment calculation produces a mitigation value of £8,980. Subject to the Environmental Health Officer's confirmation, this can be included in a legal agreement obligation. A planning condition in parallel with this obligation, can allow for on-site mitigation to be provided to active air quality improvements equivalent to and better than this value, which may include assessment of the air quality merits of the proposed car club and of electric vehicle charging.

Remediation

The Environment Agency and previously the Environmental Health officer have confirmed their satisfaction with the submitted contaminated land study. This summarises moderate existing risk from previous industrial contaminants and a low future risk to water bodies and negligible risk to future residents. A set of standard planning conditions is recommended, requiring further site investigation followed by agreement, implementation and verification of appropriate remediation works. Conditions would include approval of piling work methods and piled foundations in order to safeguard groundwater quality.

Harbour Navigation

A lighting assessment has been undertaken of the proposals by a lighting consultant, to check for the effect of any outward shining light upon the harbour and vessels. Previously, the Shoreham Port Authority (SPA) previously supported its conclusions. The SPA requested that a planning condition to require that any light testing verification following the construction of the proposed buildings, should include the wording: *...and any fine tuning which may be required at the verification stage in consultation with the Shoreham Port Authority'* It also requested that reasonable endeavours clause be added to the s106 agreement, to minimise any unforeseen future effects. The applicant has confirmed that both of these measures are acceptable.

Employment & Skills

As previously, the amended proposal is accompanied by an Economic Impact Report, which seeks to quantify the financial and wider benefits of the development, including an estimation of £30m of economic benefit during the construction period, including suppliers, labour and spin-off local economic activity; thereafter an economic benefit of £4.7m over a ten year period.

Whilst these figures are estimated and not easily verified, there is undoubted social and economic benefit in development as part of the wider harbourside regeneration. During the construction period the applicant envisages 22no skills, training and apprenticeship opportunities for local young people and local educational

establishments comprising:

- 9no. work placements for 16+ years of age;
- 2no. work placements for 14-16 years of age;
- 5no. construction curriculum support activities; and
- 6no. apprenticeship starts.

The applicant has agreed to work with the Council Communities Team in the provision of these opportunities and to participate in an Employment & Skills Plan as part of a legal agreement. It is hoped that this combined initiative will also foster other opportunities for local employment and local procurement.

Infrastructure & Legal Agreement (s.106)

In accordance with Local Plan Policy 29 requires the development to provide or contribute to the facilities, infrastructure and services made necessary by development. As indicated previously the development would need to deliver 30% affordable housing to be policy compliant.

In respect of affordable housing, the applicant's provision of five on-site dwellings is a significant uplift (11%), although less than the 30 percent requirement of policy 21. It is noted that the smaller size of the site by comparison with other larger riverside developments in the JAAP regeneration area, means that the provision of space for both the roadside and riverside paths and river-wall repairs and replacement, exerts a greater impact on the development area.

By comparison with higher density developments at Kingston Wharf and Free Wharf, this site is promoting a low density development and there is no grant funding currently available to off-set these significant costs. The review of the accompanying viability assessment will confirm whether this exception is accepted. This provision would be secured by s.106 Agreement.

The development appraisal earmarks £483k towards s106 development contributions, which by comparison with the total of **£734k** currently required (this figure which has increased from £706k since September 2022 - see totals immediately below), would leave a shortfall of £251k and would not have provided any funding for affordable housing.

WSSC Contributions

Education (primary)	£149,533
Education (secondary)	£160,934
Education (six form)	£ 37,700
Libraries	£ 21,848
Fire and Rescue	£ 1,550
Highways	£145,000
Car Club/Travel Plan	£ 12,500

Health

CCG	£ 60,271
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District Council

Open Space	£130,939	(i.e. £125,107 + £388.85 x15yr maintenance)
Art	£ 5,294	
Air Quality	£ 8,980*	*(unless physical/on-site mitigation)

TOTAL £734,549 [was £706,499 in September 2022]

Previously, the applicant relied upon a lower commercial return and the diversion of a primary school contribution in order to offer an affordable housing contribution of £181,598. However, in recognition of the concerns at the Committee that this was insufficient, the applicant's procurement of an affordable homes provider, together with material cost savings, has enabled the current on-site offer to be made.

The County Council previously accepted the viability position. Given the significant reduction in pupil numbers in local primary schools it was exceptionally prepared to divert the primary school contribution (£138K) towards the delivery of affordable housing. This figure has risen by 8 percent to £149.5k and the County Council has been asked to support a similar exception as before, on the proviso that the Council's peer review agrees with the applicant's conclusions. It is noted that the substitution by the amended plans of two smaller one bedroom apartments in place of two bedrooms previously, indicates a slight reduction in the likely number of children who would occupy the development.

Whilst Members may feel that the contributions should be divided in a slightly different way but your Officers felt that this was the most appropriate way of ensuring that the majority of services secured the policy compliant development contributions. The Heads of Terms attached reflect the above.

Table 4: Legal Agreement Summary (Heads of Terms)

	Obligation	Terms
	Highways, Access & Parking	
1	Highway Improvements Contribution	<ul style="list-style-type: none">£145,074 contribution split between £35,680 Local Plan Measures (A27 Steyning and Hangleton junctions) and £109,394 Sustainable transport improvements within the JAAP
2.	Highway Improvements A259 Cyclepath	<ul style="list-style-type: none">Kerb realignment and dedicate land along A259 Brighton Road frontage for use as Cycle-Footpath land [Note: trigger date needed from WSCC Highway team e.g. completed and dedicated on occupation of site and via s.278/38 Highway Agreement]Uninterrupted public access pending transfer if later than on-occupation

3.	Public Rights of Way Improvement	<ul style="list-style-type: none"> • Footpath improvement work to FP 3556 adjacent to eastern boundary of site
4.	Car club	<ul style="list-style-type: none"> • Space for one car increasing to two • Procurement of a supplier to provide two cars • Paid membership per household for 2 years • £50 drive time per household
5	Travel Plan	<ul style="list-style-type: none"> • Appointment of Travel plan coordinator for five years • Liaison with County Council • £1,500 fee for County Council liaison/monitoring
6.	Riverside Access	<ul style="list-style-type: none"> • Connection with adjoining Riverside Path • Uninterrupted public access to Riverside Path for pedestrians and cyclists • Uninterrupted for Environment Agency to undertake riverside maintenance
	Housing	
7	Affordable Housing	<ul style="list-style-type: none"> • Five shared ownership dwellings to be provided on-site • Timing: Four affordable apartments on occupation of the apartment block and One affordable house on occupation of 50% of the terraced houses
	Other Obligations	
8.	County Infrastructure (non-highway)	<ul style="list-style-type: none"> • Education (primary)** £149,533 * • Education (secondary) £160,934 • Education (six form) £37,700 • Libraries £21,848 • Fire and Rescue £1,550 <p><i>* Primary Education Contribution under discussion with WSCC</i></p> <p>Note: Sums to be reviewed and updated after 3 months of Committee resolution</p>
9.	Health	<ul style="list-style-type: none"> • £60,271 towards either the refurbishment, improvement, replacement or expansion of Harbour View GP Surgery (Shoreham Health Centre) or at another location within Adur District.

10	Open Space & Recreation	<ul style="list-style-type: none"> £130,939 for provision of and / or improvement of off-site public open space and/or recreation facilities within Adur District
11	Air.Quality Mitigation	<ul style="list-style-type: none"> £8,980 prior to occupation unless it is first agreed that air quality mitigation measures have reached or exceeded that value.
12	Public Art	<ul style="list-style-type: none"> £5,294 for provision of art work on-site or mutually agreed location Procurement of art in agreement with District Council
13	District Heating	<ul style="list-style-type: none"> Provisions for connection to Shoreham Harbour District Heating System.
	Site Management	
14	Site Management	<ul style="list-style-type: none"> Site Car Park Management & Servicing Plan to be agreed under planning condition prior to occupation <p><i>[Note: This is to ensure most effective practical uptake of all spaces if allocated and to minimise risk of 'locking-up' of unused spaces. It will Include identification and maintenance of visitor parking, Car Club Spaces, and of EV charging points and ducting</i></p> <ul style="list-style-type: none"> Secure cycle stores to be maintained Implementation of Travel Plan All common areas to be maintained, including watering and pruning; Sustainable drainage, including arrangements for maintenance and end-of-life replacement. Green roofs and other landscaped areas on buildings On-site heating system Bin stores and litter bins
15	Noise Attenuation	<ul style="list-style-type: none"> Maintenance of all acoustic glazing/systems Maintenance of all associated ventilation system
16	Harbour Light Impact	<ul style="list-style-type: none"> Reasonable Endeavours of any future owners to minimise lighting impact on navigation harbour in

		Shoreham Harbour and River.
17	Local Procurement and Skills	<ul style="list-style-type: none"> • Employment & Skills Plan to be agreed pre-commencement • To include provisions for working with local learning, skills and employment group (s) and/or colleges and/or training establishments, in order to procure local labour and arrange apprenticeship(s) and skills training during the construction phase. • Implementation in liaison with Council's Economy & Skills Officer
18	106 Monitoring: District Council	<ul style="list-style-type: none"> • Payment triggers to be agreed (£300/trigger)

Conclusions and Planning Balance

The amended proposals have sought to address the previous reason for refusal concerning harm upon the setting of the listed lighthouse due to its design and size and the lack of sufficient counter-balancing benefit, especially the affordable housing offer. The design changes are considered to soften the mass and skyline of the upper part of eastern and riverside terraces, which would form part of the future setting of the lighthouse. Their roofs take influence from the simple roof-slopes of the existing terraced houses, which are a long-established part of the setting of the lighthouse and the wider Kingston Green and Beach.

The changes also distinguish these terraces from the larger proposed apartment block further away from the lighthouse, which emphasises their separation and space in between. Any harm upon the setting of the lighthouse is considered to be less than substantial, as advised under NPPF paras 194 - 203, as such this needs to be weighed against the public benefits of the proposal in accordance with paragraph 202 NPPF

From both the Brighton Road and the harbour, the proposed set of buildings are graduated in height. They make a transition between the spaciousness of the Beach, the scale of the existing terraced houses in Brighton Road, and the new and significantly more dense development under construction at Kingston Wharf.

The lower density of the proposal compared with its neighbour is a consequence of this graduation in sizes. The impact of policy requirements for the provision of road and riverside paths have posed a greater challenge in terms of developable space upon this much smaller site. Their financial impact, alongside the range of other necessary and important infrastructure contributions required, is also more challenging here, and the development does not attract the Homes England grant funding which has been a crucial element in the viability of approved developments at Kingston Wharf and Free Wharf.

Against this background, the onsite affordable housing officer of the current proposal, is a great improvement upon that of the refused scheme. In financial terms it represents an uplift from £181k to £427k, the Council's peer review will allow for testing of this to ensure that it represents a reasonable outcome in the overall viability of the development. In planning policy terms, whilst it does not meet the 30 percent requirement, the five new shared ownership homes create a more varied tenure and an opportunity for a more mixed new community than before.

The improved affordable housing offer is one of the benefits of the development. Others include, the delivery of a the crucial starting point for the riverside path; the significantly wider roadside path; the distinctive and considered design and its graduation in size at this eastern entrance to the western harbour arm. Set alongside these benefits, the effect on the setting of the lighthouse, which is considered to exert less than substantial harm, is considered to be outweighed in both heritage terms and in the overall planning balance of development merits and impacts.

Subject to the updating of the Sunlight & Daylight assessment, the proposal is considered to be otherwise reasonably related to its neighbours and their amenities. Its impact on traffic and highway considerations is anticipated to be low; some slight increase in car parking is considered acceptable, subject to confirmation of an acceptable plan to demonstrate this. The inclusion of a car club officer for this relatively modest development, is in keeping with JAAP poolices to seek new approaches to transport.

In conclusion, the proposal can be supported. This is subject to satisfactory outcomes of consultations with the Council's Drainage and Environmental Health officers, regarding surface water capacity of the development (including climate change), acoustic insulation and ventilation, and the Highway Authority, to verify the anticipated financial contributions and the HSE and County Fire & Rescue Service concerning fire safety.

Recommendation:

To approve and delegate authority to the Head of Planning and Development to grant planning permission subject to:

- i) The receipt of amended parking plans;**
- ii) The receipt of a satisfactory updated Daylight & Sunlight Assessment amended parking plans;**
- ii) The receipt of satisfactory comments from Technical Services regarding drainage, the HSE concerning Fire Safety and the Environmental Health officer concerning acoustic performance and overheating and County Highway & Rights of Way Authorities regarding kerb realignment in Brighton Road and the surfacing of footpath FP 3556 ;**
- iii) The completion of a s106 agreement securing on-site affordable housing and the development contributions set out in the report other than minor variations agreed in consultation with the Chair of Planning Committee; and,**
- iv) Subject to the following planning conditions,**

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

[Insert drawing numbers]

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

2. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: *As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004*

Phasing (and Enabling Works)

3. a) Prior to commencement of any works on site a phasing programme, (which shall include any phase or phases of Enabling Works) shall be submitted to and agreed by the Local Planning Authority. Development shall be implemented in accordance with that phasing programme and details required under conditions of this planning permission, shall be submitted and approved in accordance with that phasing programme.

b) For the purposes of the conditions of this planning permission, 'Enabling Works' shall comprise the following:

- i. Demolition of any structures above ground level.
- ii. Removal of building foundations & slab and associated above ground cables, pipes or ducts.
- iii. Breaking-up and crushing of existing hard-standings.
- iv. Removal of below ground cables, pipes or ducts.
- v. Re-routing of existing sewer main.
- vi. River-wall survey works, including excavation to assess existing condition.
- vii. Site survey works (other than river-wall survey) to inform the design of remediation works.
- viii. Creation of a piling mat using clean rubble or similar clean material.

Reason: *To provide for phased but comprehensive and co-ordinated development of the site in accordance with the general and site specific policies set out in the Adur District Local Plan 2017 and the Shoreham Harbour Joint Area Action Plan 2019.*

Enabling Works

4. The following Enabling Works at condition 3b) shall only be undertaken after the following details have been submitted to and approved in writing by the Local Planning Authority:

(iii) Breaking-up and crushing of existing hard-standings.

Details of measures to manage and minimise noise, vibration and dust.

- (iv) Removal of below ground cables, pipes or ducts
- (v) Re-routing of existing sewer main
- (vi) River-wall survey works, including excavation to assess existing condition.

Details of measures to be taken to minimise and manage risk of contamination, (including risks to human health and the water environment), noise and dust

The details thereby approved shall be fully adhered to in the undertaking of the respective Enabling Works.

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, and to manage impacts of noise, vibration and dust in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

River-wall works

5. Prior to commencement of works to replace or improve the river wall and/or sheet piling, full details shall be submitted to and approved in writing by the Local Planning Authority, which includes the following:
 - i. riverside retaining walls and associated cappings and railings, engineering details and cross-sections and details of external appearance and finishes,
 - ii. the inter-relationship between the riverside retaining wall, new riverside path and site drainage, and
 - iii. measures to be taken to minimise and manage risk of contamination, (including risks to human health and the water environment), noise and dust

The details thereby approved shall be fully adhered to in the undertaking of the respective Enabling Works.

Reason: *To ensure that the proposed development is satisfactorily provided with required infrastructure including riverside defences, pathway and drainage, to ensure an appropriate and high quality appearance and to manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, and to manage impacts of noise, vibration and dust in accordance with Policies 15, 18, 29 & 34 of the Adur Local Plan 2017, Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 170, 178 - 180 of the National Planning Policy Framework 2019.*

Materials and Details

6. With the exception of Enabling Works in Condition 4, (and unless agreed otherwise in writing by the Local Planning Authority), no works above ground level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority and all development of that phase pursuant to this permission shall be carried out and permanently maintained in full accordance with details thereby approved:
- a) Details and samples of the materials to be used on all external faces of the building(s) and ground surfacings, including colours and finishes;
 - b) Details, including 1:20 drawings and profiles of external columns doors; windows and frames; roof intersections, soffits, parapets & cappings, balconies, balcony screens and external rails;
 - c) Any external plant and utility cabinets, their location, size, design, materials, colours and finish and any associated ducting,
 - d) Details of solar panels and height relative to adjoining parapets / roof edges,
 - e) Details of any external lighting, including measures to minimise light pollution and impact on river navigation, and arrangements for verification of these measures and any fine tuning which may be required at the verification stage in consultation with the Shoreham Port Authority, which shall be implemented,
 - f) Details of pedestrian and vehicular access ramps and steps and ground floor plinths, including detailing and/or materials to add visual interest,
 - g) Details of the location and design of any externally visible ventilation louvres, gaps or ducts

Development shall only be carried out in accordance with the details thereby approved and this condition shall apply notwithstanding any information contained in the current application.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies 15 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Landscaping, Play and Biodiversity

7. A) Hard and soft landscaping ('soft landscaping' means new planting, associated ground preparation and biodiversity enhancement measures) for each phase of development shall be completed 'according to the approved phasing plan under condition 3 of this permission, (with all planting to be completed no later than the first planting season following the occupation of each phase).

B) Before the commencement of development above ground level, (other than Enabling Works), and unless otherwise agreed in writing, the following details shall be submitted to and approved by the Local Planning Authority:

- i) Details of hard landscaping materials and surfacing
- ii) Details of the play equipment and associated soft surfacings
- iii) Any external seating
- iv) Planters and tree pits including irrigation and drainage
- v) Ground preparation to create a planting medium
- vi) Biodiversity enhancement measures
- vii) Details where appropriate, of any temporary landscaping at the public footpath along the Brighton Road frontage
- viii) A maintenance plan to ensure full establishment of new planting

C) Development shall thereafter be carried out in accordance with the approved hard and soft landscaping plans, phasing plan and the details at B)(i-viii) above, and the planting maintained, in accordance with the approved details and the phasing plan. Any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: *To ensure the provision, establishment and maintenance of hard and soft landscaping on the site, including provisions for play & recreation and biodiversity, and to provide for minor revision to the landscaping layout at point B i) in accordance with policies 15 & 30 of the Adur Local Plan 2017 and Policies SH 7& CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Means of Enclosure gates or barriers & Permitted Development restriction

8. i) Before the commencement of development above ground level, (other than Enabling Works), details of all means of enclosure, gates or barriers for that phase shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided for each phase of development prior to the occupation of each such phase.

ii) No additional or other means of enclosure, gates, or increase in height of any means of enclosure or gates, other than any approved under i) above, shall be carried out without the prior written approval of the Local Planning Authority, and this restriction shall apply equally to any balcony or terrace and this condition shall apply notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town And Country Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order.

Reason: *In the interests of visual amenity, to ensure an ongoing high quality appearance and character of development in accordance with policies 15 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Café Space - Use

9. The café space and café terrace shown on the ground floor of the apartment block in the approved drawings, shall be used only for the purposes of either:

Class E (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises or

Class E (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,

as defined by the Town and Country Planning (Use Classes) Order 1987, (as amended). It shall not be used for any other purposes whatsoever, including any other uses within Classes E or Class C3 of the aforementioned (Use Classes) Order and notwithstanding the provisions of Schedule 2, Part 3 of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting these Orders.

Reason: *To provide an appropriate commercial use of the space in accordance with the current application, to add vitality but also to minimise risk of conflict with neighbouring residents at the site or adjoining sites, in accordance with policies 8 & 28 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Café space - Hours

10. The café space and terrace shall only be used and open to customers and visiting members of the public between the following hours:

Monday – Saturday 07:30 – 21:00

Sunday & Bank/Public Holidays: 08:30 – 20:00

No use of the café terrace before 08:30 on any day

Reason: *To achieve a balance between business needs and the protection of residents immediately adjacent or close to the premises from noise and disturbance in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Café space - Noise Insulation

11. a) Construction work (with the exception of any demolition or stripping out), shall not commence until an insulation scheme for protecting the first floor flats from noise from the café space has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors.
- b) Before the residential units are occupied a test shall be undertaken to

demonstrate compliance with this level and submitted to and approved in writing by the Local Planning Authority.

Reason: *To protect neighbouring residents from noise and vibration in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

12. Café space - Odour, Air Moving & Amplified sound

- i) No kitchen for the preparation of hot food shall be installed in the café space unless details of means, plant or equipment for the extraction and disposal of cooking odours have been submitted to and approved in writing by the Local Planning Authority.
- ii) No external fixed plant serving the café space shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. The design shall have regard to the principles of BS4142:2014 and aim to achieve a rating level which is no greater -5dB above existing background noise level, shall include any necessary anti-vibration mountings and any necessary odour control.
- iii) No amplified sound equipment in the café space or café terrace shall be used until details have been submitted to and approved in writing by the Local Planning Authority, including proposed hours of its use and to ensure that any sound level measured 1m from any speaker or equipment shall not exceed 75dB(A) LAeq 1 min.

The use of the café space shall only take place in full on-going conformity with any details approved under this condition.

Reason: *To protect neighbouring residents from odour, noise and vibration in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Café Space - Advertisements

- 13. Details of any external signage for the café space or its terrace (whether illuminated or non-illuminated), shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the café space. Thereafter no additional illuminated signage shall be erected without the prior written approval of the Local Planning Authority.

Reason: *In the interests of visual amenity and the safety of river navigation, to achieve a balance between business needs and the impact and appearance of signage in accordance with policies 15 of the Adur Local Plan and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Highways & Access

- 14. No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving that part of the development have

been constructed in accordance with the details shown on the drawing titled XXX and numbered XXX, including any kerb realignment works and signage.

Reason: *In the interests of road safety and to ensure suitable access to and around the site, including provision of the riverside path in accordance with policies 28 & 29 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

Accesses and Frontage Specifications

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

Reason: *To ensure provision of robust and drained access, parking and manoeuvring areas, including suitability for servicing, refuse and emergency vehicles, including sustainable drainage where appropriate in accordance with policies 28 & 29 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

Surfacing of the Public Right of Way

16. No part of the development shall be first occupied until such time as plans, details and construction specification showing the proposed surfacing works for Right of Way no. FP3556 have been submitted to and approved in writing by the Local Planning Authority in liaison with the County Rights of Way Authority.

Reason: To ensure that suitable materials are used for the surfacing works and to safeguard users.

Car-Park Barrier

17. Any gate to any parking area in the site shall be sited at least 6m back from the edge of the public highway. Details of any gate and of any entry control system (if used), shall first be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order.

Reason: *To provide vehicle waiting space clear of the public highway in the interests of the safety and free flow of vehicular traffic and pedestrians and in the interests of visual amenity, in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Vehicle Parking

18. No part of the development shall be occupied until the vehicle parking and manoeuvring spaces serving that part (including associated visitor/unallocated parking and car club space) has been constructed and provided in accordance with the approved details. Once provided the spaces shall thereafter be permanently retained at all times for their designated purpose.

Reason: *To ensure the provision of well-located car-parking facilities and sustainable parking to serve the development in accordance with policies 28 of the Adur Local Plan 2017 and SH5 of the Shoreham Harbour Joint Area Action Plan 2019.*

Electric Vehicle Charging

19. No part of the development shall be first occupied until Electric Vehicle Charging spaces and ducting/cabling have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority and shall be permanently maintained thereafter.

Reason: *To ensure the provision of well-located Electric Vehicle Charging spaces to serve the development in accordance with policies 28 of the Adur Local Plan 2017 and SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019.*

Secure Cycle Parking

20. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority and shall be permanently maintained thereafter.

Reason: *To provide alternative travel options to the use of the car in accordance with policy 28 of the Adur Local Plan 2017 , SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

Travel Plan

21. No residential part of the development shall be first occupied until a Travel Plan, including provision of a car club, have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented including any monitoring, reporting and subsequent updating measures in accordance with each Travel Plan thereby approved.

Reason: *To encourage and promote sustainable transport in accordance with policy 28 of the Adur Local Plan 2017 , SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019.*

Wheelchair access – apartments and all external areas

22. Accesses to the apartment block and all common external areas of the development using level thresholds and ramps shall provide for access by wheelchair users, unless otherwise approved in writing by the Local Planning Authority.

Reason: *To ensure accessibility for wheelchair users in accordance with policies 15, 28 & 32 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Recycling & Refuse Stores

23. No part of the development shall be occupied until the refuse storage space(s) serving it have been provided in accordance with the approved plans and shall be permanently retained and maintained thereafter.

Reason: *To ensure adequate internal storage space for refuse in accordance with policy 15 & 18 of the Adur Local Plan 2017 and the interests of Highway safety and residential and public amenities.*

Flood Risk and Riverside Management

24. The development shall be carried out in accordance with the submitted Flood Risk Assessment ("FRA") (dated December 2022, produced by HOP Consulting Ltd, Ref: 16050/03/HOP/RPT/01) and the additional information provided by HOP Consulting Ltd in their letter and associated documents to the Environment Agency dated 10 February 2022 ("the Letter") (ref: TJB/SMW/16050-4), and in particular the following mitigation measures detailed therein:

- i. Finished floor levels of habitable rooms shall be set no lower than 6.14 metres above Ordnance Datum (AOD) as stated in section 3.4 of the FRA.
- ii. Finished floor levels for the café space shall be set no lower than 4.94 metres above Ordnance Datum (AOD) as stated in section 3.4 of the FRA.
- iii. Finished floor levels of the courtyard shall be set no lower than 5.40 metres above Ordnance Datum (AOD) in accordance with drawing no: 1545 PA 040 ('Flood Defence Proposals Ground Floor/ Site Plan', date 12-21).
- iv. The existing river wall defences shall be improved as outlined in the Letter, comprising a new vertically Steel Sheet Piled (SSP) river wall structure set back slightly from the existing alignment and set to 4.4m AOD and a set-back reinforced concrete flood wall with structural connection to the river wall set to 5.47m AOD as shown in the following submitted drawings:
 - no: 1545 PA 040 ('Flood Defence Proposals Ground Floor/ Site Plan', date: 12-21)

- no: 1545 PA 041 ('Flood Defence Proposals Perimeter Sections', date: 12-21)
- no: 1545 PA 044 ('Indicative Flood Wall Details', date: 01-22)
- no: 1545 PA 040 ('Flood Defence Wall Alignment, Access To Wall & Navigation Light Position', date: 01-22).

Provision of vertical rising flood control barriers up to 5.47m AOD as indicated in drawing number 1545 PA 040 ('Flood Defence Proposals Ground Floor/ Site Plan', date: 12/21), with details of a maintenance plan and operation of the barriers to be submitted to the Local Planning Authority prior to installation of the barriers.

- v. Provision of a waterfront access route of no less than 4 metres, which shall be permanently maintained in accordance with drawing number 1545 PA 040 ('Flood Defence Wall Alignment, Access To Wall & Navigation Light Position', date: 01-22)

All of these measures and mitigations shall be fully implemented prior to occupation of the development in accordance with the scheme's timing/phasing arrangements and subsequently fully maintained in accordance with the scheme's timing/phasing arrangements and shall be fully retained and maintained throughout the lifetime of the development.

Reason: *To reduce the risk of flooding to the proposed development and future occupants. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

Flood Risk & Safe Access

- 25. Prior to the occupation of any phase or part of the development, a Flood Risk Management Plan for each phase or part shall be submitted to and approved in writing by the Local Planning Authority. It shall include the ongoing arrangements for the provision, dissemination and updating of flood risk information and means of safe access and escape for occupiers of the site. The Plan thereby approved shall be implemented upon the first occupation of each respective phase or part and permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.

Reason: *To manage residual risks of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and para 163 of the NPPF 2019.*

Temporary Flood Risk Management

- 26. In the event that any building is to be occupied before the full completion of all

flood risk defence and management measures for the site, details of any temporary flood defence and management provisions shall be first submitted to and approved in writing by the Local Planning Authority and shall be fully implemented during such interim period.

Reason: *To manage residual risks of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

Drainage 1 - Details of Foul & Surface Drainage

27. No works except Enabling Works shall take place until details of the proposed means of foul and surface water sewerage disposal including a timetable for its provision and assessment of pollution risks with any measures necessary for its control or mitigation, have been submitted to, and approved in writing, by the Local Planning Authority in consultation with Southern Water. The development will then be carried out to comply with the agreed details and timetable.

Reason: *To ensure that the proposed development is satisfactorily drained in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

Drainage 2 – Sustainable Surface Water Drainage

28. No works except Enabling Works and site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. Details shall include measures to manage any pollution risks, including risks to controlled waters with measures for control and mitigation of these risks. No building shall be occupied until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: *To ensure that the proposed development is satisfactorily drained and managed and manage any risk of contamination which could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). where controlled waters, were particularly sensitive in this location. This is in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

Drainage 3 – As-Built Records

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

Reason: *To ensure that the proposed development is satisfactorily drained and managed in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

Drainage 4 - Management

30. i) With the exception of Enabling Works Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life.
- ii) Upon the completed construction of any phase of the surface water drainage system, the owner or management company shall permanently strictly adhere to and implement the recommendations contained within the manual.

Reason: *To ensure that the proposed development is satisfactorily drained and managed in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

Remediation and Groundwater

31. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- i) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be fully implemented as approved, any changes to these components shall require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: *To safeguard groundwater, controlled waters and aquifer from risk of presence of contaminants at the development site, in accordance with NPPF paras 174- 183, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Remediation Verification

- 32. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: *To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF and in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Previously Unidentified Contamination

- 33. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall then be implemented as approved.

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the*

River Adur, in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.

Piling Works & Contamination

34. With the exception of any Enabling Works and unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until details of any foundation design and method using piling or penetrative methods have been submitted and approved in writing by the Local Planning Authority including information to show that there is no resultant unacceptable risk to the water environment, including groundwater and the River Adur. The development shall be carried out in accordance with the approved details.

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, because piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, mobilising contamination, drilling through different aquifers and creating preferential pathways. This is required in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Sustainability - Heating Network

35. With the exception of Enabling Works, no development shall take, unless otherwise agreed in writing, until the following details have been submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the details thereby approved:
- i. Details which identify the supply of all space heating and hot water in the buildings by a centralised, communal wet system,
 - ii. Details which identify and safeguard plant room space for the future installation of heat interface equipment, and/or other plant, required for future connection to a future heat network,
 - iii. Details of a safeguarded pipe run into, through, and out of the site to connect the plant rooms with the proposed heat network,
 - iv. A strategy to facilitate the connection of the network to the development; and
 - v. A strategy to facilitate access to the site and plant rooms for the heat network developer to carry out works required to connect the site to the Shoreham Heat Network, lay underground infrastructure within the roads, footpaths, open space and public areas of the development, and carry out repair and maintenance work to any heat network infrastructure; and

- vi. Measures to protect plant rooms and other related equipment from flood risk

Reason: *To enable the delivery and operation of the planned Shoreham Heat Network in accordance with Policies 8 and 19 of the Adur Local Plan and Policy SH1 of the Shoreham Harbour Joint Area Action Plan 2019.*

Sustainability & Energy

36. a) The development hereby approved shall incorporate the following sustainable energy and heat management measures, in accordance with the details in [cite document], submitted with the current application

[and additional details received - reference xxx]:

- Energy efficient building fabric,
- LED internal & external lighting,
- Provision of Solar panels,
- Mechanical Ventilation with Heat Recovery System (MVHR), with summer bypass
- Building Energy Management Systems,
- Efficient water goods and fixtures to achieve <110L/Person/day.

The development shall be implemented and maintained in accordance with the details thereby approved, unless the Local Planning Authority give prior written approval for any variation.

b) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target CO2 reduction below the baseline model including renewable energy, as identified in the submitted Energy Statement and confirming the installation of water goods and fixtures to achieve a target of <110L/Person usage/day. The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: *In accordance with the submitted application, to ensure that the development is sustainable and makes efficient use of energy, water and materials to achieve CO2 reductions having regard to the National Planning Policy Framework and policies 18 & 19 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan and the Council's Sustainable Energy SPD, 2019*

Noise Mitigation and Ventilation - Provision

37. Prior to the commencement of development above slab level, details of noise

and vibration mitigation, including acoustic glazing and mechanical ventilation and heat recovery systems shall be submitted to and approved in writing by the Local Planning Authority. Details shall also include any necessary measures to minimise risks of noise and vibration from any lifts or other plant provided as part of the development. This condition shall apply notwithstanding any information contained in the current application

Reason: *To protect residents from noise and vibration in accordance with policy 15 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan.*

38. Noise Mitigation and Ventilation - Verification

No development shall be occupied until all noise mitigation and ventilation approved under condition [35] above has been completed and details of the post implementation independent verification have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

Reason: *To protect residents from noise and vibration in accordance with policy 15 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan.*

Air Quality Mitigation

39. With the exception of the Enabling Works, development shall not commence until full details of all proposed operational phase air quality mitigation measures for that respective phase have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall either be equal to the values of £8,980 for or shall comprise in whole or part, the provision of a financial contribution (s) in accordance with [Schedule x] of the s.106 Legal Agreement which forms part of this approval.

The development shall be implemented in full accordance with the details thereby approved. If required, a verification report shall be submitted to and approved in writing by the Local Planning Authority on completion of the respective phase of development to demonstrate and confirm that the operational phase air quality mitigation measures thereby approved have been implemented and have achieved mitigation equal to the value identified.

Reason: *To minimise emissions and impact on air quality in accordance with Policies 16 & 17 of the Adur Local Plan 2017 and the National Planning Policy Framework, 2021.*

Levels

40. The development hereby approved shall be carried out in accordance with the

existing and proposed site levels shown in drawings:

[insert drawing number]

No other raising of levels shall be carried without the prior written approval of the Local Planning Authority

Reason: *In the interests of clarity and to minimise floodrisk and because changes in levels may materially affect the appearance and impact of the development, in accordance with policies 15, 36 of the Adur Local Plan 2017, SH6 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Lighting Limitation & Navigation

41. With the exception of any external lighting approved under condition [6 (e) above] above, no external lighting shall be installed on the site until details, including measures have been submitted to and approved in writing by the Local Planning Authority. Details shall:
- i) avoid any negative impact on river & harbour navigation (in consultation with Shoreham Port Authority in cases where lighting may be seen from seen from the river and harbour)
 - ii) minimise light pollution in all other cases.

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

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

Permitted Development Restriction - Windows

42. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015, or any order revoking or re-enacting that Order, no additional windows or other openings, shall be formed in any part of the development hereby approved, facing towards or visible from the river or harbour, without the prior written approval of the Local Planning Authority.

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

43. Obscure Glazing

To ground floor areas near footpaths - detailed wording to be provided

Aerials / Antennae

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

Reason: *To avoid multiple aerial / antenna and / or satellite dishes, in order to safeguard the appearance of the development and impact on the setting of the Kingston Buci Lighthouse.*

Construction Environment Management Plan - Development

45. Prior to commencement of enabling works no development shall take place, until a Construction Management Plan in respect of these works has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) the anticipated number, frequency and types of vehicles used during construction,
- b) the method of access and routing of vehicles during construction, including provisions to avoid deliveries during 8am - 9am and 5pm and 6pm Monday to Friday,
- c) the parking of vehicles by site operatives and visitors,
- d) the loading and unloading of plant, materials and waste,
- e) covering and securing of loaded vehicles to minimise risk of spillage during transit,
- f) the location of any site compound and site office,
- g) the storage of plant and materials used in construction of the development,
- h) arrangements for efficient construction waste management,
- i) measures to be place to deal with minimise risk of and respond to any accidental spillages including containment and clear-up,
- j) a Dust Management Plan incorporating the dust control measures,
- k) a commitment to no burning on site,
- l) the erection and maintenance of security hoarding, including provision of public information about the development and viewing ports,
- m) 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),
- n) arrangements for regular and responsive traffic management liaison with other imminent or active development sites in the Western Harbour Arm

- and A259 Brighton Road,
- o) details of any external lighting during the development//construction period, including provisions to avoid any hazards to shipping and activities at Shoreham Harbour Port, in liaison with the Shoreham Port Authority,
 - p) details of public engagement both prior to and during construction works including neighbouring and nearby residents (including those at Shoreham Beach), businesses and other occupiers.
 - q) details of any external lighting during the development//construction period, including provisions to avoid any hazards to shipping and activities at Shoreham Harbour Port, in liaison with the Shoreham Port Authority,
 - r) details of public engagement both prior to and during construction works including neighbouring and nearby residents (including those at Shoreham Beach), businesses and other occupiers.

Reason: *In the interests of highway safety and the amenities of the area and to minimise the risk of pollution, hazards and noise and to safeguard the amenities of neighbouring and nearby occupiers during the period of development works in accordance with Policies 8, 15, 28 & 34 of the Adur Local Plan, 2017.*

Hours of Work - Development

46. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 08:30 - 13:00 Hours

Sundays and Bank / Public Holidays no work is permitted.

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: *To safeguard the amenities of neighbouring and nearby occupiers during the period of development works in accordance with Policies 8, 15, 28 & 34 of the Adur Local Plan, 2017.*

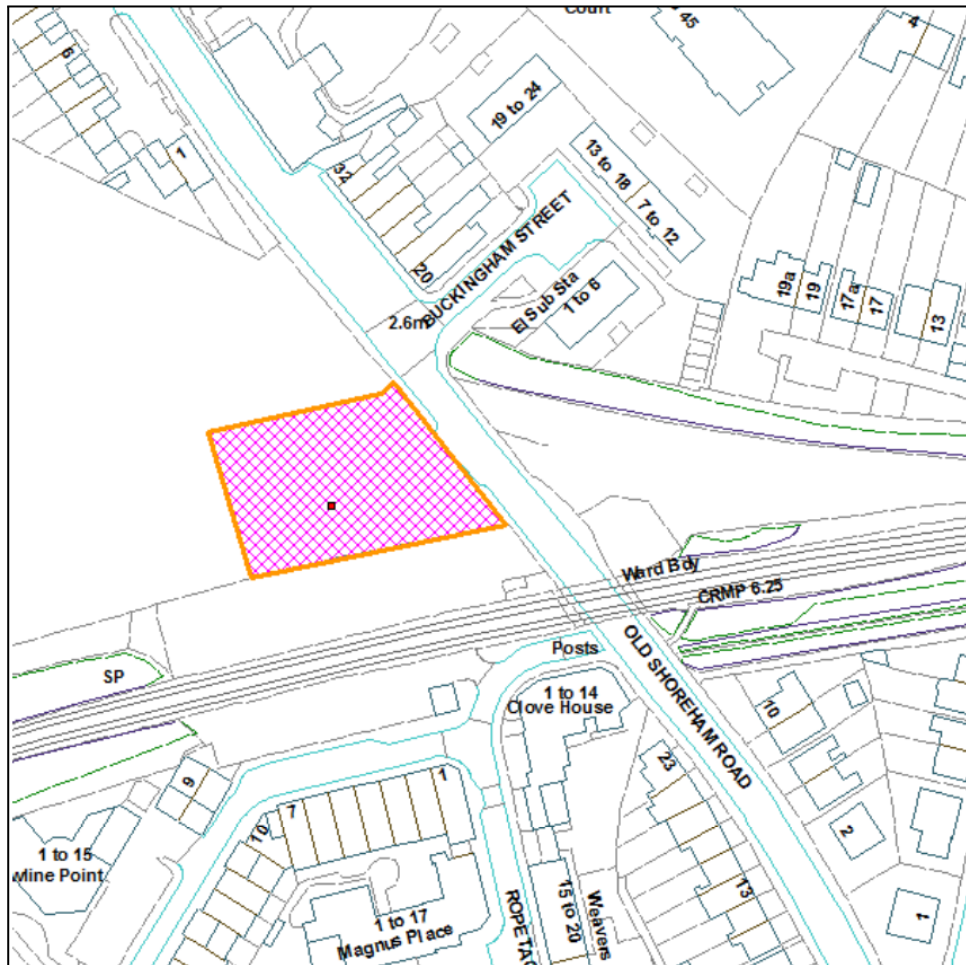
Bird Hazard Management Plan

47. Development above ground levels shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority in liaison with Brighton City Airport. The submitted plan shall include details of the Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: *To minimise attractiveness of flat roofs to birds which could endanger the safe movement of aircraft and the operation of Brighton City Airport.*

48. Any other appropriate conditions

(e.g fire sprinklers if required).



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Background

The application which is the subject of this report was submitted in August. Due to concerns raised by consultees, residents and your Officers, the application had not been determined pending potential amendments to the application.

The applicant has now submitted an appeal to the Planning Inspectorate in respect of the non determination of the application within 13 weeks of its receipt. The purpose of this report is therefore to consider whether the application would have been refused had the application been brought to the Committee for determination and, if so, to contest the submitted appeal in the normal way.

Proposal, Site and Surroundings

This application seeks full permission for the erection of a mixed use building set over 5no. floors comprised of ground floor commercial space (Use Class E) and 34 new apartments.

The application site is given as 0.11 hectares and is situated on the corner of Old Shoreham Road and Salt Marsh Road. Salt Marsh Road is the central street within the Ropetackle North development. The site is stated to have been previously been used for temporary uses including as a car wash and for the siting of caravans. The site is now vacant although it is noted that the car sales site immediately adjacent to the south is not included within the application despite seemingly forming part of the development area in the outline and reserved matters applications initially submitted for the redevelopment of the site.

The proposed residential development totals 34 units of which 13 would be 1 bed units and the remaining 21 would be 2 bed units.

The proposed commercial unit is shown as a single unit of approximately 175 square metres. It is stated that the unit could be utilised for a variety of flexible uses within Use Class E, including retail, offices, health/fitness and professional services.

The submitted Planning Statement further states that parking facilities will mainly be provided within a ground floor parking area providing 19 residential parking spaces, as well as *'unallocated parking facilities retained along the northern frontage of the building'*. It is further stated that a lower parking ratio than that proposed of 0.54 has been accepted elsewhere in the town and that the spaces will be sold to individual properties with those who do not purchase a space offered a subscription to the nearest car club.

Relevant Planning History

Outline planning permission was granted in 2015 for the mixed use redevelopment of the Ropetackle North development. The indicative proposals at that stage showed a hotel and residential block of 4 storeys on the current application site.

Reserved Matters approval was granted in 2017 under reference AWDM/1006/16 but the application site and its immediate surrounds were not included within the

application with a 5 storey hotel and associated parking being shown as 'Phase 2' (Application reference AWDM/1006/16).

Consultations

Technical Services

Thank you for the opportunity to comment upon this application. We have the following comments on flood risk and surface water drainage.

Flood risk- The application is within flood zone 3, and has areas shown to be at risk from surface water flooding. The Environment Agency should be consulted.

Surface water drainage- the application includes a surface water drainage statement. This proposes to discharge surface water to surface water sewer at 0.9l/s. A climate change percentage of 40% has been applied, please note that a climate change allowance of 45% should be applied here as per latest requirements. The location of the proposed attenuation tanks is under the proposed building, this is not supported. As per policy, design must be maintainable and structurally sound allowing for reconstruction of crates within the development lifetime. The crates are also proposed to have a cover depth of only 0.15m, this is a very shallow depth and we query how achievable this is in practice. The scale of development may need to be reduced to ensure a policy compliant surface water drainage design. The invert level of the proposed connection is stated to be confirmed, this information should be provided now to demonstrate that a gravity connection can be achieved. Calculations do not tally with the drainage layout, these must be consistent.

Given the above points it is believed that the area available for attenuation is insufficient, we therefore OBJECT to this application and REQUEST FURTHER INFORMATION IS SUPPLIED. Insufficient evidence has been submitted to demonstrate that a policy compliant design can be achieved. Further information is required prior to determination as it is not clear that drainage can fit within the proposed layout and be secured via conditions. To overcome this objection the applicant should submit:

1. Revised calculations applying a 45% climate change allowance and an urbanisation allowance.
2. Revised calculations consistent with proposed drainage layout strategy drawings.
3. Confirmation of invert level and location of point of connection to wider surface water network.
4. Evidence of adequate capacity in the receiving network.
5. Revised drainage strategy layout with below ground attenuation outside of building footprint.

6. 10 year plus 45% cc event calculations demonstrating the structure drains 50% of its total volume within 24 hours.
7. 100 year plus 45% cc event calculations demonstrating water will safely be contained on site.

Please re-consult Technical Services for further comments once further information has been supplied or should you decide to determine the application prior to the submission of further information.

Southern Water (initial comment)

The attached plan shows that the proposed development will lie over an existing water distribution main, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the 6 inches water distribution main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- The 6 inches and 125mm water distribution main require a clearance of 6 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water distribution mains without consent from Southern Water.
- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water distribution mains.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development. Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul

sewer to be made by the applicant or developer.

Southern Water - further comment following the receipt of additional information

The FRA and Surface water drainage strategy indicates surface water flows no greater than existing levels being connected into the public system proving betterment of the surface water. This discharge can be permitted, if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. The applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flow will be no greater than the existing contributing flows.

All other comments in our response dated 13/09/2022 remain unchanged and valid.

West Sussex County Council Highways - initial comment

Section 1 – Report Introduction/ Site background

1.1 The LHA have been consulted on the above application with regards to any highway safety or capacity matters associated with the above proposal.

1.2 The land indicated in the site location plan no:20.012.001 'Ropetackle Phase 2' forms part of the land and permission granted for the outline planning consent under application AWDM/0935/13, for which assessment of a hotel was carried out, for approximately 4,288 sqm. This was for a 5 storey 60 bed hotel to be delivered under phase 2 of the development.

The hotel was to be served via its own access onto the A283, it was not intended or assessed as being served from the main access into the site that is now built and operational. Plan no: M272-100 Rev P1 clearly shows this arrangement in the Reserved Matters application AWDM/1006/16 for phase 1 of the development.

As such the LHA consider that the fall-back position is that the land currently has outline planning consent for a 60-bed hotel with access via its own access onto the A283, to the south of the main re-developed site access.

1.3 The LHA have reviewed the supplied Transport Statement (TS) from Reeves Transport Planning. Section 1.4 states that pre-application discussions have been held with WSCC. Having checked our records, no request for pre application advice can be found or a response to one under our pre-application service for this proposal.

Section 2 – Trip Generation

2.1 Section 5 of the TS refers to trip generation of the residential side of the proposal, stating in section 5.4 that there is an expected two-way trip rate of 82 vehicles per day associated with the residential element.

After review of the full TRICS data under appendix 6 (page 5), the report shows the

following AM and PM peak hour estimated movements.

	AM (8-9)	PM (5-6)
Arrivals (per dwelling)	0.064	0.195
Departures (per dwelling)	0.184	0.098
Total AW Two Way trips (per dwelling)	0.248	0.293
Estimated for 34 dwellings	8.432 (9)	9.962 (10)

2.2 In terms of the ground floor commercial element (175 sqm E class), no TRICS data has been provided. The TS states that the commercial space is too small to attract the branded food convenience stores and, in all likelihood, will be ancillary use to the wider re-development of the former Riverbank Business Centre.

This may be the case, but the LHA need to be provided with and able to assess this proposal's highway impact. At present there is no information submitted for this element, so we have nothing to base an assessment on. E class use covers a vast range of businesses, such as retail units, offices, health/fitness, and professional services, each have a wide varying trip association with them and different operating patterns.

2.3 If highways pre application advice had been sought beforehand the applicant would have been advised of this and that assessment would have needed to be made on this basis.

2.4 The outline planning consent is based on the proposed hotel having its own access, so none of the traffic in relation to the hotel access would have passed through the main site access, so in theory the current access point has not been assessed to cater for trips in relation to this part of the development site in phase 2.

Section 3 – Access & proposed Access strategy for all

3.1 Access will be taken from the existing access that serves the new development under phase 1 from the A283. This access has already been assessed in terms of visibility and width requirements.

3.2 Access to the parking area under the building appears to be narrow and unable to allow two vehicles to pass each other, when entering and exiting at the same time. Considering this access road serves a high level of residential and commercial properties, it is not ideal that vehicles should be stopped waiting in the access road should another vehicle be leaving the parking area.

3.3 There are no details regarding the servicing of the commercial unit, this will likely require provision for deliveries/ loading and unloading in some form. Section 4.6 of the TS states *'the access forecourt provides adequate space for delivery vehicles and short-term visitor parking'*. No details are shown for how the commercial unit will be serviced. A retail bins area is shown on drawing no: 20.012.100, but there is no further detail.

The LHA are concerned with the statement that refers to the forecourt outside the commercial unit being used for servicing and short-term visitor parking, given the proximity to the development access with the A283. The LHA would advise that any serving area/ parking is located away from the access point onto the A283 and that this forecourt area is restricted so no vehicle access can take place right outside the retail entrance and the access onto the A283.

Section 4 – Parking

4.1 Drawing no: 20.012.100 shows 8 parking spaces in orange, which appear to be existing unallocated spaces delivered as part of the phase 1 development. It also shows 5 visitor spaces on the opposite side of the access road. All of these are within the red line edged boundary for this application; however, it is unclear how these relate to the existing phase 1 development. The Visitor Bay opposite is referred to as a *'Commercial Managed loading/visitor bay'* in application AWDM/1115/22 for the commercial unit opposite in block 3, which has recently been granted planning consent for extended hours for a convenience store to occupy the site. These spaces appear to be being used under both planning applications.

4.2 Under section 6 of the TS and in the summary, it states that 19 parking spaces are to be provided. This includes the provision of 2 disabled bays. All of which are located under the proposed development.

4.3 The WSCC Parking standards for this area indicate that around 39 spaces should be provided. Although given local census data for car ownership rates in this area indicate that around 29 spaces would be adequate to serve the development. Meaning the site falls short on provision of 10 spaces.

4.4 It is agreed that the site is in a sustainable location with other options available to travel; however, the application doesn't take into consideration where parking would take place should residents have more than one vehicle or are not willing to purchase a parking space along with their property, as described in the TS.

It is accepted that 'other' sites locally have had a lower ratio of parking per unit accepted (in highway safety terms), but each site is assessed on its own merits and can not be compared exactly to another. Application AWDM/1450/21 is much closer to local services and the train station, the site also provided a rigorous justification for its parking levels and mitigation in the form of two car share club spaces on the site and two vehicles, as well as cycle parking levels that exceed standards. It was also highlighted that whilst the level of parking may not have a highway safety implication, it may have an impact on amenity to existing and new residents, which is a matter for the LPA to consider.

It is unlikely parking will take place in the immediate site access location to the A283 due to the double yellow lines that are in place. But parking could occur outside the site in the unallocated spaces (orange on the plan), in the spaces meant for the retail space in block 3 opposite or the residential parking allocated for block 3. Local residents' objections are noted in relation to parking difficulties.

Whilst the deterrent of buying a parking space separately may stop people buying one of these flats, it is not guaranteed, nor that every flat will only have one vehicle. The LHA do not feel that the parking strategy for the development or its impact has been fully considered.

Section 5 – Cycle Parking

5.1 Cycle parking meets the requirements of the WSCC standards for flats (1 & 2 bed) in a communal storage location, 0.5 spaces per unit, which equates to 17 spaces. It appears these spaces are catered for and accessed via the residential lobby area.

This allocation permits half a space per unit. Considering the low level of parking the LHA would perhaps expect this to be higher to encourage the use of cycles over the private motor vehicle, in a similar way to how application AWDM/1540/21 has done, to partly mitigate a lower level of parking on its site.

5.2 Visitor cycle parking has been provided. 6 spaces outside the residential entrance, which are outside spaces and 3 spaces to the front of the retail entrance, also outside spaces.

Section 6 - Summary

6.1 Based on the limited detail in the TS, the LHA are not currently able to make a full assessment of this proposal. The above points highlighted should be addressed, with further information being provided directly to the LPA. Once the LPA have received this further information then the LHA will be able to be re-consulted to provide further comments and make a more informed assessment of the proposal.

West Sussex County Council Highways - further response following the receipt of additional information

Section 1 – Report Introduction/ Site background

1.1 The LHA have been re-consulted on the above application after our initial comments dated 12th October 2022. A Transport Rebuttal has been provided by Reeves Transport Planning, along with a revised drawing. The LHA have also received a letter from the Chair of the Waterfront Residents' and Tenants' Association, which details various highway safety/capacity related matters.

1.2 As previously stated, the land indicated in the site location plan forms part of the land and permission granted for the outline planning consent under application AWDM/0935/13, for which assessment of a hotel was carried out, for approximately 4,288 sqm. This was for a 5 storey 60 bed hotel to be delivered under phase 2 of the

development.

The hotel was to be served via its own access onto the A283, not via the main access into the site. Plan no: M272-100 Rev P1 clearly shows this arrangement in the Reserved Matters application AWDM/1006/16 for phase 1 of the development.

This fall-back position means that no assessment of the Waterfront Estate junction onto the A283 was carried out to accommodate any traffic related to the hotel. As such any proposal that now wishes to use this junction (instead of its own access that was previously approved) must demonstrate the proposed development's effect on the Waterfront estate junction.

1.3 The LHA requested various further information to support the proposals in our last response due to the Transport Statement being light on detail or justification for its assumptions.

Section 2 – Trip Generation

2.1 The Transport Technical note/ Rebuttal now provides TRCIS data to give some indication for the likely trips that could be related to the proposed commercial use on the ground floor. The following table has been extracted from the Transport Technical note and provides details relating to the AM & PM peak hour trips related to various E class businesses that could occupy the ground floor space, (this table shows the commercial use and then adds on the residential use too).

Use Class E Trip Rate Comparison				
Use	AM Peak Hour (08:00 to 09:00)	AM Peak Including Residential Trip Rate (8.402)	PM Peak Hour (17:00 to 18:00)	PM Peak Including Residential Trip Rate (9.974)
Restaurant	NA	8.402	3.826	13.8
Gym / Leisure	3.990	12.392	7.115	17.089
Office	6.628	15.03	7.06	17.034
Nursery	14.679	23.081	13.762	23.736

2.2 As detailed above the related trips of the mixed-use development have been shown not to exceed 30 two-way movements in the peak hours. As detailed in our last set of comments the Waterfront Estate junction was modelled and was shown to be able to operate well within its capacity, serving phase 1 of the development.

The above levels of trips whilst increasing the use of the junction, will not meet thresholds to indicate that the junction is operating over capacity (0.95 RFC or above). Meaning the Ratio to Flow capacity (RFC) is under 0.95. To put this into context, the modelling run for the junction for phase 1 gave an RFC of 0.194, indicating that the junction can and is operating well within its intended capacity. Adding the above trips to the junction will not raise the RFC to anywhere near 0.95, which is when junction improvements may be required.

2.3 In terms of trip generation and highway/ junction capacity no concerns would be raised.

Section 3 – Access & proposed Access strategy for all

3.1 Access to the parking area under the building has been increased from 4.1m to 4.5m. This will make turning in/out of two opposing vehicles easier and less likely to cause any waiting vehicles on the estate spine road, waiting to enter while a vehicle is leaving.

3.2 The Transport Rebuttal indicates that an office would not have any deliveries, apart from one a month. As the final occupier is unknown and as detailed in the trip generation information supplied by the development team, this commercial space could be used for businesses such as, a day nursery, a gym/ leisure facility, office, or restaurant (amongst other things under a E class use). It is likely that all these uses will have differing requirements, but ALL will have some form of a need for deliveries to take place and will need an appropriate place for loading/unloading and servicing to be carried out in relation to the commercial unit. Therefore, this point remains outstanding.

The LHA remain concerned that the forecourt outside the commercial unit on Salt Marsh Road will be used for servicing and short-term visitor parking as detailed in the TS previously. Given its proximity to the development access with the A283 and the front entrance of the commercial unit for pedestrians, the LHA would advise that this forecourt area is restricted so no vehicle access can take place.

It is noted that loading and unloading will take place off the public highway, however this is in very close proximity to the main estate access point onto the A283 and could cause a safety issue for the junction should delivery vehicles stop just within the site outside the commercial unit.

Section 4 – Parking

4.1 It has been confirmed that the 8 parking spaces that are existing are unallocated spaces related to phase 1 of the development. It has been confirmed that the 5 visitor spaces opposite do not form part of this application's parking proposals.

4.2 The LHA would not expect a shortfall of 10 spaces to cause a highway safety concern that would prevent our support for the application in line with the NPPF; however, it may cause or add to any existing estate problem which may cause an amenity issue for existing residents, new residents and have an effect on the parking already allocated for the commercial business opposite. Add to this that no parking is proposed for the commercial unit at ground floor level under this proposal, for staff or customers, this could cause an amenity issue within the overall Waterfront development.

4.3 A parking management strategy has been mentioned in the Rebuttal note, but no detail has been provided. It also mentions the developer joining the phase 1 Travel Plan for the site, these are both options that should be explored and entered in to, to secure some form of parking management for the combined site.

4.4 The Rebuttal note states that '*Customers and staff are expected to use visitor or unallocated spaces within the site*'. There is no clarification on how many 'available' spaces there are for actual use, if any. As far as the LHA are aware these are spaces intended and accounted for the use of phase one of the development and the commercial unit on the western side of Salt Marsh Road. The previous approval at outline stage for the hotel included its own access from the A283 separate from the Waterfront Estate access and had its own large separate car park next to the railway arches.

Section 5 – Cycle Parking

5.1 A further 6 cycle spaces have been provided by the bin area at the front of the commercial unit.

Section 6 - Summary

6.1 Whilst the further submitted information has answered the LHA's questions about traffic generation of the proposal, it has not fully addressed matters relating to parking for the commercial unit and servicing of this unit.

Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. In this instance the LHA do not feel that the servicing aspect of the proposed commercial unit is being adequately addressed. Our reasons for this are stated above.

6.2 The LPA should consider parking for the site as a whole on the basis of amenity for all. In terms of highway safety, the LHA are unable to object as this is a private estate and there are parking restrictions locally to prevent unsafe parking on the highway network, thus no highway safety aspect is expected to arise from parking matters.

6.3 The LHA would strongly advise that the development team reconsider the servicing of the ground floor commercial unit and provide details to demonstrate that no service vehicles will be stopping outside the unit in close proximity to the junction with the A283.

West Sussex 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, recommendations, and advice.

Flood Risk Summary

Current surface water flood risk based on 30 year and 100 year events Low risk
Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding. 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. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’
Modelled groundwater flood hazard classification Low risk
Comments: The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Groundwater contamination and Source Protection Zones. The potential for groundwater contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered a risk.

Current Ordnance Survey mapping shows watercourses running close to/across the site. River Adur. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

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

Future development - Sustainable Drainage Systems (SuDS) The FRA and Drainage Strategy for this application proposes that sustainable drainage techniques (permeable paving, swales, attenuation basins with a restricted outfall to the watercourse) would be used to control the surface water from this development.

In the spirit of SuDS implementation, and in line with policies in the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, permeable paving, swales or bioretention systems. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

This application will be subject to review by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed. All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs. 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.

West Sussex County Council Section 106 contributions (summarised)

Education - Primary - £28,250

Education - Secondary - £30,404

Education - 6th form - £7,122

Libraries - £11,785

Fire and Rescue - £852

Transport - £58,650

TOTAL - £137,063

The contributions generated by this proposal shall be spent on additional facilities at Swiss Gardens Primary School, Shoreham Academy, Shoreham Academy Sixth Form, Shoreham Library, supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in West Sussex Fire & Rescue Services Southern Area serving Shoreham/Southwick, cycle and public transport infrastructure improvements on the A259 linking Shoreham to Southwick and Hove.

Environment Agency

We have no objection to the proposal provided that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Condition – Flood risk

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (entitled 'Flood Risk Assessment & Surface Water Drainage Strategy', Ref: MC0042 CrossStone Ropetackle 2A, dated December 2021, Rev: P1 Nov 2022, by Meridian Civil Engineering Consultancy) and the following mitigation measures detailed within the FRA:

- Finished floor levels shall be set no lower than 6.3m above Ordnance Datum (AOD). (sections 8.14, 14.2, 15.11 & 15.13 of the FRA).
- No sleeping accommodation shall be placed on the ground floor (section 15 and Appendix 1 of the FRA).

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

To ensure the safety of the development and future occupants.

The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

Network Rail

No objection

West Sussex Fire and Rescue

Having viewed the plans for the planning application no. AWDM/1314/22 for the proposed mixed use building set over 5no. floors comprised of ground floor commercial space (Use Class E) and 34 new apartments, evidence is required to show that all points inside all flats are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist systems complying with BS9251 or BS8458 standard.

Environmental Health

I have no objections to this application in principle, I am happy with the acoustic assessment and appropriate glazing has been specified. However, the final ventilation system for the development has not yet been specified.

If MVHR is chosen then there should be no issues, however, if alternative passive or mechanical ventilation or a combination of both is chosen then the noise mitigation will need to be checked to ensure that any passive ventilation does not compromise the overall facade insulation.

Representations

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

- insufficient parking is proposed for the residential units
- no parking for the retail unit
- the building is too large and high
- should be no higher than the neighbouring flats
- loss of light
- inadequate infrastructure
- existing commercial spaces are still empty
- building should be stepped down from the neighbouring flats
- terrace and balcony on the 4th floor causes overlooking
- some parking spaces have been included which are existing visitor spaces
- water neutrality has not been demonstrated
- car sales yard has been excluded from the site
- loss of privacy
- building juts out across Salt Marsh Road
- the bin room will be level with adjacent gardens
- inadequate consultation
- overdevelopment of the site

1 letter of support has been received on the grounds that the proposal represents a great design providing much needed housing and a commercial space which will also be appreciated.

Waterfront Residents and Tenants Association

In the first instance, the Council should be extremely disappointed that the Hyde Housing Association, as a social housing provider, has sold this site to a private developer who is seeking to provide high density, mainly private for sale residential apartments.

It should be remembered that the original site (2.69 ha), covered by the outline planning permission, included the car sales yard immediately adjoining the southern boundary of this residual site and that this larger site provided for a hotel with an appropriate level of car parking. That original consent also included the housing site on the opposite side of Old Shoreham Road. This new scheme is a departure from that outline consent and approved masterplan through the introduction of residential units. As such it requires its own level of amenity and parking and should be considered as a standalone development.

In comparison with the surrounding residential area, this scheme is extremely dense. There are 34 residential units proposed for this small 0.11 ha site compared to the wider surrounding Waterfront Estate which will provide 127* residential units over approx. 2.5 ha. According to figures from the applicant's design and planning statements, the proposed scheme has a density approximately six times that of the rest of the Waterfront estate based on the no. units/ha. (*Including the opposite site with a now existing 7-unit proposal.)

The impact of this high density is that many existing homes are overshadowed and privacy compromised, adequate parking extremely difficult to achieve, site and estate access is challenged, existing soft landscaping is lost and the opportunity to provide a well-designed entrance to the Waterfront Estate and to central Shoreham is diminished.

The WRTA has held some discussions with the developer but the wider consultation promised to us at the initial meeting has not materialised. We would expect there to be still an opportunity to address these basic concerns which are also described in the objections raised by adjoining occupiers and other Waterfront residents.

In terms of its massing, the scheme impacts greatly on adjoining and adjacent occupiers. A scheme of lesser density and height would reduce the detrimental impact on daylight and sunlight and privacy to adjoining residential properties, most of which are in social housing use. The most affected properties being the adjacent Chalkhill Apartment block and nos. 3,5,7,6 and 8 Salt Marsh Road. It is also not in keeping with the lower-level mews building style of the estate and is a floor higher than the apartment block opposite.

In terms of mixed use, diverse uses that contribute to community living and a live road frontage are welcome. However, this scheme seeks to provide more retail space in a location which is some way off the town centre and will attract more traffic and parking to what will become an increasingly busy road junction. The Council will be aware that there remain significant levels of vacant retail space in other mixed-use schemes completed sometime ago (e.g. Mariner's Point). It might be more appropriate for the Council to offer flexibility and consider other uses such as shared business space. Alternatively, the developer could just provide more car parking for this scheme or incorporate the existing valued landscaping.

In terms of parking, the applicant's own transport statement states that the scheme is deficient in provision. It provides just 19 spaces against West Sussex County Council guidelines that suggest that 39 spaces are required. Also, that in mitigation of this under-supply, those new residents will be expected to buy such spaces and the rest can rely on car club spaces 400 metres away! In reality, there will be many disappointed new residents and extreme difficulties for the rest of the Waterfront Estate (where the Council required at least one-to-one parking which is now regularly exceeded) as well as other for residents in the surrounding neighbourhood.

This deficiency in parking spaces will be further exacerbated by the proposed additional retail/business space for which there is no parking provision at all. This will all add to the parking problems likely to come from the new convenience store and existing limited provision for the adjacent social tenants in Chalkhill Blue Apartments. The 8 parking spaces below overhanging balconies do not form part of this new scheme.

In terms of design, a major opportunity has been lost in providing a landmark architectural statement which would add townscape value to the Waterfront Estate and provide a prominent attractive gateway to Shoreham Town Centre.

The Planning Statement cynically shows trees and green planting across this site and the entire Waterfront Estate, yet this new scheme immediately sacrifices the existing frontage and side return landscaping and there is very little maintained planting in the rest of the estate.

In terms of layout, it is noted that the north frontage upper floor balconies are not contained within the site curtilage, protrude beyond the Salt Marsh Road building line and overhang existing parking spaces dedicated for the estate. Given the lack of controlled parking (despite persistent requests) this layout aspect will create conflict, introduce a safety hazard for manoeuvring articulated service vehicles and generate noise and exhaust pollution for the residential units and balconies above.

In terms of access, the proposed access to this scheme will create an extremely busy cross-over with service deliveries to the new convenience store opposite and customer parking creating congestion at the estate's entrance. This and development of the housing site on the opposite side of the road will compound existing peak time delays from traffic queueing to access the estate and Shoreham from the Old Shoreham Road, resulting in additional exhaust and noise pollution to local residents.

It should also be noted that the Waterfront Estate's roads are unadopted by the Council (through the Section 106 agreement) and are private, excepting access by residents' cars, pedestrians and cyclists. There are no pedestrian footpaths. The WRTA would expect some provision by the developer for protecting this environment and maintaining road safety rather than development that will attract increased car use of these private roads.

If permission is granted for a scheme on this site, the WRTA requests that conditions should be applied to ensure appropriate and responsible site management. These should minimise disruption, dust and noise in the construction period, provide an off street works site, restrict work hours to between 0800 and 1700 hours on weekdays only, provide adequate site security and allow for the cleaning of construction spillage and spoil from estate roads.

In summary, the WRTA expected this site to be developed but it objects to the scheme in this form. The WRTA requires the planning process to seek significant amendments to the scheme to:

- create a lower density;
- improve design and landscaping;
- provide a parking level of at least one-to-one;
- address access problems at the front of the estate
- protect the estate's private roads.

Cllr Gabe Crisp

Objects to the application on the following grounds:

This gravel site forms part of the entrance to the town centre through the distinctive rail bridge which crosses Old Shoreham Road at this point. It was earmarked for a

hotel as part of the revised Waterfront development. The site abuts the very attractive railway arches, a distinctive feature of the journey into the urban town centre zone from the rural Steyning road and the suburban Old Shoreham Road.

Design - The proposed development is not of sufficient architectural merit to form part of the gateway. It would obscure the current zone change marker.

Highway access and parking - the Waterfront development is served by only 1 access onto the Old Shoreham Road. This junction is busy and the road itself is frequently congested. An additional 34 units would increase the number of vehicles using this junction and cause additional congestion for Waterfront residents and people living on A283 OSR. The number of parking spaces for the 34 dwellings may be appropriately calculated for an urban setting but, given the likely purchasers there are insufficient spaces for the number of homes.

Loss of general amenity - the planned buildings are of excess height and bulk for the area. They block light from the adjacent homes on Salt March Road and will further restrict light to the Swiss cottage and the properties on Buckingham street. They overshadow and overlook the gardens of current residents of SMR.

Privacy light and noise - loss of privacy for residents on the South side of SMR. Noise during construction. Additional night time light. Overlooking of the flats in Chalk hill blue.

The Waterfront development as a whole is a biodiversity desert. The very small area of wildflowers, adjacent to the river bank, is in no way comparable to the leafy images offered by the developers in the 2013 plans. We cannot accept more buildings without adequate trees and natural landscaping. In addition there are no play spaces for children and no access to green space for residents

Relevant Planning Policies and Guidance

Adur Local Plan 2017 - relevant policies include 2 Spatial Strategy, 3 Housing Provision, 4 Planning for Economic Growth, 11 Shoreham-by-Sea, 15 Quality of the Built Environment and Public Realm, 18 Sustainable Design, 20 Housing Mix and Quality, 21 Affordable Housing, 22 Density, 28 Transport and Connectivity, 29 Infrastructure, 36 Flood Risk and Sustainable Drainage

‘Supplementary Planning Guidance’ comprising: Development Management Standard No.1 ‘Space Around New Dwellings and Flats’; No.2 ‘Extensions and Alterations to Dwellings’

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

Planning Contributions for Infrastructure Provision (ADC 2013)

Demonstrating Genuine Redundancy of Employment Sites (ADC 2019)

WSCC Guidance on Parking at New Developments (Sept 2020)

National Planning Policy Framework (July 2021)

Technical Housing Standards – nationally described space standard (DCLG 2015)

Circular 11/95 ‘The Use of Conditions in Planning Permissions’ (DoE 1995)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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.

For Conservation Areas and Listed Buildings

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

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 an appeal has been submitted against the non determination of the application within the statutory timescale of 13 weeks, the Committee needs to determine the application even though it cannot make the final decision. If the Committee decides that it would have refused the application then this will form the basis of the Council's case at the forthcoming appeal.

As can be seen from the consultation responses above, some matters were still under discussion with the applicant and had not been resolved to an extent where planning permission could be recommended to be granted. These issues related to the comments from the Highway Authority, Southern Water and the Council's Technical Services department.

Highways

In respect of the Highways comments, it is noted that the County Council has submitted 2 consultation responses (following the submission of additional information further to their first set of comments) and at present their issues remain unresolved. In particular, it is stated that *'it has not fully addressed matters relating to parking for the commercial unit and servicing of this unit.'*

Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. In this instance the LHA do not feel that the servicing aspect of the proposed commercial unit is being adequately addressed. In particular, the Highway Authority requires it to be demonstrated that no service vehicles will be stopping outside the

proposed ground floor commercial unit in close proximity to the junction with the A283. A key point in respect of these concerns, which will also be referred to later in the report, is the extent of the site on which the proposed development is to be sited. At the outline stage, as stated in the Highways Authority comments, the hotel proposed at that stage was to be served by a separate access from Old Shoreham Road. However, the current proposal does not include the land adjacent to the railway line, which is currently fenced off and the car sales business on site remaining in situ, so the main access to the site would be utilised. This clearly affects the access arrangements to the site and is a material difference to the nature of any proposals previously considered at the outline stage. It is therefore incumbent on the applicant to demonstrate that the alternative means of accessing the site can be acceptably achieved which is not the case at present. Ordinarily, your Officers would have continued discussions with the applicant to see if the issues could have been resolved but in light of the submission of the appeal, it is considered that an objection to the application must be made on highways grounds at present.

There is also a shortfall of 10 parking spaces in respect of the application. While the County Council acknowledge that such a shortfall would not prevent support for the application in line with national policy, they do further state that such a shortfall *'may cause or add to any existing estate problem which may cause an amenity issue for existing residents, new residents and have an effect on the parking already allocated for the commercial business opposite. Add to this that no parking is proposed for the commercial unit at ground floor level under this proposal, for staff or customers, this could cause an amenity issue within the overall Waterfront development.'*

Members of the Committee will recall that parking issues were of significant concern in consideration of the application for the commercial unit to the north, which remains unoccupied. Certainly, your Officers are concerned that the additional commercial unit has no dedicated parking provided (although there seems to be a potential reliance on some of the existing unallocated spaces that sit to the front of the site). Likewise, it is noted that only just over half of the residential units would be provided with a pre-sold parking space, with those without a space directed to a nearby Car Club. Your officers do consider that amenity issues would result for existing and future occupiers of the Estate, which is a further point of concern.

Drainage

The comments of the Technical Services Officer are outlined above. It is acknowledged that the applicant has submitted additional information to try and overcome the concerns raised and, as yet, a response has not been received from officers to indicate that the concerns have been overcome. In light of the submission of the appeal, your officers are seeking further comments from the Technical Services Officer prior to the meeting and members will be updated verbally at the meeting.

Southern Water initially commented that the *'plan shows that the proposed development will lie over an existing water distribution main, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.'* While further information has been submitted, principally to attempt to

address the concerns of the Drainage Officer as outlined above, the comment of Southern Water in respect of the water distribution main does not appear to have been addressed and accordingly in its second set of comments, Southern Water advised that their initial comment remained outstanding. Ordinarily, a solution can be considered during the determination of an application which may overcome such concerns, but again, in light of the submission of the appeal, your Officers are concerned that the comment of Southern Water has not been addressed given its potential to affect the layout of the proposed development.

The issues raised by consultees above, therefore, were considered to be outstanding issues that needed to be resolved before the application could be determined. In addition to consultee concerns your Officers have concerns about the design height, bulk scale and massing of the proposal.

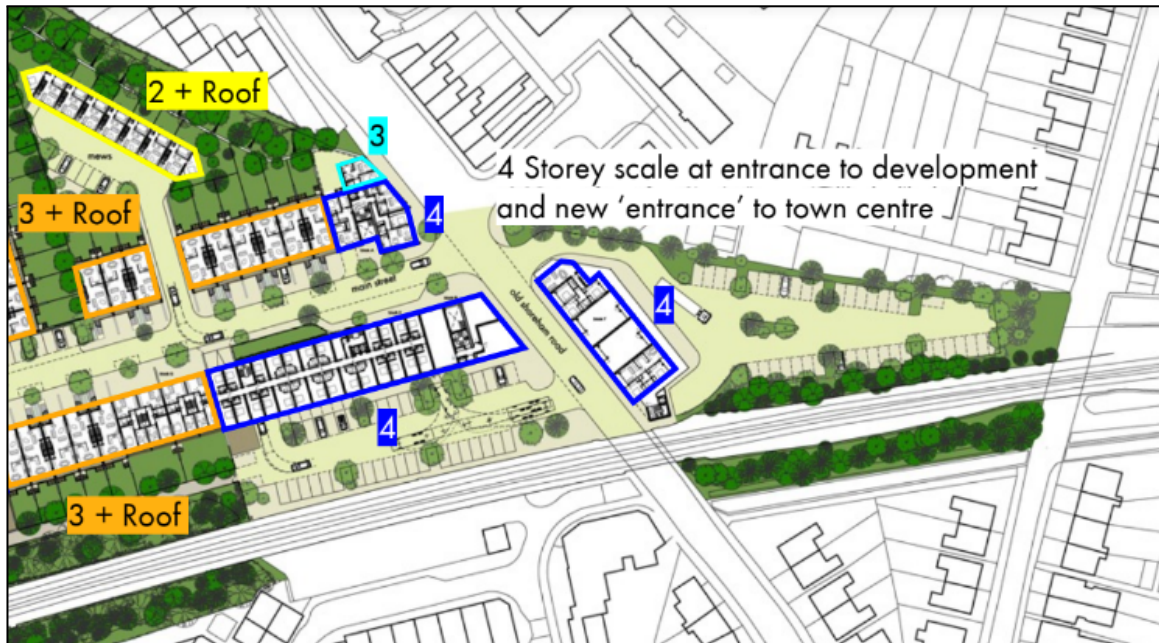
Design, Scale, Bulk and Massing

As is evident from the neighbour notification responses, there have been a number of concerns raised by residents regarding the scale of the development. Your Officers share these concerns, which were raised at the pre-application stage. In the knowledge that the Waterfront Residents Association provide detailed responses to planning applications submitted on the new development, pre-consultation was encouraged with the Association so that any concerns raised could be addressed prior to the submission of an application. While the supporting information submitted with the application indicated that this took place, the representations received from the Residents Association indicates that few if any of their concerns were addressed.

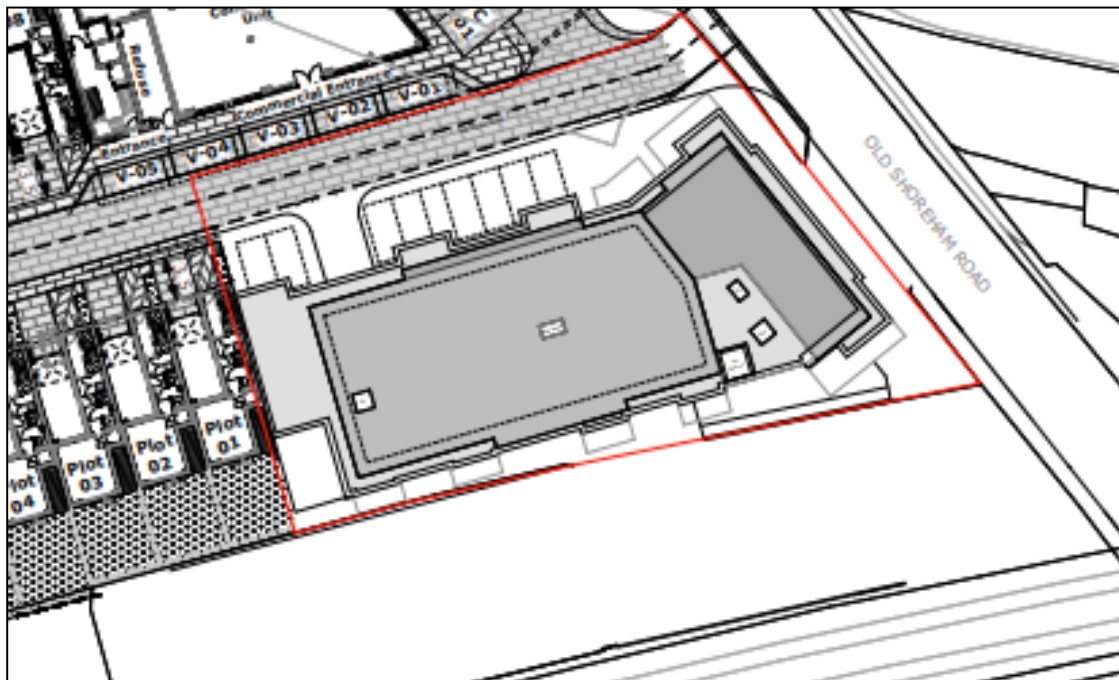
It is acknowledged that a taller building than those adjacent was indicated at the entrance to the application site as shown on the indicative images submitted at the outline and reserved matters stage:

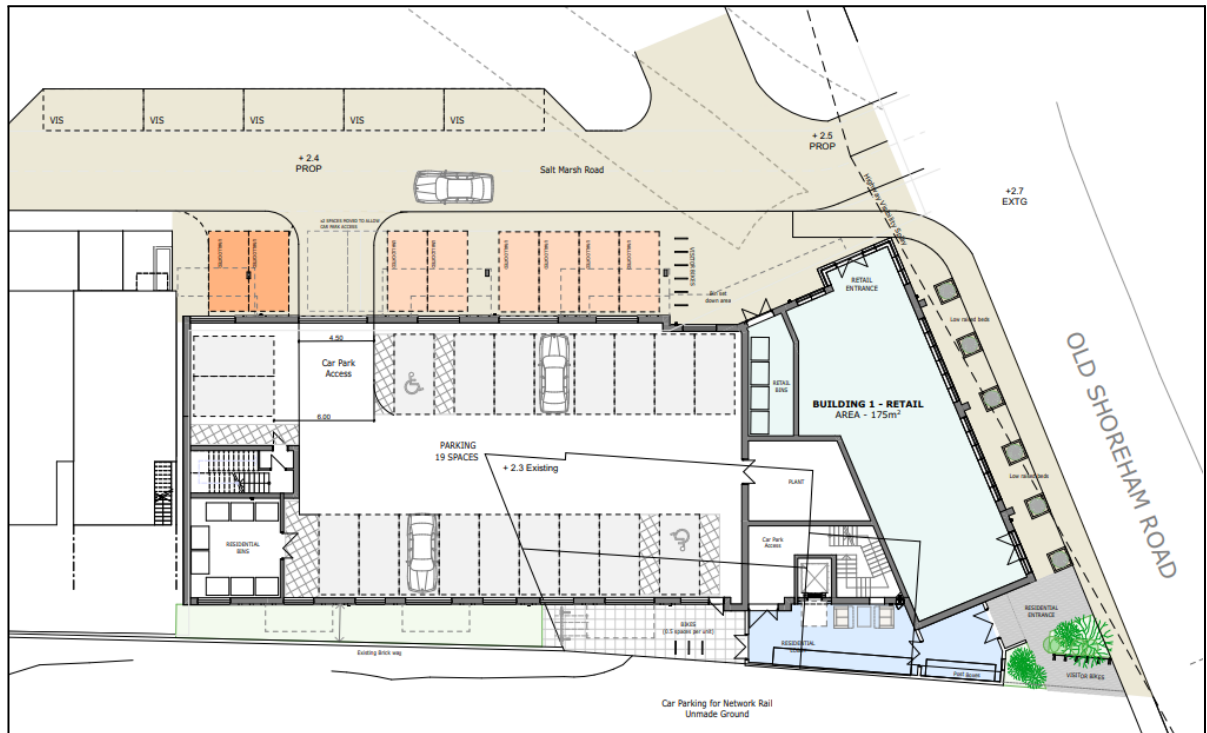


Importantly, though, as mentioned in the County Council comments, the application site area was to be served by its own access and extent of the site was sufficient to accommodate the footprint of a larger building as well as providing adjacent parking as shown below.



The current application omits the area to the south (showing it as car parking for Network Rail) as shown on the 2 plans below:



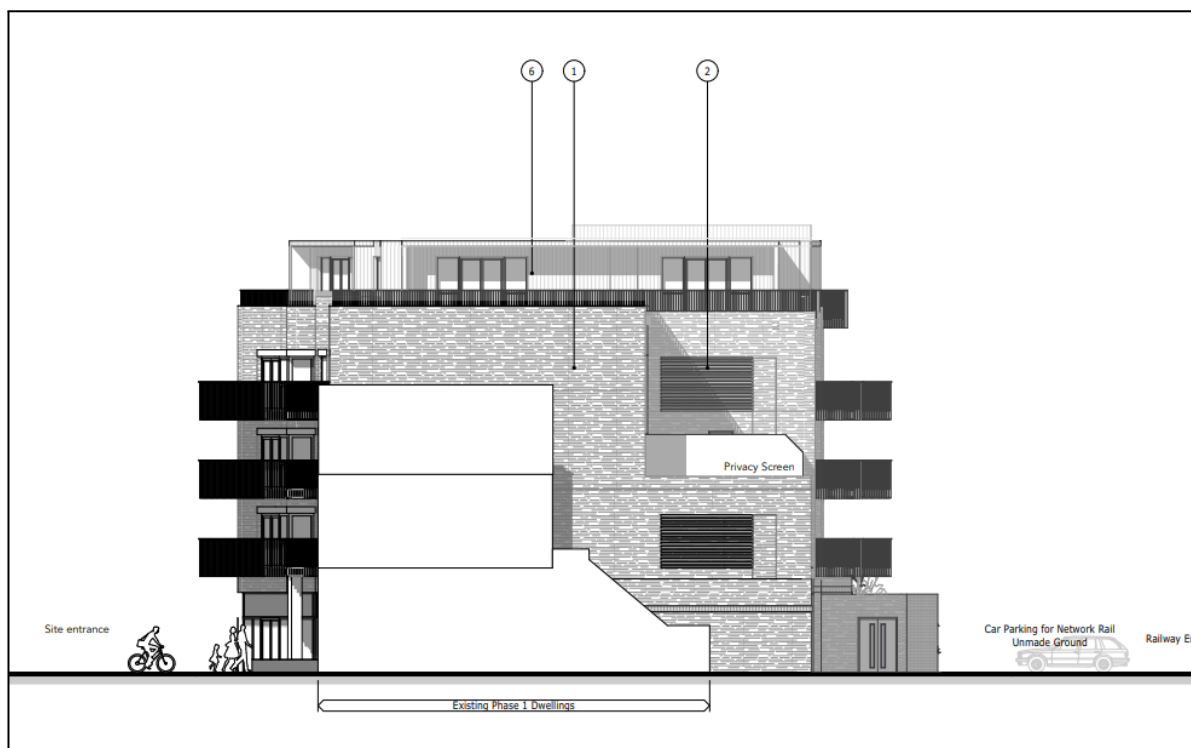


It is apparent that the site coverage of the building is much greater than previously envisaged at the outline stage. This makes the scale of the building and its relationship to the immediately adjacent buildings of particular importance. Comparison of the previous plans and that submitted now shows that the footprint of the previous building would have run in line with the existing properties in Salt Marsh Road in terms of its depth. This is not the case with the current proposal which extends deeper into the site and only the second and third floor immediately adjacent to the existing residential building partially recessed.

Although the design of the proposed building relates to the style of the phase 1 development, and itself could be said to fit in more comfortably in design terms than the building shown in the illustrative images submitted at the outline stage, its scale in relation to the immediately adjacent Phase 1 developments is not considered to successfully relate to those buildings as shown in the southern elevation below:



Your Officers' concerns are compounded by the details shown on the side elevation. The increased depth of the building is shown on the site plan above and together with the scale of the proposed building, is not considered to relate well to the existing dwellings as demonstrated on the plans below:



Even with the stepping in at second and third floor level of the building where it adjoins the existing dwelling, and allowing for the fact that the buildings face south with a high degree of glazing, it is not considered that the proposed building represents a satisfactory relationship between proposed and existing buildings nor does it adequately maintain the amenities of existing occupiers. Accordingly, the development cannot be considered to be acceptable in its current form.

Policy 21 of the Adur Local Plan sets out the requirements for affordable housing and states: *On development sites of 11 dwellings or more (gross) a target of 30% affordable housing, including social rented, affordable rented and intermediate housing will be sought. The preferred mix of tenure will be 75% social/affordable rented housing and 25% intermediate housing.*

A financial viability statement has been submitted with the application. Referring to the above policy, the viability statement advises:

On this basis, we conclude that upon a planning policy compliant basis the proposed scheme would generate a negative land value of - £250,000. Therefore, upon a planning policy compliant basis, a negative land value would mean that the scheme would not be viable and will not come forward. Further, on this basis, the proposed scheme falls well short of exceeding the BLV by a considerable margin and there is a large viability gap of £1,150,000 in terms of a policy compliant scheme being able to provide any form of affordable housing pot. This clearly demonstrates that the scheme cannot come forward upon a planning policy compliant basis. Our

conclusion, based upon the financial viability of the project, is that this scheme cannot at a policy compliant level accommodate the provision of any affordable housing.

In light of the concerns regarding the scale of the development, your Officers considered that the current quantum of development was unlikely to be supported and, pending resolution of the other consultees responses, was therefore likely to result in a scheme proposing fewer units at which time an independent viability assessment would have been undertaken to consider the above information. Given the appeal, the assessment will now be brought forward although it is unlikely that the results of this assessment will be received prior to the meeting. At this stage, though, the lack of any affordable housing means that it cannot be included in any planning balance exercise. It is relevant to note that the original outline planning permission was subject to a viability review at both the outline and reserved matters stage and affordable housing was provided albeit at below 30%. Any disposal of the current application site should have had regard to affordable housing requirements and reflected in the land value.

The applicant does consider the site forms Phase 2 of the strategic allocation for the Ropetackle North development, will deliver 34 new homes and new commercial floorspace in line with the strategic aims for this area as set out in the Local Plan. The applicant further contests that the delivery of a mix of commercial and residential floorspace meets the requirement for a mix of uses and the development would regenerate a vacant site in a prominent town centre location while providing a much needed contribution to the District's housing supply and an employment unit that can be utilised for a range of appropriate town centre uses. The applicant concludes that significant economic, environmental and social benefits would be delivered through the proposed development and the proposal is sustainable development as defined within the National Planning Policy Framework.

Your Officers accept that there are benefits with the development that have to be weighed against the harm caused by the unacceptable design and overall scale of the development. Officers are mindful of the 'tilted balance' (para 11d NPPF) as the Council cannot demonstrate a 5 year housing land supply but it is considered in this case that there are '*adverse impacts which would significantly and demonstrably outweigh*' the benefits of the development.

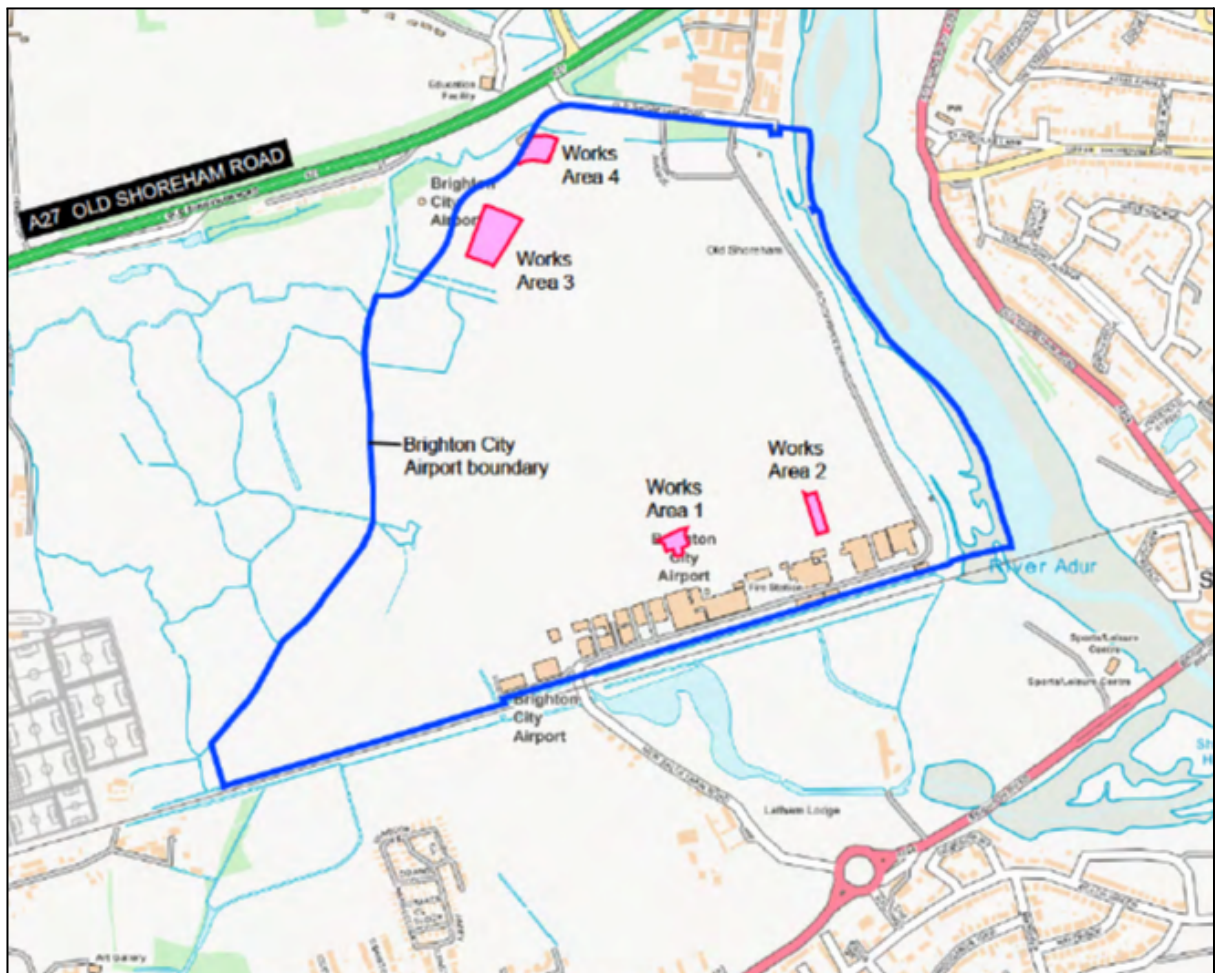
In conclusion, therefore, it is disappointing that an appeal against non-determination of the application has been submitted before resolution of the outstanding matters given that the application site is a vacant site in an otherwise developed estate (although its cohesiveness with the remainder of the development appears potentially reduced by the non inclusion of the land to the south). In light of the appeal, however, your Officers of the view that the appeal should be contested.

Recommendation

To DELEGATE the decision to the Head of Development to contest the appeal on the following grounds pending the receipt of a viability assessment in respect of the provision of affordable housing and other development contributions:

1. The proposed development by reason of its overall density, height, scale, bulk and massing would result in an over development of the site to the detriment of the character and visual amenities of the locality and the amenities of neighbouring residents. Accordingly, the proposal would fail to comply with policies 8, 11 and 15 of the Adur Local Plan 2017.
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed commercial unit can be adequately serviced without detriment to the highway safety of the area or that the under provision of parking to serve the proposed development can be adequately mitigated without adversely affecting the amenities of existing and future residents. The proposal therefore fails to comply with policy 28 of the Adur District Local Plan 2017 and guidance contained within the National Planning Policy Framework.
3. It has not been demonstrated to the satisfaction of the Local Planning Authority that an adequate drainage strategy has been provided to serve the development or that the layout of the proposal protects the existing water distribution main or can accommodate any appropriate diversion. Accordingly, the proposal fails to comply with policies 35 and 36 of the Adur District Local Plan 2017.
4. In the absence of a planning obligation, the application does not secure the provision of the infrastructure and services necessary to accommodate and mitigate the impact of the development in relation to matters including: affordable housing (subject to a viability assessment), highways & transport, health, education, libraries, fire & rescue, and open space & recreation, in accordance with Policies 29 & 32 of the Adur Local Plan,

Application Number:	AWDM/0018/23	Recommendation - Approve, subject to Deed of Variation
Site:	Shoreham Airport, Cecil Pashley Way, Lancing	
Proposal:	Extension of airport apron, use of spoil to relevel land and relocation of existing grass helicopter landing pad.	
Applicant:	Brighton City Airport Limited	Ward: Mash Barn
Agent:	DMH Stallard LLP	
Case Officer:	Peter Barnett	



Not to Scale

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Proposal, Site and Surroundings

The application relates to four areas of land within Shoreham Airport, on the airfield itself. Area 1 comprises grassland adjacent to the existing airport apron helicopter landing pad. Area 2 comprises grassland adjacent to another area of airport apron used for plane parking and maintenance. Areas 1 and 2 are at the southern end of the airfield, close to the main airport buildings.

Area 3 comprises an open grass area in the north west corner of the airfield and Area 4 comprises footings of a demolished hanger, associated hardstanding and areas of scrubland in the NW corner, on the boundary with the New Monks Farm development.

The proposed development is as follows:

- Area 1(0.11ha) - Extension of the existing helicopter landing pad
- Area 2 (0.18ha) - Extension of the airport apron to provide additional space for parking of planes.
- Area 3 (0.3ha) – Relocation of existing grass helicopter landing pad
- Area 4 (0.3ha) – Re-levelling of land through spreading of spoil from areas 1 and 2

The supporting letter submitted with the application explains that:

“These works are necessary to increase the amount of Airport apron available for the parking and maintenance of planes. In addition, works to the helicopter landing pads are required in order to support an amended Helicopter Training Circuit which will mean that helicopter training will now take place further away from residential dwellings within Lancing.”

It goes on to state:

“These proposals do not seek to increase the frequency of use relating to the Airport but will help enhance facilities for existing users.”

The extension of the apron in Area 2 will also assist with moving aircraft off the taxiing route so that they do not obstruct it while they are being refuelled.

Relevant Planning History

ADC/0275/06 - Concrete apron/taxi-way to replace existing grass/grasscrete/tarmac area - approved

ADC/0259/07 - Concrete apron to replace existing grass concrete area - approved

Various other airport-related applications.

AWDM/0961/17 2020 - Planning permission granted for a hybrid application for:

1. Full planning permission for the demolition of existing buildings and erection of

249 dwellings with temporary access via Grinstead Lane, a Country Park, relocation and extension of the Withy Patch Gypsy and Traveller site, permanent access via a new roundabout on the A27, landscaping, and other associated infrastructure (including pumping facility at the River Adur);

2. Outline planning permission (with only landscaping reserved for a non food retail store (Use Class A); and,

3. Outline planning permission (with all matters reserved other than access) for the erection of a further 351 dwellings.

Full planning permission was granted in November 2021 (SDNP/20/05236/FUL and AWDM/1906/20 for the provision of a “Fourth Arm” from the New Monks Farm roundabout to Coombes Road (West) and closure of Coombes Road (East) junction with the A27.

AWDM/1831/21 - Reserved Matters approval granted in 2022 for 25,000 sqm at Shoreham Airport.

AWDM//0021/22 - Planning permission granted for the erection of 385 dwellings and Community Hub (Flexible Class E/F1/F2 use) along with associated access, landscaping, car parking and public open space (an increase of 34 dwellings from the outline approval of 351 dwellings (AWDM/0961/17).land East Of Shadwells Road At Mash Barn Estate, Mash Barn, Lane, Lancing, West Sussex

Consultations

West Sussex County Council: The **Highway Authority** has no objection. It is anticipated that there are HGV movements during the construction phase, but the minor re-levelling of land taking place within Area 4 is in an area adjacent to Cecil Pashley Way and located adjacent to the new access road from the A27 roundabout. Therefore, the additional vehicular trips generated during the construction phase are not expected to cause a detrimental impact on the operation of the local highway network.

Local Lead Flood Authority: As agent to the LLFA, Technical Services at Adur & Worthing Councils has responded in relation to the above application. Having reviewed this response, the LLFA has nothing further to add

West Sussex Fire and Rescue Service: Evidence is required to show the locality of nearest fire hydrants to each works area for the supply of water for fire-fighting to ensure they comply with the 90 metres distance required for a commercial premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document – B (ADB) Volume 2 2019 edition: B5 section 16. Evidence is also required for the access route to any new build properties in these areas, to ensure suitable access for a fire appliance.

Adur & Worthing Councils:

The ***Environmental Health*** Officer has no objections.

Technical Services: Flood risk - The application is within flood zone 3, the site is shown to not be at a significant risk from surface water flooding. The Environment Agency should be consulted. Surface water drainage- the FRA states that surface water from the hard standing and parking area will be disposed of via perimeter french drains, the application includes relatively small changes to impermeable areas, we therefore have no conditions to request.

Environment Agency: No objection subject to imposition of a contaminated land condition on any permission

Lancing Parish Council: Support the application

Representations

1 letter received making the following comments:

- Local residents and Council know that extending Shoreham Airport would involve operating and landing helicopters near to the site of the Shoreham Air Show tragedy in 2015. The tragedy happened on account of the altitude of the aircraft involved in that catastrophic incident.
- Locally, aviation safety is a sensitive subject. Radio Technical Commission for Aeronautics (RTCA) identified that 5G frequencies cause harmful interference to altimeters. Telecommunication operators have 5G masts installed within 3km of the application site. For instance, the 5G mast at Buckingham Park
- This application lacks consideration for aviation and public safety in this connection. However, NPPF Chapter 8 and Paragraph 97 directs LPAs that planning policies and decisions should promote public safety. Accordingly, to comply with that direction, consideration for public safety by Adur District Council is necessary.
- With recent and proposed major housing development, homes are being built closer to the Airport and there is the A27 and Old Shoreham Road (A283) to consider. Altimeters serve a vital purpose, providing a direct measurement of the clearance height of helicopter (aircraft altitude) over the terrain below or other obstacles. Approach and landing a helicopter at the application site is a procedure for which accuracy from the altimeter is essential.
- The importance of accurate altitude information is self-evident if another incident like the Shoreham Air Show tragedy is to be avoided. Please give due consideration to aviation safety and that of our residents.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 policies 7, 13, 14, 34, 35, 36
National Planning Policy Framework (July 2021)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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

Paragraph 106 of the NPPF advises that planning policies should recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy.

The site lies outside of the built up area boundary, within the Local Green Gap between Shoreham and Lancing. Policy 7 of the Adur Local Plan is a site specific policy relating to the Airport. It states that new development at the Airport must be designed to minimise its impact on the landscape as well as on the open nature of the Local Green Gap. Key views must be retained, and any impacts on the historic character of the Airport and the historic assets within it must be minimised.

Mitigation measures will be required to ensure that new development at the Airport does not impact on the ecological value of the airport itself or the adjacent Adur Estuary SSSI. Where possible, ecological enhancements should be incorporated as an integral part of the development.

The policy requires that a desk-based assessment and, where necessary, a field evaluation of archaeological assets should be undertaken before determination of any application. In this case, given the relatively minor scale of the development, a precautionary condition is recommended should permission be granted.

Any new development at the airport must not jeopardise the runway use or airport operations.

There is an existing Section 52 agreement for the airport which restricts development outside of the existing developed area (main terminal and associated hangers and industrial units) at the south of the airport.

The proposal seeks to improve operations at the airport, specifically relating to the parking and maintenance of planes and to improve the helicopter training circuit in amenity terms. It is considered that, while including development outside of the developed area as identified in the s52 agreement, the works are reasonable and necessary airport-related development and are therefore acceptable in principle.

Visual amenity

The proposed works in Areas 1 and 2 comprise an extension to an existing hard surface and are not considered to have a significant or noticeable visual impact from outside of the airfield, in the context of the existing hardsurfaced areas at the southern end of the site. As there are no above ground structures proposed, the works will not have an adverse impact upon the setting of the listed terminal building or hangar.

The spoil from Areas 1 and 2 will be redistributed within Areas 3 and 4 resulting in some minor regrading of the land. The land undulates in these locations and these works are not considered to be significant in visual terms and will not have a harmful impact in the wider landscape.

Residential amenity

Area 3 is close to the travellers' site at Honeymans Place to the NW. There was concern that noise from the proposed grass helicopter landing pad could cause unacceptable disturbance to residents.

The applicants' agent has explained that the landing pad is needed to facilitate a revised helicopter training circuit. The current training circuit takes a route across the new houses within the New Monks Farm development and the proposed site of the Primary School and pre-existing houses along the eastern edge of Lancing. It was agreed as part of that permission that this route should be amended with the new route going north through the Country Park and over the (former) IKEA site before going north of the A27 and returning along the River Adur.

The agent goes on to explain:

“The approach and landing route to the landing pad within the airfield is along exactly the same route as the current approach and landing route to the existing pad, but on a slightly different trajectory, so there is no change in this section of the route within the airfield. The new landing pad will support the amended helicopter training route by providing for a longer straight leg and room to turn north within the Country Park. However, it should be noted that the new landing pad will only be used when runway 20 is in use (which makes it impossible to use the existing helicopter pad to serve the amended helicopter training circuit) and therefore the new landing pad will not be in regular use. As set out within our Application, these proposals will also not increase the amount of helicopter training taking place but are necessary to allow a

continuation of existing levels once the training route has been amended for the reasons set out above.

It is noted that a significant amount of time has been spent testing these routes from a safety perspective and there are no other alternatives to securing the alterations required by the outline and full planning applications for New Monks Farm. It is not anticipated that there will be any significant change to the noise environment at Honeyman's Place because there is no significant change to the part of the route which runs through the Airport, but clearly the new route would provide a reduction in noise impacts to the new houses at New Monks Farm, houses to the pre-existing edge of Lancing and to ensure that the noise environment at the Primary School site will be acceptable."

Helicopter training currently takes place from the existing grass landing pad on the western boundary to the south of Area 3. The application proposes to retain the existing training area but to extend it to the new area (Area 3) *"to allow for certain flying conditions that occasionally arise during normal operation of the Airport."* The agent explains that *"this change will result in the use of the land within Area 3 very sparingly....the proposed pad will only be used when Runway 20 is in use and wind conditions prevent the use of (the existing training area) for the revised training circuit. Fly Brighton have approximated that this would mean that only 30% of their training circuits would make use of the pad within Area 3."*

It is relevant to note that this pad will only be used for helicopter training and only at times where (the existing training area) cannot be used due to wind conditions. It is also relevant to note that all training occurs during daylight hours. The amount of movements from Area 3 will therefore be limited. As previously set out the extension of the pad also does not change the trajectory of helicopters passing through the airport and they will continue to fly along the same line, occasionally landing and taking off within Area 3 during conditions described above. It is also noted that it would be possible to land and take off helicopters anywhere within the Airport boundaries without planning permission and these proposals were included as part of the Application for transparency."

In considering the development at New Monks Farm, Environment Health Officers raised concern about noise from the existing helicopter training circuit affecting the proposed school site and the proposed housing in phase 2. At that stage there was no concern raised in connection with the proposed relocated Gypsy and Traveller site. A report was submitted by an aviation consultant which set out a number of recommendations to relocate the helicopter training circuits away from the proposed school and housing areas. The proposed route was then agreed with the Airport and a condition on the outline permission set out below was repeated in the subsequent full planning permission for 385 dwellings:

'No dwellings shall be occupied unless and until the existing helicopter circuits have been altered and implemented in accordance with the recommendations of York Aviation in its Technical Summary Note dated 7th September 2018 and details of the altered circuits shall be submitted to and approved in writing with the Local Planning Authority in consultation with the airport operator.'

This application therefore seeks to implement the revised helicopter training circuit. The plan attached as an Appendix I shows the existing circuits and the applicant has been requested to provide a plan showing the proposed circuit and Members will be updated at the meeting.

The Agent indicates the additional hardstanding areas for planes will not increase plane movements and indeed these are also restricted by the original s52 Agreement (now s106).

On this basis, there are no objections from the Environmental Health Officer on noise grounds. Nevertheless the applicant has been requested to comment on whether the Airport would agree to a restriction on helicopters flying at night to provide an additional safeguard.

Accessibility and parking

The proposal does not result in any change to traffic or parking arrangements. There are likely to be some HGV movements during the construction phase but these are not expected to cause a detrimental impact on the operation of the local highway network and there is no highway objection to the application.

Flood risk and drainage

The site is located within a defended tidal flood zone 3. The Flood Risk Assessment submitted with the application explains that surface water from the new hardstandings will be collected and retained on site prior to being discharged to the tidal estuary of the River Adur via the existing onsite groundwater pumping station which dewateres the area in which the works are located. The site is defended against tidal flooding and is not at risk of flooding from fluvial sources, overland flows or at significant risk of flooding from groundwater.

There are no objections to the proposal from the Council's Technical Services team, Environment Agency or the Local Lead Flood Authority.

Ecology and biodiversity

A preliminary ecological appraisal has been carried out as the site is close to the Adur Estuary SSSI and a number of Local Wildlife Sites. However, on the site itself, Areas 1 and 2 comprise mown grassland adjacent to a concrete hardstanding and has low species value.

Area 3 is an existing helicopter landing area and was not surveyed. Area 4 used to contain an airport hangar and associated hardstanding which was demolished as part of the New Monks Farm development. The Area contains recently disturbed ground with standing water. However, priority habitat in the form of coastal and floodplain grazing marsh lies in close proximity to area 4. In addition, area 4 lies adjacent to a ditch which drains into the Adur Estuary SSSI which contains priority mudflats and coastal saltmarsh.

A Construction Environment Management Plan (CEMP) is recommended in the report as a means of protecting these priority habitats and the integrity of the SSSI as part of works. Some ecological enhancement is also recommended.

Safety

With regard to the issue of safety, the applicants' agent has explained that helicopter training at Shoreham does not involve any unusual high-energy manoeuvres at speed. He has stated:

"Whilst the pilots of the helicopters use the altimeter to gauge their height on the descent profile to land, they use visual references to sustain a steady and controlled descent to landing. It is not proposed to change the route profile of the helicopters flying a visual circuit when Runway 20 is in use. The helicopter will be at approximately the same altitude as the fixed-wing aircraft crossing the A27 to make a landing on Runway 20."

There are therefore not considered to be any safety concerns with these minor proposals.

s52 Agreement

As indicated earlier there is an existing legal agreement which restricts development outside of the original terminal buildings. This has been amended at various times to allow for the extended car park used by Ricardo's at the north eastern corner of the site and to allow for the erection of 25,000 sqm industrial development. The development proposed by this application would require a further Deed of Variation and a draft has been prepared in anticipation that this application would be supported.

Recommendation

APPROVE, to be delegated to the Head of Planning to issue the decision, subject to the completion of a Deed of Variation allowing the development proposed outside the area of the original terminal buildings, and the expiration of the publicity period, subject to the following conditions :-

1. Approved Plans
2. Time limit
3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved
4. CEMP, to include details of ecological enhancements, to be submitted prior to commencement and implemented
5. Archaeological watching brief
6. Helicopter training to be limited to daylight hours only (subject to comments from the applicant).

Existing Helicopter Training Circuits.



Local Government Act 1972

Background Papers:

As referred to in individual application reports

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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.

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ADUR DISTRICT
COUNCIL

Adur Planning Committee
6th March 2023

Ward(s) Affected: All

Levelling Up and Regeneration Bill: Reforms to National Planning Policy

Report by the Director for Economy

Officer Contact Details

Moira Hayes, Adur Planning Policy Manager tel: 01273 - 263247,
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Executive Summary

1. Purpose

- 1.1 This report sets out key proposals contained in the Government's reforms to the National Planning Policy Framework, which form part of the range of measures to address the Government's Levelling Up agenda. These seek to make significant reforms to the planning system.
- 1.2 The Government is seeking views on proposed changes to the National Planning Policy Framework. A proposed consultation response is attached to this report as Appendix 1.
- 1.3 The consultation period closes on 2nd March 2023

2. Recommendations

- 2.1 The Committee is asked to consider the proposed consultation response in the appendix and refer any comments to the executive member, prior to submission to the Government.

3. Reforms to National Planning Policy Framework

- 3.1 The Government published the Levelling Up White Paper in February 2022, which set out its commitment to make changes to the planning system in order to support its aims of building more homes, increasing home ownership and regenerating towns and cities. This specific consultation focuses on proposed Government the National Planning Policy Framework (NPPF) subject to and following consultation, to support the delivery of the government's commitments.
- 3.2 The Government has published a document setting out key proposed changes to the NPPF as well as an accompanying consultation document: 'Levelling Up and Regeneration Bill: Reforms to National Planning Policy'. The consultation document sets out a range of consultation questions. Proposed responses to these are set out at Appendix 1.
- 3.3 It is the Government's intention that these changes will be made swiftly, prior to a proposed wider NPPF consultation (following Royal Assent of the Levelling Up and Regeneration Bill) to be carried out alongside consultation on the first National Development Management policies. This subsequent consultation will be wider in scope and address changes to national legislation and policy made in recent years (such as First Homes and Use Class E).

Key proposals

- 2.4 Key proposals within the current consultation include:

- Clarification as to how housing figures should be derived and applied to take local circumstances into account;
- Addressing issues in the operation of housing delivery and land supply tests
- Addressing problems of slow build out once permission is granted
- Promoting more 'beautiful' homes and the use of 'gentle densities'.

Subject to the consultation, changes arising from this specific consultation exercise are anticipated to be made in Spring 2023.

- 2.5 With regards to securing infrastructure to support development, the consultation document also states that the Levelling Up and Regeneration Bill addresses measures to capture uplift in land value more effectively through a new proposed Infrastructure Levy and through new Infrastructure Delivery

Strategies; however these matters will be addressed in a subsequent wider review of the NPPF rather than this present consultation.

- 2.6 Some of the key proposals and issues are highlighted below.

Key elements

2.7 **Assessing Local Housing need:**

The consultation makes clear that the Standard Methodology (SM) will remain the starting point for calculating housing needs. (Local Authorities can use alternative methods to the SM where there are exceptional circumstances). The NPPF will be reviewed to make clear however that this is an 'advisory starting point' to inform plan-making; clarity will also be given to when it is acceptable to bring forward local plans which do not meet housing needs in full. This is because some local authorities in the country are not progressing plans or struggling to justify their approach at examination. However in reality both the Adur Local Plan 2017 and the examination of the Worthing Local Plan have been able to demonstrate, through a thorough evidence base and explanation of constraints, how they have been unable to meet their needs in full. It is proposed to make changes to the Housing Delivery Test and NPPF to support local authorities to set local housing requirements that respond to demographic and affordability pressures whilst being realistic given local constraints. The Government anticipates that by being clearer as to how local constraints can be taken into account and taking a more proportionate approach to local plan examination, local plan making should be faster.

- 2.8 **Five year Land Supply and Housing Delivery Tests:**It is proposed that local authorities with an up-to-date plan (in this case, meaning where the housing requirement in strategic policies is less than 5 years old) will not be required to continually demonstrate a 5 year land supply.

- 2.9 Currently, where the 5 year land supply must be demonstrated, contingency buffers must be included in their supply by local authorities (for example, Adur District Council and Worthing Borough Council have had to include 20% buffers when they have delivered less than 85% of homes as assessed by the Housing Delivery Test). However the consultation paper acknowledges this approach adds complexity but does not necessarily increase supply and can in fact lead to unplanned development. The consultation therefore proposes removal of these buffers in calculating the Five Year Supply figures.

- 2.10 The Housing Delivery Test was introduced in 2018 to measure homes built in local authorities; where delivery is below the annual rate planned for, consequences are applied and an additional buffer applied to the 5 year land supply test (see above). However given the limited role local authorities play in delivery, the Government proposes adding an additional permissions-based test; where local authorities can demonstrate sufficient permissions to meet their annual housing requirement (or where plans are over 5 years old, local housing need plus an additional figure to allow for dwellings not progressed/ revised). As such the Government is proposing a measurement of 115% against annual supply before the housing delivery presumption is 'switched off'.
- 2.11 **Plan Making:** The consultation sets out reforms to the plan-making system with the aim of producing plans more quickly, with simplified content. It also states that plans will have greater weight in the decision-making process, limiting circumstances where unplanned development can be approved (via the presumption in favour of sustainable development and the tilted balance). It is anticipated that the new system will be implemented from late 2024. These changes are proposed to give greater confidence in the planning system and a greater say to communities.
- 2.12 Under the new system, authorities will no longer prepare Supplementary Planning Documents (which serve to explain the implementation of adopted policies), but will however be able to prepare Supplementary Plans which will have the same weight as a local plan. However existing SPDs will remain in force for a time-bound period, automatically ceasing at the point at which authorities are required to have a new-style plan in place.
- 2.13 The Duty to Co-operate will be removed, although it will remain in place until the provisions come into effect. An 'alignment policy' will however be introduced (via a future revised NPPF) to ensure that appropriate engagement is undertaken where strategic planning matters cross boundaries.
- 2.14 **Design Codes:** the proposed NDMP consultation will include consideration of weight to be attached to design codes. It is the intention of the Government that these will be used to set clear minimum standards on development (e.g. height, form and density). The National Model Design Code is in use and the Levelling Up and Regeneration Bill includes a requirement that local planning authorities adopt authority-wide design codes as an integral part of their development plan.

- 2.15 **Addressing Build Out rates:** Three measures are proposed to address this; publishing data on sites of a certain size where build out does not match agreed rates; requiring developers to explain how they propose to increase the diversity of measures to maximise rate at which homes are sold or occupied (absorption rate); and a proposed delivery trajectory would become a material consideration in planning applications; slow rates may be refused in some circumstances. Further consultation will be carried out relating to fines for developers who build out too slowly, and how an applicant's past behaviour can be taken into account.
- 2.16 **Environment and Energy:** Ahead of the wider review of national planning policy next year, views are sought on carbon assessment and the role of planning in climate adaptation. The consultation document also states that the Government is working with DEFRA to reduce the risk of habitat clearance prior to the submission of planning applications, in order to lower the baseline from which Biodiversity Net Gain will be measured. Further guidance will be reproduced to set out how local plan and decision-making can play a complementary role to Local Nature Recovery Strategies and embed them in the planning process. The consultation is also seeking views on carbon impact assessment.
- 2.17 With regards to climate adaptation and flood risk, the consultation paper states that the Government has commenced a review of the case for implementing Schedule 3 of the Flood and Water Management Act 2010 relating to Sustainable Urban drainage (SuDS). The review will ensure that implementing this schedule will support the objectives of alleviating pressure on the sewer network and reducing flood risk. If implemented this will introduce new standards for SuDS and make connection to public sewers conditional on approval that the drainage system meets the national standards.

Next Steps.

- 2.18 The consultation document makes clear that the Government will undertake a full consultation on a revised NPPF (focussed on plan-making policies) and National Development Management Policies once the Bill has completed its passage through Parliament.

3 Engagement and Communication

- 3.1 This consultation has been undertaken by the Department of Communities, Housing and Local Government. It is proposed that the attached responses at

Appendix 1 are submitted as Adur & Worthing Councils' response to this consultation. Further discussion regarding implications of the proposed changes can be held with the respective Local Plan Member Working groups.

- 3.2 This report was taken to Worthing Planning Committee on the 22nd February 2023 and Members' comments have been incorporated into the responses to questions 8 and 39 shown in bold text.

4 Financial Implications

- 4.1 There are no financial implications arising directly from this consultation.

Finance Officer: Sarah Gobey

Date: 22nd February 2022

5 Legal Implications

- 5.1 The National Planning Policy Framework represents Government policy, rather than legislation, although it must be taken into account in preparing Local Plans and is a material consideration in planning decisions.

Legal Officer: Caroline Perry

Date: 22nd February 2022

Background Papers

- Levelling Up and Regeneration Bill - Reforms to National Planning Policy
<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>
- National Planning Policy Framework: Draft text for consultation
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126647/NPPF_July_2021_-_showing_proposed_changes.pdf

Sustainability & Risk Assessment

1. Economic

- The NPPF supports and identifies three pillars of sustainable development; one of which is economic *‘to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure’* (paragraph 8a).

2. Social

2.1 Social Value

- The NPPF identified and supports a social objective: *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; (paragraph 8b.)*

2.2 Equality Issues

- This consultation is being held by the Department for Communities, Housing and Local Government and has been undertaken in line with the Cabinet Office’s Consultation Principles.

2.3 Community Safety Issues (Section 17)

- Chapter 8 of the existing framework relates to achieving healthy inclusive and safe places.

2.4 Human Rights Issues

- No issues identified

3. Environmental

- The NPPF identifies an environmental objective as one of its three strands of sustainable development: *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. (para 8c NPPF).* The main report refers to proposed changes to environmental policy within the NPPF.

4. Governance

- The National Planning Policy Framework is a statement of Government policy for planning in England. The Council must therefore have regard to its contents.

Response to NPPF consultation questions: Adur & Worthing Councils

The consultation document to which these questions refer may be found here:

<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

General Comments	Adur & Worthing Councils are pleased to be able to contribute to this consultation on changes to national planning policy.
Q1	Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?
A	We agree that this is a positive measure and will save time and resources in the appeals process. However greater recognition should be given to the fact that where land supply issues arise, such as Adur and Worthing, constrained authorities have limited abilities to bring sites forward in the trajectory as any suitable site would have already been allocated.
Q2	Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?
A	This proposal is supported. For constrained authorities such as Adur and Worthing, the addition of a buffer merely serves to create an artificially high measurement which cannot be reached.
Q3	Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?
A	It appears appropriate to allow for 'oversupply' in a particular time period.
Q4	What should any planning guidance dealing with oversupply and undersupply say?
A	Guidance should acknowledge that housing trajectories cannot always guarantee a 'smooth' flow of sites. Particularly, in constrained authorities there may not be 'contingency' sites which can be brought forward any earlier. Therefore some years will naturally be above or below the annualised figure. Cumulative delivery rates over the plan period (as were used prior to the introduction of the 5 year land supply test) are perhaps a more accurate and fair measurement.
Q5	Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?
A	N/A
Q6	Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?
A	The proposed amendments to paragraph 7 which would insert a specific reference to the provision of homes and supporting infrastructure could be treated as taking priority within

	<p>the context of sustainable development. Whilst the Councils understand the importance of planning for new homes this should be balanced against other pillars of Sustainable Development. The wording does not necessarily reflect 'balance' particularly for authorities such as Adur and Worthing where Inspectors at Local Plan examinations have recognised the very real constraints experienced by the authorities.</p> <p>The proposed wording could also contribute to circumstances such as the ongoing appeal at Chatsmore Farm Worthing, where developers are seeking housing provision despite the Local Plan Inspector recently accepting the constraints on the site. This situation is resource intensive, and contributes to a loss of faith in the planning system and uncertainty for local communities.</p>
Q7	What are your views on the implications these changes may have on plan-making and housing supply?
A	Please see the responses above.
Q8	Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?
A	<p>It is agreed that guidance should be clearer on what constitutes exceptional needs. Where authorities have geographic limits to development (such as lack of available land or the presence of National Parks) and demographic factors such as high numbers of elderly, these factors should be taken into account in both assessing needs, and assessing to what extent an authority can meet needs. However any guidance should still allow flexibilities for local circumstances.</p> <p>Our understanding is that the current NPPF already recognises that the Standard Methodology is the starting point for assessing local housing need; following which evidence-based, demonstrable constraints to housing supply can be taken into account, resulting in a capacity-based housing target. Indeed this has been our experience with the Adur Local Plan 2017 as well as the Worthing Local Plan (which, following examination will be adopted shortly). However what would be welcome is a clarification as to the nature and extent of evidence necessary and examples of the types of local circumstances potentially relevant to this (although not a closed list).</p>
Q9	Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?
A	Adur & Worthing are not located in, or near to Green Belt so will not comment on that issue. See response to question 10 regarding density issues.
Q10	Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?
A	Agree that building at densities significantly out of character within an existing area to meet needs should be taken into account. This is an issue which is already affecting our authorities. Areas within, or nearby to (within the setting of) heritage or landscape designations are particularly affected, however this is an issue elsewhere too. As LPAs we find ourselves sometimes under pressure to accept high density developments at odds

	<p>with the local context on the basis of housing needs.</p> <p>However we query how the term ‘significantly’ will be interpreted in practice (particularly at examination or appeal situations). We would also stress the need to ‘balance’ this with the need for development plans (and planning guidance) to make clear in those circumstances/sites where higher densities are deemed appropriate (eg certain regeneration areas, transport nodes, town centre sites) particularly where design codes or townscape analysis have assessed and indicated their suitability. For example higher density development is coming forward at the Western Harbour Arm, Shoreham, providing much needed homes and making effective use of redundant brownfield land.</p>
Q11	Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?
A	<p>It is not clear that removing the ‘justified’ requirement would automatically deliver a more proportionate approach to examination, as authorities would still need to provide evidence to support the strategy within the Local Plan (and indeed to provide confidence that appropriate investigation and assessment of options has been undertaken).</p> <p>The justified soundness test, in addition to the consideration of reasonable alternatives, ensures that the policies and strategies in a plan are based on evidence and contribute to the achievement of sustainable development. Although the evidence requirements often feel disproportionate in terms of cost, without a grounding in evidence, local plans will become less robust and rational.</p> <p>Furthermore paragraph 32 of the NPPF, and related SEA requirements at this stage remain unchanged so a Local Authority will still have to undertake the testing of reasonable alternatives through the process of SA/SEA to meet the legal tests.</p> <p>It is also unclear how a local authority unable to meet its objectively assessed needs will be able or expected to justify at examination that 11b)ii. applies if being justified or supported by evidence is no longer a soundness test.</p> <p>What would perhaps be beneficial is advice as to what degree/ type of evidence is necessary and proportionate for the purposes of examination.</p>
Q12	Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which, if any, plans should the revised tests apply to?
A	Perhaps any changes should apply immediately to all plans (if not currently being examined) otherwise is there not a perverse incentive to slow down preparation or delay submission?
Q13	Do you agree that we should make a change to the Framework on the application of the urban uplift?
A	Adur District is located adjacent to Brighton & Hove City which is affected by the uplift. Any uplift should take into account constraints faced by the relevant urban authorities, and their realistic abilities to meet the increased targets.
Q14	What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

A	Uplifts should perhaps be applied only where there is a realistic ability to deliver an increased amount of housing and where appropriate infrastructure can be delivered to support it. This could be aligned to other Levelling Up proposals.
Q15	How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?
A	Where neighbouring authorities adjoin authorities where the urban uplift is applied (as is the case with Adur and Brighton), there is no value in assigning additional uplift where the neighbouring authority, or the wider sub-market is itself constrained. See response to question 14.
Q16	Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past oversupply? If no, what approach should be taken, if any?
A	This is supported as it avoids an authority facing negative consequences of addressing revised national policy.
Q17	Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?
A	Yes. If the principle is appropriate it should apply to all authorities preparing plans.
Q18	Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?
	Agree that HDT must take into account the number of dwellings granted by permission; (although clarity regarding outline/ reserved permissions will be required to avoid double-counting) as this recognises the limited ability local planning authorities have to address delivery. However, the requirement to measure against housing needs where a local plan is older than 5 years means that geographically constrained authorities may still struggle to meet these requirements.
Q19	Do you consider that the 115% ‘switch-off’ figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?
A	The concept of the 115% additional buffer is understood; however failure to deliver dwellings granted permission does not lie with the local authority. It is not clear how the 115% figure has been derived.
Q20	Do you have views on a robust method for counting deliverable homes permissioned for these purposes?
A	At present the number of ‘committed’ dwellings (eg via permissions or allocations) are measured. However it will be important to ensure that if this approach is taken up, authorities are measuring in a consistent fashion, particularly with regards to outline/ reserved matters applications. It should also be remembered that the number of dwellings sought by a planning application may not be the same as the number finally granted consent - any measurement process must take this into account.

Q21	What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?
A	It is suggested that no consequences are applied until a replacement approach is agreed.
Q22	Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?
A	Agree that LPAS should be able to prioritise social rent, particularly where evidence indicates this as a priority local need. Suggest removal of requirement for First Homes to give greater flexibility to LPAs in ensuring their affordable housing provision addresses the greatest affordable need tenures where local evidence supports this. However viability needs to be addressed - this may require an alternative funding mechanism.
Q23	Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?
A	Agree that paragraph 62 should recognise the diversity of housing options for older people. Adur and Worthing experience an ageing population (for example numbers of people aged over 65 are projected to increase by 10,700 (43%) in Worthing between 2016-36). The Submission Draft Worthing Local Plan contains a policy requirement that housing with support and care should be prioritised over care bed spaces. The Adur Local Plan (2017) also contains a policy requirement supporting the provision of specialist retirement accommodation and registered care homes, in both affordable and market tenures in accessible locations within the Built Up Area. However good practice guidance on assessing needs would be beneficial to ensure consistency of approach.
Q24	Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?
A	As authorities which experience physical constraints, small sites play a valuable part in housing supply. However the use of a specific target is not considered particularly valuable.
Q25	How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?
A	N/A
Q26	Should the definition of "affordable housing for rent" in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?
A	N/A
Q27	Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?
A	N/A
Q28	Is there anything else that you think would help community groups in delivering

	affordable housing on exception sites?
A	Community groups are likely to benefit from assistance with resourcing and understanding the planning system.
Q29	Is there anything else national planning policy could do to support community-led developments?
A	No comments
Q30	Do you agree in principle that an applicant's past behaviour should be taken into account in decision making?
A	<p>The term 'behaviour' is perhaps inappropriate as this appears to indicate personal rather than planning/development issues. It has long been an accepted principle of the planning system that permission runs with the land, not the individual. Any definition needs to be based on issues relating to planning and development matters only.</p> <p>There is concern that refusing to determine applications based on past 'behaviour' could potentially leave LPAs open to legal action. There are also concerns that potential objectors may try to use these arguments to avoid (or criticise) determination of unpopular applications. It is not clear what weight these 'behaviours' might be given in an appeal situation.</p>
Q31	Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?
A	N/A
Q32	Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?
A	It is not clear how these measures will relate to outline permissions.
Q33	Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?
A	It is unclear how the proposed addition of the word 'beauty' will make a practical impact in terms of planning policy or decision making, given its subjective nature. However, although the role of design codes is supported, given the resource intensive nature of preparation (particularly for district/borough- wide codes) the value of area-based or site based design codes should be supported. For example the progression of a design code for a regeneration area such as the Western Harbour Arm, Shoreham, should be supported without having to be subsumed into a single district-wide exercise. In areas such as Adur and Worthing, with mixed areas of Victorian, Edwardian, pre-and post-war development types, it is not clear what benefits a district or borough-wide code would deliver; whereas more targeted sub-area or site- based codes could be swifter and more beneficial.
Q34	Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

A	It is unclear what is meant by the word 'beautiful'; at the very least this should be included in the glossary with a definition. As mentioned above in question 33, given the subjective nature of this term, the practical implications of this change are not clear.
Q35	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?
A	N/A
Q36	Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?
A	No, this appears overly prescriptive. It would be more helpful to have further text around the desired outcome - is this intended to support design that enables increasing densification/creation of new homes rather than just appearance? This type of advice may be more appropriate where generated via a locally-specific design code.
Q37	How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?
A	Small scale nature interventions should be strengthened through application of biodiversity net gain policy and other climate change adaptation and green infrastructure policies. It is not clear that much artificial grass would actually be addressed via the planning system.
Q38	Do you agree that this is the right approach making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?
A	The footnote as drafted seems to suggest there is always an alternative site available which is not the case in Adur and Worthing. It is unclear from the footnote whether this would be sufficient justification to protect a site that would otherwise be appropriate for development, particularly in areas such as Adur and Worthing which due to constraints are unable to meet their full local needs.
Q39	What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?
A	<p>Any development is going to have a carbon impact; more development (and therefore closer you get to meeting local needs) the higher the carbon impact would be. The emphasis to ensure a proportionate assessment should therefore be on the reduction in carbon secured from plan-making and decisions compared with the baseline e.g. no local plan policy or mitigation.</p> <p>It would also be beneficial for developers to provide information relating to carbon emissions from start to finish of the building process. The scope of emissions should include a range of factors including demolition, materials and construction transport.</p>
Q40	Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that

	provide multi-functional benefits?
A	This should be recognised in paragraphs 1, 7 and 20 of the consultation version of the NPPF and equal weight given to allocation of sites for adaptation as is given to sites for delivering housing.
Q41	Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?
A	Agree, it makes sense to acknowledge future re-powering and maintenance aspects within policy.
Q42	Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?
A	See Q43
Q43	Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?
A	Support for clean forms of energy is generally welcomed, However it is not clear how local planning authorities can accurately measure 'community support'. In addition how this would operate in practice is unclear.
Q44	Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?
A	Yes, but to provide additional certainty it would be helpful if these relate back to Energy Performance Certificates.
Q45	Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?
A	<p>Adur District Council adopted its Local Plan in 2017 and has commenced a review under the current legal framework. It is noted that the Government proposes to introduce a requirement for Councils that are preparing their Plan under the existing framework, to submit their Local Plan for examination by 30th June 2025. This will also be dependent on clarity from the Government in terms of the proposed National DM Policies plus proposed changes to the NPPF to be addressed in subsequent consultations. Any delay or uncertainty in progressing the proposed changes by Government could have an adverse impact on those local authorities seeking to progress their plans.</p> <p>The consultation indicates that by November 2024 where plans are more than 5 years old, authorities should begin the new-style plan making, However it is unclear what the implications are for authorities who are still progressing plans under the current regime who may have been subject to delays due to resourcing or evidence base reasons.</p> <p>The documentation also indicates that examinations under the current regime must be completed by October 2026 (having submitted by 30th June 2025). There are circumstances where examinations are delayed for good reason, perhaps based on seeking additional evidence and there should be support for local authorities in this situation to complete their plans and not be penalised.</p>

	The Councils would strongly urge the government to keep to the timescales referred to in part 1 of the document, or clearly advertise any intended changes. Whilst the Councils will continue to progress their Local Plans (with the imminent adoption of the Worthing Local Plan and update of the Adur Local Plan) the proposed changes (including the introduction of national development management (DM) policies) can create uncertainty and impact on plan-production at a time when resources are already stretched.
Q46	Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?
A	Please see answer to Q45
Q47	Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?
A	N/A
Q48	Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?
A	The proposals indicate that Supplementary Planning Documents related to already adopted Local Plans would expire. It is not clear why this is proposed or what benefit it would bring, and could result in confusion and uncertainty in applying certain adopted policies. It would be more logical to ensure that existing Supplementary Planning Documents can be maintained as long as the relevant Plan/ policy remains in use.
Q49	Do you agree with the suggested scope and principles for guiding National Development Management Policies?
A	The role of these is understood; however given the current update of the Adur Local Plan we would request that these are published according to the proposed timetable as the lack of certainty could have an adverse impact on the progression of the Plan. The National DM Policies should not rule out the inclusion of local policies where these are evidence-based and serve a clear purpose.
Q50	What other principles, if any, do you believe should inform the scope of National Development Management Policies?
A	N/A
Q51	Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?
A	Regarding town centres, the town centres in Adur District and Worthing Borough are markedly different in character and it is unclear how a national policy for town centres would be different from current advice in the NPPF, or uniformly applicable or appropriate for all.
Q52	Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?
A	N/A

Q53	What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?
A	N/A
Q54	How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?
A	N/A
Q55	Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?
A	Both Adur and Worthing are strongly supportive of, and have a track-record of brownfield development due to the constrained nature of the local authority areas. However acknowledgement should be made of the need to balance housing and commercial/employment needs. The term 'gentle densification' needs a clear design/character -based definition.
Q56	Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?
A	<p>This is an important subject and it is agreed that more emphasis is needed on public safety - for women, girls, and also other groups who may not feel safe in public spaces. It is considered that existing paragraph 92 b) of the NPPF already captures the use of good design to create safe and accessible environments but this paragraph could go further and identify other surveillance and security measures (such as lighting) that could be incorporated within the design of development and public realm spaces.</p> <p>The submission draft Worthing Local Plan includes Policy DM5 Quality of the Built Environment which recognises that <i>good use of natural surveillance and careful siting of buildings and street furniture can improve the layout of an area and reduce perceived and actual crime. Well designed security features that safeguard people and property without compromising the quality of the local environment, and well defined pedestrian, cycle and vehicular routes that limit opportunities for concealment also help to provide a safe environment for those that are particular vulnerable to harm (Contextual Safeguarding), and make an area more pleasant to use.</i></p>
Q57	Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?
A	We support the creation of an accessible and interactive, web-based set of national policies and this would make it more engaging for interested parties to view national development management policies and the NPPF. However, we are also keen to retain traditional methods wherever possible to give people the choice of accessing policies in a document format, to allow for those who choose not to use digital methods, or experience barriers to digital use.
Q58	We continue to keep the impacts of these proposals under review and would be

	grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.
A	N/A

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ADUR DISTRICT
COUNCIL

Adur Planning Committee

6 March 2023

Agenda Item no.9

Ward: All

Proposed Revision to Pre-Application Charging Fees

Report by the Director for Economy

1.0 Summary

- 1.1 In 2010, the Council first agreed to charge for pre-application advice, although this was not implemented at the time due to an ongoing service review and the recession at the time.
- 1.2 In 2015, the Committee considered the matter again and agreed to commence the charge for pre-application advice for residential and commercial proposals.
- 1.2 In 2019, the charges were reviewed, with a report to Members considered at the January 2019 meeting. This updated the pre-application charges following a benchmarking exercise against other Council's charges and in particular it was noted that most other authorities were charging for householder advice and accordingly a pre-application fee for householder proposals was introduced as well as the introduction of charges for specialist listed buildings, trees, advertisement and Section 106 queries. Strategic schemes, such as New Monks Farm or Teville Gate, are subject to bespoke planning performance agreements (PPA). The current charging schedule is attached as **Appendix 1**.
- 1.3 The Committee has previously requested that the pre-application charging schedule be reviewed on a regular basis and as another 4 years have passed it is felt that the schedule should be reviewed again. The budget pressures on the Council and the Planning Service (largely due to planning fees not being

increased for several years) also means that maximising pre-application fees is increasingly important.

- 1.4 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 also secure design improvements and encourage pre-application consultation with the wider community prior to a formal application being submitted.
- 1.5 The government has long been intending to review the nationally set application fee system with the probable intention to allow local authorities to charge their own application fees. However, there has been little apparent progress on this matter since 2019 and while this remains the case, it will remain the fact that planning application charges will fall far short of covering the cost of the Service. This continues to be compounded by changes in legislation relaxing permitted development rights which means that a number of applications, mainly prior approvals, now only attract a very low fee or in some cases no fee at all.
- 1.6 The 2019 report noted that some other authorities, at that time, Brighton and Hove and Arun, had suspended their pre-application service due to high amounts of workload. It was stated at the time that there was no desire to suspend such advice in Adur & Worthing, but regrettably it was necessary to suspend pre-application advice on non-major application enquiries during the Covid period and subsequently due to workload and staff vacancies which currently remain high. Despite this, the service is now beginning to move towards the restoration of a full pre-application service with in particular smaller non-major commercial and housing schemes being dealt with by Officers where capacity allows.

2.0 Householder pre-application charges

- 2.1 As stated above, this was a new charge introduced in 2019 at £100 and £175 for extensions of over 100 square metres. A comparison with other nearby local authorities suggests that this is in the mid range of pre-application charges for such advice with fees varying between £50 (Horsham) and in excess of £200 (Brighton and Hove). It is considered that this is a newer charge (compared to those introduced in 2015) that the fee should remain unchanged.

3.0 Residential/commercial pre-application charges

- 3.1 The Council currently operates a staggered charging system for residential pre-application requests, ranging from £450 for developments of 1-4 units, £650 for developments 5-9 units, £1000 for developments of 10-49 units and rising to £1,500 and £3,000 for development above 50 and 100 dwellings respectively. A similar regime operates for commercial proposals dependent on their floorspace, the smaller charge applying for developments up to 1000 square metres and the largest for developments of over 10,000 square metres.
- 3.2 Other authorities operate a similar staggered arrangement, although with varying thresholds this can make a direct comparison somewhat difficult but across the West Sussex Authorities it appears that fees range between £300 (for minor residential applications in Arun) and £5980 (for large scale major applications in Chichester).
- 3.3 Given the limited size of Adur and Worthing, compared to other authorities, a number of the pre-application requests tend to be for 10 dwellings or below and such enquiries can involve some quite detailed research. It is considered, therefore, that there is scope to increase the fees from by £50 on both of the 1-4 and 5-9 dwellings to £500 and £700 respectively.
- 3.4 Any scheme of over 10 units, is defined as a 'major' development with as mentioned above, the minimum fee being £1,000 rising to £3,000 for 100 + dwellings. In practice, many of these larger developments are likely to require a bespoke Planning Performance Agreement (PPA) especially given the necessity to involve other external consultees such as West Sussex County Council as the Highways Authority who have their own charging regime. There may also be a need to include internal consultees, such as Environmental Health, who also charge for pre-application advice. The advantage of a PPA is that it can draw the respective parties together in single project style meetings rather than forcing an applicant to seek different, separate meetings each subject to their own pricing regimes. This also has the ability to agree submission dates and target dates for the application to be presented to the Planning Committee (all major applications are determined by the Committee).
- 3.5 It is therefore considered that while the facility to offer an individual pre-application advice for such large developments should remain (and as such the current fee structure unaltered), there should be an active encouragement to agree a PPA's with the Council which would be subject to

its own charging regime. Often there is a requirement to agree to multiple meetings and for large schemes the cost of consultation with the Regional Design Panel and, if necessary, covering the costs of any consultants required to deal with specialist aspects of the application. Often PPA's for large schemes involve pre-application fees of £15,000 plus.

4.0 Changes of Use, Listed Buildings, Advertisements and Trees

- 4.1 As noted in 2019, the above areas were types of pre-application advice where other Councils had charged for pre-application advice for sometime prior to Adur and Worthing introducing such a charge. The Change of Use pre-application charge was set at £150, whereas the others were set at £100.
- 4.2 The Change of Use charge attracts few such enquiries given many such changes do not require planning permission. Tree advice fees for pre-application charging also varies across other authorities and given that there is no formal application fee, there would be little merit in increasing the pre-application charging fee from its current level while at least retaining the facility for those to seek formal advice should they want to.
- 4.3 However, it does appear that the current charge for listed building advice and advertisements is noticeably lower than some other authorities with fees being around the £200 to £300 mark being more reflective of charges elsewhere. In terms of listed building advice, this is clearly a particularly specialist area where, as there is only one Conservation Officer dealing with both Adur and Worthing enquiries, there is also a particularly high demand for that Officer's input. In this respect, there seems little justification for the fee to be lower than for a change of use and accordingly it is suggested that the fee is raised to £150 per enquiry.
- 4.4 A similar argument can also be made in respect of advertisements where advice on proposals is most often needed when the advert affects either a Conservation Area or listed building and hence a degree of specialist advice is also required. In light of this, it is considered that a fee of £150 per enquiry would be appropriate.

5.0 Confirmation of compliance with conditions/section 106 obligations

- 5.1 The Councils continue to receive many enquiries regarding compliance with conditions from potential purchasers of properties and a charge of £125 is currently applied to such enquiries. A charge of £125 is also applied to enquiries regarding the compliance with the provisions of a Section 106

agreement.

- 5.2 It is evident that some of these queries can prove time consuming, and as some of the planning files remain off site, there can be some Officer time involved in carrying out the relevant research. The time to access some files held within the Town Hall has also increased with the greater flexible working since the pandemic. It is considered that an increase in the fee from £125 to £150 would be justified in this instance.

6.0 CONCLUSION

- 6.1 It is considered that the pre-application charging system has proved successful in the quality of pre-application advice provided and that, after 4 years, it is justified to review the charges to bring them in line with other local and comparable authorities.

7.0 RECOMMENDATION

- 7.1 **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 2023.**

(to be added once agreed)

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 maintaining 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 [Charges from 1st April 2022]

Why make a pre application enquiry?

The National Planning Policy Framework (NPPF) 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:

- 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

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

- Registered Providers (Housing Associations or other charities or organisations) seeking to deliver all affordable housing. A charge would be applied if a mixed market/affordable scheme is proposed)
- Charities or community groups that are seeking to deliver local community benefit

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. However, where this is requested, a charge will apply.

Other Council services may also impose a charge for pre-application advice. For major development proposals, Public Health and Regulation will seek a charge of £125 for initial advice on air quality, noise, odours/smoke/dust, or contaminated land issues with further charges applied if there is additional work, or for large strategic development sites.

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?

We WILL charge for advice on:	Level of Charge:
Householder Extensions	£100 (inclusive of VAT)
Extensions over 100 sqm	£175 (inclusive of VAT)
Initial written advice based on a desk top study.	A subsequent meeting or further written response with Officers will be charged at the above rate.
‘Minor’ Residential development of 1-4 dwellings or Commercial floor space up to 999 sqm.	Fixed Fee £450 + VAT
Initial written advice based on a desk top study.	A subsequent meeting or further written response with Officers will be charged at the above rate.
Residential Development of 5-9 dwellings or Commercial floor space between 1,000-4,999 sqm.	Fixed Fee £650 + VAT
Up to 1 hour meeting on site or at the Council offices followed up by written advice.	Any additional meeting or further written response with Officers will be charged at the above fixed fee.
‘Major’ Residential Development of 10-49 dwellings	Fixed Fee £1,000 + VAT
Commercial floor space of 5,000 to 9,999 sqm.	Fixed Fee of £850 + VAT
Up to 1 hour meeting on site or at the Council offices followed up by written advice	Any additional meeting or further written advice with Officers will be charged at the above fixed fee.
Significant Major Residential Development	
50+ dwellings	Fixed Fee £1,500 + VAT
100 dwellings and above	Fixed Fee £3,000 + VAT
Commercial floor space of more than 10,000 sqm.	Fixed Fee £1,500 + VAT
Up to 1 hour meeting on site or at the Council offices followed up by written advice.	Each additional meeting with Officers will be charged at the above fixed fee.
Change of Use	Fixed Fee £150 + VAT
Listed Buildings (where extensions are proposed)	Fixed Fee £100 + VAT
Advertisements	Fixed Fee £100 + VAT
Trees	Fixed Fee £100 + VAT

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 221230, 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.

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