



Planning Committee
9 September 2019

ADUR DISTRICT
C O U N C I L

Agenda Item 5
Ward: ALL

Key Decision: Yes / No

Planning Applications

Report by the Director for Economy

1

Application Number: AWDM/1953/16 Recommendation – REFUSE

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

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

2

Application Number: AWDM/1144/19 Recommendation – APPROVE

Site: Wadurs, Kingston Broadway, Shoreham by Sea

Proposal: Single-storey side extension to east elevation to provide additional changing rooms.

Application Number: AWDM/1953/16

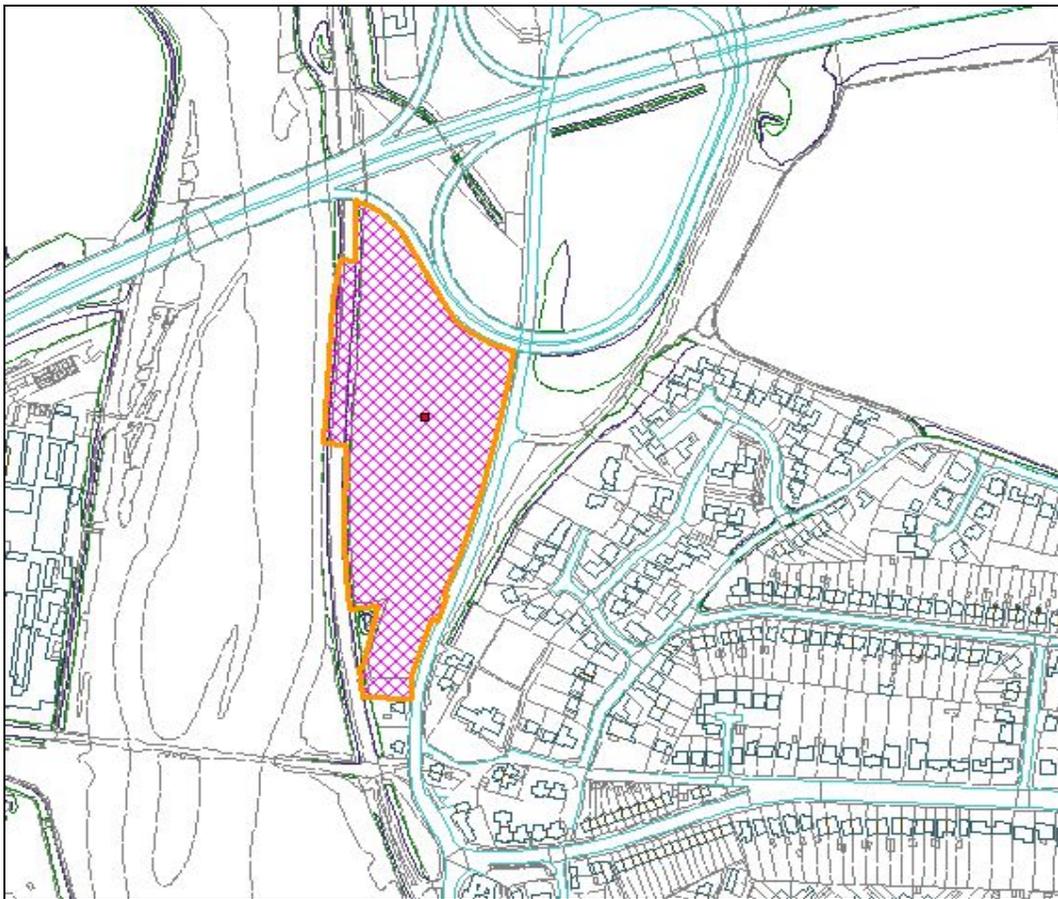
Recommendation – REFUSE

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

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

Applicant: **Cobbetts Developments Ltd**
Case Officer: **Peter Barnett**

Ward: **Buckingham**



Not to Scale

Application Update

This application was reported to the Adur Planning Committee on 24 July 2017 where a decision was deferred to await the Adur Local Plan Inspector's full report and to consider other outstanding information regarding noise and air quality. Since the meeting, the full Inspector's report into the Local Plan has been received and the relevant extracts are set out in the report below. The Local Plan was subsequently adopted on 14 December 2017.

Since then, the applicants have provided further information in respect of noise and air quality and have also provided a response to the County Landscape Officer's comments, plus those of the Council's landscape consultants. A full heritage assessment has also been submitted following objections from Historic England. The report below will assess each of these aspects in more detail.

Site and Surroundings

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

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

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

Proposal

The application is a hybrid which seeks:

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

AWDM/1614/15. The application is accompanied by an Addendum to the original Environmental Statement.

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

The outline application includes an illustrative masterplan, elevations, sections and floor plan. The plans indicate that up to 52 dwellings are proposed which are described as being three storeys high. However, the elevations include a roof terrace access structure at third floor level. The applicants have since indicated that they would be happy to stipulate that the houses will be no higher than 3 storeys. The proposal includes 30% affordable housing.

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

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

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

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

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

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

“The approach to the scale and massing of the built form relates to the scale within Shoreham adding to the scheme’s sense of place, creating prominent visual

references for the development when viewed externally and when entering the site. Height and scale are also influenced by the constraining factors of flood plain and noise where habitable space is only acceptable above the 5.0m AOD flood line and acoustic walls which are required to be 2.5- 3.5m in height.”

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

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

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

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

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

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

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

Consultations

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

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

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

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

Access and Stage 1 Road Safety Audit (RSA)

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

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

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

Layout and Parking

Although layout and parking are not to be approved at this stage, there would be no concerns with the indicative layout. The application form does not indicate if the internal road will be offered for adoption. In principle, the layout should be designed in accordance with Manual for Streets (MfS) parameters. The applicant proposes a 'Shared Surface' arrangement, in principle this would be accepted in line with MfS

parameters of up to 100 vehicle movements per hour. Consideration has been given to turning for larger vehicles. Swept diagrams have been provided demonstrating how larger vehicles can turn within the site. 118 car parking spaces and a 104 cycle spaces are to be provided. Parking provision has been demonstrated to be in accordance with the requirements of the WSCC Parking Demand Calculator, the outputs from this have been provided within the appendices. The LHA are satisfied with the parking allocations proposed, and this should be taken forward into any future reserved matters application.

Capacity

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

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

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

Sustainability and Accessibility

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

The LHA acknowledge that whilst there is a limited range of services and facilities within the immediate vicinity; other services that are available are within reasonable walking and cycling distance of the development when assessed against current

guidance for the provision of journeys on foot. Opportunities to travel by passenger transport are limited.

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

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

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

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

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

private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs.

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

Conclusion

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

Section 106 Contributions

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

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

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

The advice is as follows:

1. School Infrastructure Contribution

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

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean social

rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

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

DfE Figure x ACP = School Infrastructure Contribution where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following criteria are used to generate a child product:

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

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

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

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

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

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

2. Library Infrastructure Contribution

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

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

2.2 Financial Contribution

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

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

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

Note: x = multiplied by.

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

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

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

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

3. Fire & Rescue Service Infrastructure

3.1 Fire Stations

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

3.2 Financial Contribution (excluding provision of fire hydrants)

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

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

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

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

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

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

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

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

4. Transport (TAD) Contribution

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

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

Sustainable Access Contribution = (C – D) x E, where:

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

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

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

E = Standard multiplier of £600

Infrastructure Contribution = D x F, where:

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

F = Standard multiplier of £1200

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

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

General points

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

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

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

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

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

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

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

with the consultant's stance that this application's access arrangements are an improvement to the previous access arrangements.

Stage 1 Road Safety Audit (RSA)

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

Third Response (2 July 2019): In January 2017 clarification was sought as to the impact the Adur Tidal Wall (ATW) scheme will have on the proposed site access arrangements. The ATW scheme has come forward as a planning application in its own right (AWDM/1614/15) and was granted consent in June 2016. However no additional information came forward regarding this following the LHA's consultation response. The LPA will note that previously a Stage 1 Road Safety (RSA) was requested again this document does not appear to have been submitted.

The latest information from the Local Planning Authority (LPA) and applicant confirms that the road raising scheme is no longer going ahead as part of the flood defence works and that there are to be no changes to the A283 other than a new vehicular access into this site. The LHA acknowledge this matter, however we would therefore advise that the Stage 1 RSA is still required on the access arrangements.

Comments on Layout and Parking, Capacity and Accessibility should be referred to in the previous LHA response.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Design

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

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

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

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

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

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

Landscape and Visual Impact Assessment

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

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

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

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

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

Conclusion

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

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

Second Response (4 December 2017) in response to applicants' questions:

Q1- do you accept that the LVIA was 'informal' and not as part of an EIA and therefore its methodology is within the accepted guidelines?

The document is called a Landscape and Visual Impact Assessment which would be part of an EIA. Appraisal is the term normally used to describe a non-EIA study. I was not involved in any screening or scoping for the development. Was any formal request made for screening?

The broad principles of a formal LVIA or informal appraisal are similar as defined in the Guidelines for Landscape and Visual Impact Assessment, Third edition (GLVIA3) with the caveat that "Judgement needs to be exercised at all stages in terms of the scale of investigation that is appropriate and proportional."

The study area seems appropriate and proportional to the development proposals. The viewpoint number and spread seems to be appropriate and proportional to the development proposals.

According to the GLVIA Statement of Clarification (1/13) - "In carrying out appraisals, the same principles and process as LVIA may be applied but, in so doing, it is not required to establish whether the effects arising are or are not significant". If an appraisal was to determine an effect as 'significant' it could trigger the requirement for a formal EIA (see Appendix A - Table A2).

Q2 - the level of impact on predicted change the development would have has mostly been elevated to "major adverse" - Could you please explain the basis for this change in magnitude?

I have simply used the methodology outlined in Appendix A of the applicants Appraisal. The table I prepared for my previous consultation response outlines what the defined methodology requires according to Table A1 in the appendix. This matrix

requires the importance of the receptor in terms of sensitivity and the magnitude of change which are defined in the methodology and tabulates to provide the significance of effect.

The methodology adds that this is an initial indication which requires professional judgement and awareness to refine.

Appendix A - Table A2 attempts to categorise significance of effect, summing up sensitivity and magnitude of change, in a typical description / example. However when reading through the examples they focus on magnitude, rather than sensitivity or a balance of the two. Table A1 demonstrates the major variation in considering a low sensitivity receptor or a high sensitivity receptor. When providing my assessment of the scheme I did not use Table A2 because, in my view, it does not adequately account for the sensitivity of receptor and does not demonstrate a transparent assessment. I have therefore used the more robust approach outlined in Table A1 which conforms with GLVIA3.

It is easy to compare my judgement of the magnitude of change with those submitted and tabulate through the matrix to give the significance of effect.

Q3 - What is your response to the applicants' concerns that raising nearly all the impacts to 'major adverse', the highest level, is, in their view, not a measured one or wholly supportable?

GLVIA makes the clear distinction between impact (the action being taken) and effect (the result of that action).

The significance of effect is a product of the methodology defined by the applicants document and this rightly recognises that the proposed site sits in a sensitive location with many sensitive, valued and accessible features around it.

Importance of
Receptor

	Magnitude of Change			
	Substantial	Moderate	Slight	Negligible
High Sensitivity	Major	Major	Moderate	Negligible

The extract of Table A1 from Appendix A shows that for a receptor with high sensitivity anything above a "Slight" change, defined as "minor loss or alteration", gives the initial indication of a "Major" effect.

I have clearly set out my judgements in the previous consultation response and this has been in accordance with the applicant's methodology, using its definition of sensitivity, magnitude of change and significance of effect as set out in Table A1. The conclusions regarding significance of effect are a result of the application sites location near highly sensitive receptors, which are highly valued and accessible.

Q4 - *They consider that your conclusions are at odds with their LVIA but also other independent reports commissioned by the Local Authority, including the Urban Fringe Study 2006 and The Landscape & Ecology Study 2012. Do you have any comment on this?*

I have not had any involvement in these studies and have taken the application and its documentation on its merits.

The Urban Fringe Study seems to suggest the application site (Lancing Gap - Area 4) has a low contribution to the landscape and is of low importance to the Strategic Gap. Without significant research into the methodology and documentation I am not in a position to agree or disagree with this finding. However a brief review of the document seems to highlight its purpose is identification of potential site capacity and relevance to the Strategic Gap policy. It feels closer to a planning land availability assessment than a landscape study.

The Landscape and Ecological surveys of key sites within the Adur District (November 2012) identifies the application site as LCA4 NE Adur Fringe with Medium-low landscape character sensitivity, Medium- low visual sensitivity and Medium-Low overall landscape sensitivity.

Quotes from within the Technical Annex A - Assessment of overall landscape sensitivity (November 2012)

"This landscape does not have a distinctive character and its sense of place is derived from adjacent large scale features (River Adur, the roads and road junctions, Shoreham Church and the Shoreham Tollbridge) rather than the landscape itself, but this site has a strategically important location which contributes to the gateway to Shoreham and, importantly, to the landscape settings of Shoreham Church and the Shoreham Tollbridge. It is vulnerable to changes which erode its value as a green forecourt in views to these historic buildings and as part of the gateway to Shoreham"

"This LCA is a small, narrow part of the Lancing Gap and seems disconnected from it. It is important as part of the gateway sequence of views and spaces on the northern edge of Shoreham, but makes little contribution to the Lancing gap as a whole.

The area (particularly the southern part close to the church) makes an important contribution to the landscape setting of St Nicholas, Shoreham, a Grade I listed building and of the Shoreham Tollbridge, a Grade II* listed building, particularly in views from the elevated A27 to the north."

This character assessment picks up that it is the combination of special features in this location that give the application site its sense of place. It highlights the sites vulnerability to change and that it provides the setting to historic buildings and as a gateway to Shoreham.

Adur & Worthing Councils: The **Environmental Health** officer (first response) - When I was contacted by Ramboll in December 2014, I was advised that their

proposal was for a mixed use site of both residential and commercial property, the commercial property being closest to the flyover. Obviously this application does not reflect that conversation and on the current proposals I would have requested different baseline monitoring positions. Therefore paragraph 2.5 of the Noise Impact Assessment should be read with this in mind.

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

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

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

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

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

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

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

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

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

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

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

Second Response following receipt of further information from applicants:

I am concerned that the design of the development relies solely on acoustically sealing the property to achieve internal noise guidelines for the habitable rooms. This combined with the proximity of some of the homes to the A27 and associated traffic pollution is a worry. The aims of the Noise Policy Statement for England would have been better achieved if consideration for controlling traffic noise at source, such as a scheme for noise barriers along the main carriageway and slip roads was included in the application. A view supported by the applicants own acoustician.

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

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

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

The development hereby permitted shall not be commenced until schemes for protecting individual dwellings and outside amenity areas from noise has been submitted to and approved in writing by the Local Planning Authority. The schemes shall demonstrate good acoustic design and shall comply with the internal noise level guidelines set out in BS8233:2014. The scheme shall also try and achieve as far as

reasonably practicable the WHO guidelines for external amenity areas. All works which form part of the agreed scheme shall be completed before the permitted dwellings are occupied.

I would also recommend a condition controlling hours of construction.

Third Response (31 October 2017): I have reviewed the additional data and would make the following comments.

If you look at the original report, Appendix 4, you will see that the facade noise levels increase with height by at least 5dB(A). This is because the slip road, itself, being higher than the development land, is acting as a partial barrier. That barrier effect is lessened on the first and second floors of the dwellings as they become more equal in height. The first and second floors are where the living accommodation is sited.

It is in this context that we should be looking at the revised noise monitoring data which is more in line with the proposed building line. This monitoring data was taken from 1.9m above ground level, ground floor height, and depending on the source of the Lmax levels we can expect these to increase at first and second floor height.

Also, the predictions of road traffic noise carried out in the noise assessment were made in accordance with the CRTN method (Calculation of Road Traffic Noise 1988). The calculation procedure in CRTN assumes noise propagation conditions which are consistent with moderately adverse wind velocities and directions. This means the noise level predictions assume downwind noise propagations in all directions. The wind direction during the latest noise monitoring was W to SW so does not reflect the CRTN scenario of down wind propagation. For this reason I do not agree with the comparison between modelled and measured noise data made in the latest report. We should bear in mind is that it is not unusual for there to be wet roads and Northerly wind during the winter and we have to ensure that the acoustic protection offered to these new homes is robust enough to deal with the worst case scenario.

Table 3 of the latest report has a range of Lmax(1min) from 64dB(A) to 68dB(A) on Friday, yet Figure 5 in the latest report clearly shows the Lmax exceeding 70dB(A) on two occasions. Again Saturday, the range is 63 to 67dB(A) yet the chart shows one incident above 75dB(A) and a further three incidents above 70dB(A). Again, Sunday, the range is 67 to 72dB(A) yet the chart shows one incident reaching 75dB(A). Monday ranges from 64dB(A) to 69dB(A) but the chart shows incidents above 70dB(A). I raised this matter and got the following answer: "The reason for the apparent discrepancy in LAmax values presented in the summary table and the detailed history is that the table shows a range of typical values and omits the highest individual events." Remember these Lmax levels could be up to 5dB(A) higher at 2nd floor level where the bedrooms are sited.

The acoustician has sought advice regarding noise barriers along the main A27 and slip roads. I can understand that the structural integrity and wind loading of the barrier would be important but not insurmountable. Noise barriers along highways are quite common features. I can also understand that you would not want to obstruct visibility

at Jcts, but traffic entering the A27 west bound from the slip road will be looking right and not left where the barrier would be positioned so I am not sure what the issue is here. I can see how ongoing maintenance may be an issue but this could be agreed.

As the applicant has identified, even a 1m high barrier will reduce noise levels at the façade by upto 5dB(A). It is not clear how they have come to this figure or what assumptions were used (where are the barriers proposed) or at what height this sound reduction will be provided. However, a 5dB(A) difference is significant in my opinion, and is not dissimilar to level of noise reduction that can be provided by low noise road surfacing. Therefore the noise barrier options should be investigated further and pursued.

With the above analysis in mind, I do not agree with all the conclusions of the latest report which to the untrained eye could be misleading and which attempts to portray a rosier picture than exists.

It is Government Policy that Local Planning Authorities seek opportunities to protect, improve and enhance the environment, and this requires proper consideration of the acoustic environment around new residential developments and it is in this context I make my recommendation.

Working with what we do know, I would be prepared to withdraw my objection to the application on noise grounds so long as the following conditions are attached to the permission:

- (i) All dwellings shall be fitted with whole house ventilation systems. This is because they all need to have windows closed in order to achieve the internal noise criteria of BS8223:2014 and it is normal in these situations for the Council to request mechanical ventilation to aid thermal comfort.
- (ii) The glazing scheme options detailed in the initial noise report, Table 7, shall be implemented. As bedrooms are on the second floor, Lmax levels shall be considered when opting for the final glazing specification.
- (iii) Details of a barrier scheme for the A27 and slip roads shall be provided and agreed by the planning authority.

Fourth Response (5 July 2019): I understand the applicant is objecting to the need of the acoustic barriers along the slip road and A27.

With reference to the Planning Noise Advice Document Sussex, as previously discussed:

Any development proposal should follow the basic principles of noise control set out below, which are to separate noise sources from sensitive receptors, then to control the noise at source and finally to protect the receptor:

I. Separation of noise source from receptor: Any application likely to result in a noise source being located near an existing, permitted or allocated noise sensitive receptor (i.e. a residential area, school or hospital), whether as a result of a proposed new noise source, or a proposed new noise sensitive receptor, will need to demonstrate that there will be no unacceptable noise effect on sensitive receptors, and that all steps have been taken to reduce any adverse effects. If the development is likely to result in adverse noise levels, the developer should first consider whether there are alternative site locations which are more suitable.

II. If no alternative site is available then the applicant will need to demonstrate that all reasonable steps have been taken to reduce the impact of the noise. This should include consideration of the most appropriate positioning of the noise source/ sensitive receptor within the chosen site boundary.

III. If all reasonable steps have been taken to reduce the impact of the noise but the development is still likely to lead to adverse effects, then adequate mitigation should be employed. Appropriate mitigation could include changes to the site layout, a noise management plan, the construction of noise barriers, and as a last resort, the insulation of buildings.

Noise barriers of sufficient height and positioned appropriately can reduce noise reaching the development by around 10dB(A). This would protect outside amenity space and may negate the need for expensive acoustic glazing for the development. It may also mean that windows for some of the dwellings can be opened at night time for ventilation and thermal comfort.

The applicant's consultant refers to ProPG in the case correspondence. Pro PG aims to assist the delivery of sustainable development by promoting good health and well-being through encouraging a good acoustic design process. If Good acoustic design has been followed in accordance with Pro PG then the applicant should be able to provide us with the noise modelling diagrams demonstrating that the acoustic barriers on the slip road and A27 are ineffective. The only model diagrams provided, are in the initial report dated 22/12/2016, pre ProPG, and it is not clear from the report what assumptions have been included in this model. For example, have they just modelled traffic noise from the slip road and the Steyning Road or have they modelled the traffic noise from the A27 bridge as well? There are no noise contours from this area of road.

From a public health perspective, it would have been my preference to separate the dwellings from the road noise by distance, which was the intended scheme when I was first contacted by Ramboll in 2014.

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

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

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

3. This is a major development and as such the applicant should have followed the Air Quality & Emissions Mitigation Guidance for Sussex (2013), which is freely available and signposted on our website

(<https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/air-quality-and-planning/>).

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

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

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

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

Second Response following receipt of further information from the applicants:

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

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

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

Third Response (1 September 2017): I have now had a chance to look at the Air Quality Assessment. The procedures followed are acceptable and the conclusions reached are acknowledged.

What remains to be agreed is the air quality mitigation. The Emissions Mitigation Calculation in Appendix E results in a value of £140,326.70. This is the amount that should be committed to mitigation for the development (this does not include the construction phase). I'm not sure how you would want this to be covered - whether a s.106 agreement would suffice, a condition requiring specific mitigation to this value, etc.?

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

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

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

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

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

Finally he is not sure that a 30% increase in flows for climate change is still appropriate, FRA para 3.4.3, I believe this could now be 40%

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

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

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

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

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

Comments on ES Addendum

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

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

Therefore in table 4.1

Statements for air quality are wrong

Statements for nature conservation are wrong

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

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

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

The illustrative plan on within the figures section of the Allen Scott report details no provision for surface water ditches, and shows playgrounds in potentially wet areas.

The plan also shows a 5m wide maintenance buffer zone, which should be 8m according to the EA letter of 30 January 2017.

There is no reference in the document as to who will own and maintain the buffer strip.

Surface Water Drainage from the site can either be via surface features ditches etc. or via pipes. If ditches are used, as now, then they will need to pass under the new embankment for which EA consent must be gained. They can then discharge as now under gravity or by means of pumps – a method which is not sustainable and could possibly lead to flooding issues, should the pumps ever fail (who will maintain the pumping system?). These same arguments apply to a piped system.

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

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

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

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

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

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

Shared ownership: 2 x 2bed
4 x 3bed

The **Planning Policy** Officer **objects**. Full comments are set out below:

Introduction

The development plan is the Adur Local Plan 2017. The site is located outside of the Built Up Area Boundary, and is therefore within the countryside in planning policy terms.

Inspector's Report into the Adur Local Plan

This site was addressed at the examination into the Adur Local Plan, which was held in early 2017. Given the date of submission of this application, the Inspector was

aware of the details of this outline application and the fact that a 3 storey (or 4-storey) development would be necessary due to flood mitigation.

The Inspector's Report (published 29th September 2017) states:

89...The site, which contributes significantly to the setting of the town, is on the edge of Shoreham where one might expect to see a visual transition between 'town' and 'country'. Great importance should be attached to the design of the built environment and development should add to the overall quality of the area and respond positively to local character. Whilst it is important that the potential of sites should be optimised, that should not be at the expense of visual quality and appropriate design.

90 I have considered whether or not mitigation measures could satisfactorily overcome my concerns about the visual implications of building on this land but I was provided with no substantive evidence that such measures could significantly reduce the visual impact of development on this site. I therefore conclude that the Council's approach to this site is sound and that the land should remain outside the settlement boundary and within the countryside.

As such, the site was not allocated within the Adur Local Plan 2017.

National Planning Policy Framework

Since the application was submitted, and previous policy comments made, the National Planning Policy Framework was updated in 2018 and 2019.

Paragraph 11 states that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, unless ... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The NPPF continues to make clear that sustainable development has three aspects; social, economic, and environmental. The adopted Local Plan's approach of seeking to achieve a balance between meeting needs for development; seeking to manage land uses outside the Built Up Area Boundary, and the protection and enhancement of countryside and landscape character is consistent with this.

The updated NPPF states:

127. Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area... b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)

170: Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes...b) recognising

the intrinsic character and beauty of the countryside... d) minimising impacts on and providing net gains for biodiversity

Chapter 16 of the NPPF relates to the historic environment. Paragraph 192 states that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Adur Local Plan 2017

Policy 2 Spatial Strategy

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

Policy 3: Housing Provision

This policy sets out the amount of new homes to be delivered in Adur up to 2032. The Policy has a capacity based delivery target of 3718 dwellings up to 2032 (177 pa).

Previous Planning Policy comments referred to the Five Year Housing Land Supply issue as follows:

The discussion in the Planning and Heritage Statement concerning persistent under delivery (para 6.3) and the approach to dealing with under supply (para 6.4) was prepared by the applicant's consultants prior to the Local Plan examination held in January 2017. The conclusions in this document were based on the assumption that Adur cannot meet its full objectively assessed need figure of 6,825 dwellings up to 2032 and does not have a five year housing land supply.

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

Update 2019:

The revised National Planning Policy Framework (2018) introduced the Housing Delivery Test against which housing delivery will now be measured. This measures housing delivery over the last three years (2015/16, 2016/17 and 2017/18) against the adopted housing requirement for the same period. There are transition arrangements in place for the period up to November 2019:

- 85% to 95% delivery - an Action Plan is to be created to assess the causes of under delivery and how to increase it
- 25% to 85% delivery - a 20% buffer of additional land must be added

- Under 25% delivery - the presumption in favour is engaged

The first results were published by the Government on 19th February 2019 and apply from the date following their publication. Adur District Council has delivered 41% of its housing delivery target and has failed the test. The Council has therefore updated its five year housing land supply calculation (previously included within the Annual Monitoring Report published in December 2018) to include a 20% buffer; this demonstrates that there is a 4.9 year supply of deliverable sites.

Policy 11: Shoreham-by-Sea

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

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

It is considered that the Shoreham Gateway site makes a particularly strong contribution to the landscape setting of the River Adur, which itself is an exceptionally high quality landscape. The concentration of nationally important designations within the immediate landscape context of the site provides additional evidence for the relatively high value of this local landscape: the wetland habitats within the River Adur corridor are nationally designated for their biodiversity value and the cluster of historic buildings within the Old Shoreham Conservation Area is centred on the Grade 1 listed Church of St Nicolas and the historic Tollbridge, which are inherently related to the River Adur at this historic river crossing point.

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

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

I understand that further information has been provided by the landscape consultants, addressing the adverse impacts of this development in more detail.

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

Policy 13: Adur's Coast and Countryside

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

“Outside of the Built Up Area Boundary, development will only be permitted where the need for a countryside location is essential; it is for quiet informal recreation or the essential needs of agriculture or horticulture, flood management, or is otherwise consistent with this Local Plan (or subsequent DPDs)...The landscape character of Adur and other areas of countryside, the coast, river, and settlement pattern will be protected and where possible enhanced. Any development or activities within the countryside must respect and where appropriate reinforce the setting, distinctiveness and sense of place of the above areas, taking into account the various elements which contribute to their distinctiveness such as geology and landform, biodiversity, scenic quality, strategic views, tree cover, settlement patterns, heritage and local vernacular, and land use. The setting of the South Downs National Park must also be respected...” (Adur Local Plan 2017)

Clearly the proposed residential use does not 'require' a countryside location, and does not comply with the requirements for uses appropriate to the countryside. In addition it is considered that the proposals would have an adverse impact on the landscape character of the countryside and river, and fail to reinforce the setting; furthermore it is not considered to respect the setting of the SDNP. The Shoreham Gateway site is located at one of the principal gateways to the South Downs National Park (SDNP). It is located alongside the road and public right of way used by local communities from the urban areas along the coast to access the SDNP and so constitutes an important component of the National Park's landscape setting.

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

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

It is considered that development of the proposed site would have the following impacts, and therefore the proposal does not comply with Policy 13:

- Degradation of the distinctive rural character and landscape setting of the River Adur valley at a strategic, gateway location
- Degradation of the landscape setting of Shoreham as experienced in the gateway approach to the town from the A27/A283 from the north.

Policy 15 Quality of the Built Environment and Public Realm

This policy requires that:

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

These matters will need to be taken account of in any reserved matters application, as well as paragraphs 127 and 192 of the NPPF referred to above.

Policy 16: A Strategic Approach to the Historic Environment

The Council will conserve and enhance the historic environment and character of Adur, which includes historic buildings, features, archaeological assets and their settings. Where development affecting any heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong sense of place.

Policy 17: The Historic Environment

For All Heritage Assets:

Where a proposed development would lead to substantial harm to, or total loss of a designated heritage asset, this will not be permitted unless there are compelling circumstances. Development should not adversely affect the setting of a Listed Building, Conservation Area, archaeological feature or Scheduled Ancient Monument.

As mentioned above, this site forms part of the landscape setting for the complex of historic riverside buildings within the Old Shoreham Conservation Area, including the parish church of St Nicolas (Grade 1 listed) and the Shoreham Tollbridge (Grade II* listed)

It is appreciated that this is an outline application. However, it is understood that potential flood considerations would inform the design of the development, hence the designs submitted for illustration. The scale of the proposed development as illustrated is considered to be unsympathetic – 3-4 storey development conflicting with what is generally two-storey development surrounding the historic church. Furthermore the proposed development (as illustrated) would adversely impact on views, reducing views to ‘glimpses’ of the church.

In all, it is considered that the proposed development is likely to adversely impact on the setting of the heritage assets in the vicinity, and does not make a positive contribution to local character and distinctiveness.

Policy 21: Housing Mix

Should any subsequent reserved matters application be submitted, Policy 21 will be applied. This requires new residential development to incorporate a range of dwelling types, tenures and sizes that reflect and respond to Adur's identified housing needs and demands.

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

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

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

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

The proposed mix should be amended to more closely reflect the housing need, with a more even split between the 2 and 3 bed dwellings.

Affordable Housing

Previous comments from the Planning Policy Team stated:

The Planning Policy Team has seen the response from the Strategy and Development Manager based on the Housing Strategy requirement for a tenure split of 60/40 rented/intermediate housing. The Submission Local Plan has a preferred mix of 75% social/affordable rented and 25% intermediate housing. This has not been subject to any modification and will be reflected in the emerging Housing Strategy. The matter has been discussed with the Strategy and Development Manager and he is happy that the mix required should be 12 rented and 4 intermediate dwellings.

It is difficult to comment on the unit sizes at this stage - the Strategy and Development Manager is happy to provide his further comments once the mix of market housing has been agreed.

Update

Policy 21 of the Adur Local Plan 2017 has a preferred tenure split of 75% social/affordable rented and 25% intermediate housing. The Housing Strategy is

currently being updated and the applicant is advised to discuss both the tenure split and affordable housing mix with the Head of Housing.

Other Matters

Since the application was submitted, the Adur Local Plan 2017 has been adopted. Policy 19 states that major developments will be expected to incorporate renewable/ low carbon energy production equipment to provide at least 10% of predicted energy requirements. Should this application be granted, this will need to be addressed at reserved matters stage. (Please see the Sustainable Energy SPD for further details).

Conclusion:

It may be argued that there has been a change in circumstances since the Adur Local Plan examination, given the introduction of the Housing Delivery Test and standard methodology. However it is worth noting that the examination Inspector considered the potential housing shortfalls in Adur (at that time) and did not consider that they overrode other factors (see above).

In addition the NPPF, whilst seeking that Objectively Assessed Needs for housing are met, does not require this absolutely. It recognises that this should not be the case where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

It is considered that any benefits of this proposal are not sufficient to outweigh other factors. As such, there is a policy objection on the basis of Policies 2, 11 and 13, 16 and 17 of the Adur Local Plan 2017.

Highways England: No objection

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

Directly west of the church and conservation area, is Old Shoreham (toll) bridge, a timber shallow arched road bridge constructed in 1781 and which continued to carry traffic up until the 1970's, but is now for pedestrian/cycle use only. It forms a very attractive feature crossing the river. The bridge, church and historic buildings in the

conservation area, together with the river and what remains of the undeveloped river plain, form a very picturesque grouping in views and have very high aesthetic value. This scene has been admired over the years for its beauty against the backdrop of pine trees and Downs and has been captured in paintings and photographs. In addition, the relationship of the church, conservation area and bridge to the open river plain is important in helping to understand their origins and that of the settlement of Old Shoreham and its historic development.

Old Shoreham and its historic development.

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

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

Impact

The application seeks outline consent for the erection of 52 dwellings on part of the flat narrow flood plain between the eastern side of the River Adur and the A283 Steyning Road. All matters are reserved apart from access and the re-alignment of the new Adur Tidal Wall Flood Defence. The Design and Access statement submitted with the application illustrates how the site would be developed which has been partly informed by the need to address the issue of flooding, and the requirement that no habitable rooms are below 5 metres, as well as providing noise attenuation to amenity spaces from the A27 flyover. The result is a scheme that is predominantly three storeys in height formally arranged in long uniform lines around the perimeter of the site.

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

Policy

There is a statutory requirement to have special regard to the desirability of preserving listed buildings, their settings and any features of special interest (ss.16, 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character

or appearance of the conservation area (s.72, 1990 Act) which must be taken into account by the local planning authority when making its decision on any proposals for development where those interests would be affected.

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

Historic England's recommended approach to the assessment of setting can be found in our Good Practice Advice Note, 'The Setting of Heritage Assets' (GPA 3). Settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance. If a proposal cannot be amended to avoid all harm, where it would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para.134, NPPF). While planning decisions should not impose architectural styles or stifle innovation through unsubstantiated requirements to conform to certain development forms or styles, it is proper to seek to promote or reinforce local distinctiveness (para.60 NPPF).

Position

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

The heritage statement provided is extremely brief containing only an outline of the scope of the work that would need to be covered by a full heritage impact assessment that would be submitted at the reserved matters application. We do not think this approach is appropriate, as the outline application will establish the principle of development at this site, as well as numbers of dwellings, and a layout that is constrained by flooding and noise issues. The Landscape and Visual Impact Assessment does provide some assessment of visual impacts on heritage assets, although we do not necessarily concur with these findings), however it does not provide an analysis of the significance of the heritage assets affected, as required by

para 128 of the NPPF, nor does it explore how the site may contribute to that significance such as through the historic relationship between places or aesthetic considerations.

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

Recommendation

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

Second Response (22 May 2018): Summary: Historic England retains concerns about the harm that this proposal would cause to the significance of designated heritage assets by virtue of the contribution made to this by their settings. We nevertheless conclude that the level of harm is less than substantial in NPPF terms albeit at the higher end of that scale. We therefore think that it falls to your Council to weigh that harm with the public benefits of the proposal taking note that all harm requires a clear and convincing justification and that great weight needs to be afforded to the conservation of designated heritage assets (including the contribution made by their setting). The statutory duty in this case is to pay special regard to the desirability of preserving listed buildings and this would include consideration of setting.

Historic England Advice

In our letter of 20 April 2017 (ref P00561230) Historic England objected to the determination of the application for residential development on this site in the absence of a full heritage impact assessment to demonstrate potential impacts on adjacent designated heritage assets. This assessment is required so that the local planning authority can take it into account to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal (NPPF paragraph 129). A Heritage Statement by AB Heritage Archaeological Consultancy (AB Heritage Project No: 60144; 18th October 2017) was submitted and having considered this information, in addition to that already received, we advised that the report was fundamentally flawed and did not provide the necessary information on which to base a robust decision.

A further, revised, heritage report (6.04.2018) has now been submitted by AB Heritage following discussion with Historic England and our consultant Nigel Barker-Mills having considered this information, we offer the following advice to assist your authority in determination of this application.

Summary assessment of Heritage Statement

The Heritage Statement, as revised, has inserted a very brief assessment of the contribution made by the development site as part of the setting of several heritage assets. In the majority of cases that contribution is regarded as being “beneficial”.

The report maintains incorrectly that the site does not contribute to the setting of the airport (paragraph 4.4.5) despite there being a visual relationship and also a functional relationship between the airfield and the wider landscape of which the proposed development site is a part. It is also disappointing to see that the report has failed to address the classification of importance of cultural heritage in table 1 which incorrectly identifies Grade II listed buildings as being of regional importance despite their status as nationally designated heritage assets. This means that the continued heavy reliance on tables to assess final impact is distorted.

The report remains weak on the analysis of cumulative impact and the functional and associative relationships between heritage assets, but it is clear from photographs provided (photos 1;5 and 7 in particular) that this proposed development site enables an understanding and experience to be gained of the relationship between the wider landscape and topography of the area and the designated heritage assets being affected. This includes the conservation area and significant buildings within it e.g. the church of St Nicholas.

The Heritage Statement Assessment concludes that for all of the designated heritage assets identified, with the exception of the scheduled ancient monument at Old Erringham medieval settlement and Shoreham airport (see above), the impacts are moderate or medium adverse. In short it is accepted that some harm is being caused albeit not at the high end of the scale. Nevertheless the designated heritage assets affected include those of the highest importance, listed grade 1 and II* where even greater weight is placed on the requirement to conserve them in a manner appropriate to their significance including the contribution made by their setting.

Recommendation

Historic England has concerns regarding the application on heritage grounds. The revised Heritage Statement retains an incorrect characterisation of the importance of nationally important heritage assets (in its coverage of Grade II listed buildings) and remains weak overall on assessment of the contribution made by setting to the significance of designated heritage assets affected by the proposed development. This is disappointing in light of our previous advice and subsequent discussions with AB Heritage. Despite these shortcomings, the report concludes that there is a moderate adverse impact, i.e. there is some harm being caused to the significance of heritage assets as a result of changes within their settings, which in the terms of the NPPF we would characterise as less than substantial, although still significant. We have not identified any heritage benefits arising from the proposals and therefore in light of the importance of the heritage being affected, for your council to be able to approve this proposal you should first be convinced that

- the harm has been minimised (para 129 of the NPPF) and
- that for the irreducible amount of any remaining harm the public benefits arising from this proposal are such as to provide the clear and convincing justification (as required by (para 132 of the NPPF) and

- if you agree with us that the harm though serious is less than substantial in the terms of the NPPF (para 134) that the public benefits of the proposal are such to outweigh that harm.

It is for your Council to carry out the exercise of balancing harm to historic significance with whatever the public benefits might be, taking note that this is not a simple weighing exercise as great weight should be given to the conservation of designated heritage assets and the more important those assets the greater that weight should be. In determining this application you should also bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the same Act also requires you to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas which may be of relevance here although we note that the site is not itself within the Old Shoreham conservation area.

Sussex Police: Comment provided on the design and layout which at this stage is indicative only.

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

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

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

Turning to the height of the proposed buildings, it is considered that 4 stories would be too high and would be visually dominant in this location; a maximum of three stories located on the east side of the site with smaller buildings to the north and west would,

together with the above, reduce the impact of the development in this exposed river valley, and on the setting of the National Park; the combination of a significant landscape buffer and appropriately located building heights would also help to lessen the impact of the development on the users of the Downs Link cycle path and other footpaths along the riverside.

If the development is approved it would be appropriate to consider improvements to road safety and how the layout of the site can provide sustainable access by foot and cycle in to the National Park, including where possible linking up with existing access in to the Park; there is a footpath directly opposite the site which is currently hard to access.

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

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

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

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

Environment Agency: No objections subject to conditions:

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

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

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

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

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

Second Response (30 May 2018) following EA decision not to raise level of Steyning Road as part of ATW scheme: As we previously advised the applicant, we strongly recommend updating and resubmitting the Flood Risk Assessment to ensure it is clear regarding the proposals not to raise Steyning Road.

As proposed, the development has all habitable accommodation above the undefended tidal flood level, and therefore our current position on the application is not affected by whether the road raising goes ahead or not.

Third Response (24 July 2019): In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Reason(s)

We have reviewed the following documents in relation to the outline planning application ref. AWDM/1953/16: letter from Ramboll dated 08/05/2019 received on 18/07/2019; Flood Risk Assessment (FRA) and Appendices written by Ramboll dated December 2016 ref. 61033777-ENV-R-05.

Although we agree that the proposal to set finished floor levels at 5.6m AOB is still valid, as we stated in our letter dated 30/05/2018 (our ref. HA/2017/119027/02-L01), we still recommend that the planning application documents, and in particular the FRA, are updated to reflect the change of the development site in relation to the new bund which forms part of the Shoreham Adur Tidal Walls Scheme and runs across the field cutting the development in two parts. It is not clear if it still proposed to change the layout of the new flood defence scheme as stated in 2.8.9 and 2.8.10 of the FRA, and what is the plan for the existing new flood defence bund across the site.

If the intention is to leave the bund across the site, the two parts of the development site will be subject to different mechanism of flooding and this will have to be assessed as part of the FRA, also the site layout will have to be updated.

The current site layout shows the residential dwellings and the surface water pumping station in close proximity of the flood defences. As per our previous advice, we would recommend that a minimum 8 meter buffer is left to allow for future access/maintenance/improvement of the flood defences. In accordance to the Environmental Permitting Regulation (EPR) 2016, any works in over under or within 16 meters of the landward toe of the flood defence embankment will need a Flood Risk Activity Permit (FRAP) from us which is separate from planning permission. At the FRAP application stage it will have to be demonstrated that the proposal will not compromise the structural integrity of the flood defence and adequate access will be maintained for future maintenance/improvement of the flood defence.

Furthermore, it is noted that a new surface water outfall will be built through the flood embankment into the River Adur. This will also need a FRAP. The new outfall will be located in a Site of Special Scientific Interest (SSSI) therefore early engagement with Natural England (NE) is highly recommended. As part of the FRAP application the applicant will have to demonstrate that the works and the new structure will have no adverse impact on the features of the SSSI.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

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

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

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

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

Natural England: No objection. Natural England is satisfied that there is not likely to be an adverse effect on the SSSI as a result of the proposal being carried out in strict

accordance with the details of the application as submitted. The authority should consider securing measures to enhance the biodiversity of the site from the applicant.

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

Representations

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

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

- Doubt that sewage infrastructure can cope
- Loss of green field
- Adverse impact on property values
- Layout could create crime risks
- Increases sprawl of Shoreham beyond existing boundaries
- How will this enhance Shoreham, or maintain its character and healthy environment?

Relevant Planning Policies and Guidance

Adur Local Plan (2017) - The following policies are considered to be relevant to the consideration of this application:

- 1 (The Presumption in Favour of Sustainable Development)
- 2 (Spatial Strategy)
- 3 (Housing Provision)
- 11(Shoreham-by-Sea)
- 13 (Adur's Countryside and Coast)
- 15 (Quality of the Built Environment and Public Realm)
- 16 (A Strategic Approach to the Historic Environment)
- 17 (The Historic Environment)
- 18 (Sustainable Design)
- 19 (Decentralised Energy, Stand-Alone Energy Schemes and Renewable Energy)
- 20 (Housing Mix and Quality)
- 21(Affordable Housing)
- 22 (Density)
- 28 (Transport and Connectivity)
- 29 (Delivering Infrastructure)
- 30 (Green Infrastructure)
- 31 (Biodiversity)
- 34 (Pollution and Contamination)
- 35 (Water Quality and Protection)
- 36 (Flood Risk and Sustainable Drainage)

Development Management Standard No.1 'Space Around New Dwellings and Flats'
Shoreham by Sea Conservation Area Character Appraisal & Management Strategy
(ADC 2008)

Sustainable Energy SPD (Aug 2019)

Planning Contributions for Infrastructure Provision (ADC 2013)

West Sussex Parking Standards and Transport Contributions Methodology (WSSC 2003)

West Sussex 'Guidance on Parking at New Developments' and 'Parking Demand Calculator' (WSSC 2019)

National Planning Policy Framework (February 2019)

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

Planning Noise Advice Document – Sussex (2015)

Relevant Legislation

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Planning Policy and Local Plan Inspector's Report

The development plan currently consists of the Adur Local Plan adopted at the end of 2017.

The main findings of the Inspector's Report into the Plan are set out below.

In terms of housing provision and the 5 year land supply, the Inspector's Report states that *"the Council has considered a range of projections, trends and estimates and taking into account all the circumstances I am satisfied that the Council has adequately justified the figure of 325 dpa, as representing the OAN for housing in the plan area. The Council's approach is sufficiently aspirational, whilst remaining realistic."*

He goes on to state that *"the Council is reliant primarily on existing commitments, the two strategic sites proposed in the ALP and the regeneration at Shoreham Harbour. Whilst concerns were raised with regard to the delivery of housing at the Harbour, the Council is clearly making good progress on this scheme and is committed to monitoring and review. There has been a shortfall of housing provision since 2011 but with the increased supply (as primarily proposed in the ALP) it is confirmed that there would be a 6.1 year supply with a 5% buffer (as supported by the Council) and a 5.4 year supply with a 20% buffer. It can be concluded that the local plan 5 year housing requirement would be met."*

He then went on to assess the Council's approach to the identification of housing sites and the Sustainability Appraisal (SA). He stated that, *"In terms of the SA, Planning Practice Guidance (PPG - Strategic environmental assessment and sustainability appraisal) states that the SA should address only reasonable alternatives and that those alternatives must be sufficiently distinct, realistic and deliverable. I consider that these requirements have been met and I am satisfied that a sufficiently robust assessment of the reasonable alternative housing sites has been undertaken in the SA6 and that an acceptable level of appropriate detail is provided."* In reaching this conclusion, he took account of the recent downturn in the economy and the fact that the Council anticipates a significant level of delivery in coming years.

The Inspector noted that the Council has made an allowance for a 5% buffer in the housing requirement (as opposed to a 20% buffer which may be justified in circumstances where there has been a persistent under-delivery of housing). He advised that, while net housing delivery has been lower than set targets, he considered that *“in the longer term the delivery of housing has been satisfactory and that therefore the requirement for a 20% buffer has not been triggered.”*

With regard to the Local Green Gaps policy, the Inspector considered that *“the Council has not been sufficiently rigorous in its approach because there are pockets of land, for example at Mill Hill to the north-east and Old Salts Farm to the south-west, which if developed would not significantly diminish the local gap in visual terms. That is not to say that such land should be developed because there are other reasons why the development of these sites would not be sound and in these circumstances the land should be afforded the appropriate protection through the Council’s countryside policy (policy 13). MM28, which clarifies the wording of the policy and ensures that the policy will only apply to those parts of the countryside which are genuinely required to remain undeveloped in order to prevent the coalescence of settlements, is therefore recommended.”*

With regard to the Housing Target, the Inspector accepted the Council’s arguments that significant constraints (flood risk, proximity to the South Downs National Park and protecting the identity of settlements) exist to prevent meeting the housing need of 325 dpa and that the annual target should be 177 dpa. The Inspector advised, *“It is acknowledged that this represents a shortfall of over 3,100 dwellings when measured against need but bearing in mind the evidence referred to in the preceding paragraphs I am satisfied that in these circumstances the Council’s approach is justified and in all other respects sound.”* An early review of the Local Plan is justified however.

In conclusion on this issue he was *“satisfied that the Council has sought opportunities to achieve the economic, social and environmental dimensions of sustainable development and that a satisfactory balance has been achieved. The Council recognises that the shortfall is significant but it is committed to the monitoring and review of housing delivery and to seeking a way forward with its neighbours, particularly with regard to meeting housing need. I conclude that the Council’s approach to housing provision, as modified, is justified.”*

He then went on to consider the omission sites, which include the current application site. His comments on the application site are set out in full below:

“This is a greenfield edge-of-settlement site which lies immediately adjacent to the River Adur at the entrance to Shoreham. It is visually prominent from the adjacent road and from the footways that run along both banks of the river. At the time of the hearings there was some uncertainty regarding the route of the Adur Tidal Walls Scheme, which currently would cross the site. The site is very close to the listed buildings of St Nicholas Church and the Shoreham Tollbridge and adjacent to the Old Shoreham conservation area. Although in preparing this Report I have attached little weight to this matter (because a detailed scheme was not before me for

consideration), there is the risk that the value of the heritage assets referred to above could be diminished.

Issues of flood risk are being addressed and there is no reason to doubt that they could successfully be overcome. However, one of the consequences is that development would have to be 3 storeys (and possibly 4 storeys) in height. The site, which contributes significantly to the setting of the town, is on the edge of Shoreham where one might expect to see a visual transition between 'town' and 'country'. Great importance should be attached to the design of the built environment and development should add to the overall quality of the area and respond positively to local character. Whilst it is important that the potential of sites should be optimised, that should not be at the expense of visual quality and appropriate design.

I have considered whether or not mitigation measures could satisfactorily overcome my concerns about the visual implications of building on this land but I was provided with no substantive evidence that such measures could significantly reduce the visual impact of development on this site. I therefore conclude that the Council's approach to this site is sound and that the land should remain outside the settlement boundary and within the countryside.

It has been suggested, on behalf of the owners, that the hearings should be reconvened to allow evidence regarding this site to be examined further. However, I am not aware of any significant 'new' evidence regarding design, layout, appearance or viability that would justify re-opening the hearings."

In conclusion he advised that, "The Council has satisfactorily justified the proposed allocations and the more specific requirements (as modified) that relate to each of those allocations. The most appropriate strategy has been identified and policies 5 to 8 are sound. With regard to the four omission sites I am satisfied that the Council's conclusions are justified and in all other respects are sound."

Since the application was last considered by the Planning Committee the Local Plan has been adopted and a revised National Planning Policy Framework has been published which introduced the Housing Delivery Test against which housing delivery will now be measured. The Housing Delivery Test measures housing delivery over the last three years (2015/16, 2016/17 and 2017/18) against the adopted housing requirement for the same period. There are transition arrangements in place for the period up to November 2019:

- 85% to 95% delivery - an Action Plan is to be created to assess the causes of under delivery and how to increase it
- 25% to 85% delivery - a 20% buffer of additional land must be added
- Under 25% delivery - the presumption in favour is engaged

The first results were published by the Government on 19th February 2019 and apply from the date following their publication. Adur District Council has delivered 41% of its housing delivery target and has failed the test.

The Council has therefore updated its five year housing land supply calculation (previously included within the Annual Monitoring Report published in December 2018) to include a 20% buffer. The Local Plan trajectory demonstrates that, when measured against the Local Plan delivery target, this shortfall can be addressed in the first five years of the Plan period after adoption. This is due to the strategic allocations at New Monks Farm (Policy 5) and West Sompting (Policy 6) and sites within the Shoreham Harbour Broad Location (Policy 8).

Consequently, as Adur has identified sufficient land to meet its overall housing target as set out in the Local Plan, there is no essential need for the development of this site for housing.

Relevant Planning Policy

Since the application was previously considered by the Planning Committee the National Planning Policy Framework (NPPF) has been updated. in 2018 and 2019.

Paragraph 11 states that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, unless ... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The NPPF continues to make clear that sustainable development has three aspects; social, economic, and environmental. The adopted Local Plan's approach of seeking to achieve a balance between meeting needs for development; seeking to manage land uses outside the Built Up Area Boundary, and the protection and enhancement of countryside and landscape character is consistent with this.

The updated NPPF states:

127. Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area... b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)

170: Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes...b) recognising the intrinsic character and beauty of the countryside... d) minimising impacts on and providing net gains for biodiversity

Chapter 16 of the NPPF relates to the historic environment. Paragraph 192 states that in determining applications, local planning authorities should take account of the

desirability of new development making a positive contribution to local character and distinctiveness.

As defined by the Adur Local Plan 2017, the site lies outside of the Built Up Area Boundary (Policy 2) and is within the countryside (Policy 13).

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

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

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

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

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

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

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

The proposed residential use does not 'require' a countryside location, and does not comply with the requirements for uses appropriate to the countryside. Furthermore it is considered that the proposals would have an adverse impact on the landscape character of the countryside and river, and fail to reinforce the setting. It is also not

considered to respect the setting of the South Downs National Park. This issue is discussed in more detail in the next section.

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

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

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

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

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

Landscape Impact

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It was considered important that an updated assessment should be carried out by Sheils Flynn to deal specifically with this application and so your Officers commissioned a further study, the report for which was published in July 2018. It reached the following conclusions:

The LVIA of the current development proposals for Land at Steyning Road indicate that the development would result in significant adverse landscape and visual effects. The proposed dense development of tall buildings would:

- *result in the river being enclosed by built edges on both east and west banks, restricting the perceived 'green' visual link of the river valley floor landscape, which continues under the bridges, and causing the existing transport infrastructure to appear more dominant and visually intrusive.*
- *dominate the eastern riverside in this gateway zone, extending the built environment northwards to the A27, making the road bridge and gyratory A27/A283 junction an inappropriate 'hard' boundary to the national park and degrading the quality and character of the setting of the SDNP*
- *have a detrimental effect on the character and setting of the cluster of heritage assets in the riverside part of Old Shoreham.*
- *change the gateway to Shoreham from the north, partially screening the ('important') view to the Downs from Steyning Road and compromising the perceived relationship between town and river in the gateway from the north.*

5.2 Scope for mitigation

As the LVIA suggests, there is limited scope to mitigate these adverse predicted effects because the height of the proposed buildings, the density of the development and the proximity to the SDNP cannot be mitigated by planting or superficial changes to the colour/type of architectural materials.

The applicants have rebutted these findings and have referred to what they perceive to be “*numerous inaccuracies, misleading statements and erroneous claims.*” They

state that *“with each new assessment of landscape and visual sensitivity the impacts relating to our site have been elevated.”* They also claim that the report is based on false and misleading information provided in the Sheils Flynn Visual Impact Assessment, including an over estimation of roof heights.

Sheils Flynn were asked to respond to these points and submitted a further report in August 2019. The report makes the following points:

“CDL (the applicants) suggests that one of the reasons for the ‘Medium-high’ overall landscape sensitivity ‘score’ for the Adur Gateway local landscape character area (LCA) is the assumption (within the 2016 Landscape Sensitivity Study) that the implementation of the Adur Tidal Walls (ATW) flood defence scheme would result in the loss of existing vegetation along the boundary of the Steyning Road site. This assumption was made on the advice of the Environment Agency (EA) at the time. However, as the Sheils Flynn consultation explains in detail (see below), the landscape of this relatively small landscape character area is considered to be vulnerable to change (and therefore to have relatively high landscape sensitivity) because:

- this part of the River Adur corridor, where the River Adur cuts through the southern ridge of the South Downs, contributes to the landscape setting of the SDNP, a nationally important landscape;*
- the River Adur wetlands alongside the site are designated as SSSI (national importance) and the birds that use the mud and sandflats for feeding and roosting are vulnerable to human disturbance;*
- it is part of the landscape setting for the complex of historic riverside buildings within the Old Shoreham Conservation Area, including the parish church of St Nicolas (Grade 1 listed) and the Shoreham Tollbridge (Grade II* listed);*
- it is an important component of the landscape setting of the River Adur and forms the foreground and to gateway views from the A27 and A27/A283 junction at the point where the river meets the South Downs. It is a significant part of the sequence of views and spaces on the northern edge of Shoreham and, at a gateway strategic scale, is a component of the wider landscape setting of Lancing; and*
- it is highly visible to recreational walkers and cyclists who use the promoted route (The Downs Link) as a riverside connection between the urban areas on the coast and the South Downs National Park.*

The potential loss of existing vegetation as a result of the ATW scheme was flagged as a potential concern, but it was not one of the factors that determined the level of overall landscape sensitivity for this local landscape character area.”

A more detailed visual impact assessment was submitted following the applicants’ criticisms and it suggests that:

“the proposed development will be perceived as a ‘wall of buildings’ along the riverside, screening the existing view to the wooded lower slopes of Mill Hill. The sequence of views enjoyed by people walking and cycling along the riverside paths provide the experience of a transition between the built-up coastal zone to the south and the South Downs National Park (SDNP) to the north. The Shoreham Tollbridge and St Nicolas Church are historic landmarks which mark a clear threshold along this route and so the views northward from this point are perceived as part of the gateway to the SDNP. The sense of a transition to the rural landscapes of the South Downs would be degraded by this proposed development, which would create an urbanising effect which extends between Shoreham and the A27 flyover, degrading the landscape settings of both historic Shoreham and the SDNP.”

Sheils Flynn go on to respond to the applicants’ criticism of their assessment of predicted landscape effects:

- *Landscape setting of the River Adur – the description of magnitude of landscape effect and in particular the ‘visual link’ along the river valley is considered accurate and has been tested in discussions with ADC, the SDNPA and indeed the Inspector at the Local Plan inquiry. Note that previous comments (in the 2006 Urban Fringe Study and the 2012 Landscape and Ecology Study) are not relevant in this context as they referred to an area which excluded the River Adur. It is misleading to state that this visual link will be ‘almost entirely eliminated’ by the proposed Shoreham Airport development because the site is north of the airport; a key component of the visual link is between the site and the SDNP, including the view northwards under the A27 flyover.*
- *Gradual sense of openness – this description is considered accurate. It is agreed that this sense of openness is already compromised by Ricardos (and could be further compromised by the proposed Shoreham Airport development), but the existing situation is taken into account and existing diminishment does not justify further loss of character! The ‘moderate’ predicted magnitude is considered accurate in this context. It is agreed that the proposed development off Steyning Road would be lower than the existing Ropetackle development, but the comparison is considered relevant because the proposed Steyning Road scheme would be perceived as a unified line of tall buildings, which are much more urban in character than the houses that front the river between these two sites.*
- *Complex of historic riverside buildings – the description of magnitude of landscape effect in relation to the complex of historic buildings at Old Shoreham is considered accurate. These are buildings of national importance and the scale and ‘urban’ ‘wall-like’ character of the proposed scheme is predicted to be perceived as ‘overwhelming’ in this context.”*

The impact of the development upon the landscape character of the area has been carefully and thoroughly assessed. It is clear that the applicants’ dispute the findings of Sheils Flynn, the WSCC Landscape Officer and the National Park Authority but the assessments that have been carried out are considered to be robust and it is clear

that that this development would have an adverse impact on the setting of the River Adur and the gradual sense of openness, in conflict with Policy 11.

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

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

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

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

- Degradation of the distinctive rural character and landscape setting of the River Adur valley at a strategic, gateway location
- Degradation of the landscape setting of Shoreham as experienced in the gateway approach to the town from the A27/A283 from the north.

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

Design, Scale, Density, Mix and Massing

These matters are all reserved for future consideration. However, the illustrative information submitted with the application demonstrates that the design, height and form of the proposed dwellings would be unsympathetic, inappropriate and out of character with its riverside setting and its setting on the edge of the Conservation

Area. It would be out of scale with existing residential development to the south and east and would have a greater density.

The three storey buildings proposed (maximum height as confirmed by the applicants) would conflict with what is generally two-storey development surrounding the historic church. Furthermore the proposed development (as illustrated) would adversely impact on views of the Church, reducing any views to 'glimpses' between the tall unsympathetically-designed buildings. While taller development is currently under construction at the Ropetackle North site, to the south of this site, the current proposal would be *"perceived as a unified line of tall buildings which are much more urban in character than the houses that front the river between these two sites"* as identified by Sheils Flynn.

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

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

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

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

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

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

Affordable Housing

The Council's Strategy and Development Manager has based his comments on the Housing Strategy requirement for a tenure split of 60/40 rented/intermediate housing. The Local Plan has a preferred mix of 75% social/affordable rented and 25% intermediate housing. The Strategy and Development Manager has advised that he is happy that the mix required should be 12 rented and 4 intermediate dwellings.

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

Impact on heritage assets

The application was initially accompanied by a Heritage Statement which was then updated following initial comments from Historic England. It identifies The Old Shoreham Conservation Area, which contains a number of listed buildings including the Grade I listed Church of St Nicholas, and the Grade II* listed Old Shoreham Bridge as being heritage assets within the immediate vicinity of the site. There are also assets at further distance, such as Lancing College and Shoreham Airport buildings.

The report considers that the setting of St Nicolas Church has been “*significantly eroded beyond the graveyard enclosure, by the proximity of residential development, and in the medium distance by development on the west riverbank and by the Shoreham bypass flyover (Photo 1). It is for this reason that setting is considered to form low-medium beneficial aspect to the heritage importance of the Heritage Asset.*”

The historic setting of the Old Shoreham Bridge “*has certainly been heavily eroded over time by factors such as the recent industrial development along the river banks), and the line of the A27 crossing the River to the north of this feature, (but) it is still clear that historic setting plays an important and beneficial part in the heritage value of Old Shoreham Bridge as a designated asset.*”

The report concludes that overall “*the development would have a Moderate to Minor significance of effects on the settings of the selected heritage assets, except for Old Erringham Medieval Settlement which is considered to have no impact, and the Airport which is considered to have a negligible impact.*”

Paragraph 196 of the NPPF states that:

“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.”

Historic England remains concerned at the impact of the development upon heritage assets. They have not identified any heritage benefits arising from the proposals and therefore, in light of the importance of the heritage being affected, they have advised that the LPA must, in order to approve the application, carry out the exercise of balancing harm to historic significance with whatever the public benefits might be, “*taking note that this is not a simple weighing exercise as great weight should be given to the conservation of designated heritage assets and the more important those assets the greater that weight should be.*”

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

setting of the Conservation Area, the Listed Church and Tollbridge. The applicants' Heritage Statement acknowledges that there would be harm and it is clear that a balanced judgement should be made, "*having regard to the scale of any harm or loss and significance of the heritage asset*" (NPPF 2019 Para 197).

The applicants' argue that the public benefits of providing much-needed housing clearly outweigh the less than substantial harm to the heritage assets. However, although the development may make optimal use of the site and provide housing that would contribute to the Council's supply of housing, the benefit to the public would be modest and insufficient to outweigh the harm identified.

The size and scale of the development would significantly detract from the setting of the designated heritage assets and would therefore fail to comply with policies 16 and 17 of the Local Plan and the NPPF which seeks to conserve and enhance the historic environment and to protect listed buildings and their setting from inappropriate development.

Residential amenity for proposed occupiers and impact of road traffic noise

The application is accompanied by a Noise Impact Assessment which considers the suitability of the proposed site for residential development given its proximity to the A27 and the resulting road traffic noise. The measurements and predictions of traffic noise from the survey indicate that daytime noise levels are likely to be up to 70dB close to Steyning Road and 65dB along the western (river) site boundary. The inner parts of the development are predicted to have noise levels of 60dB.

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

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

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

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

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

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

This latter point is a difficult one to achieve, relying as it does on third party (Highways England) agreement. As such, the applicants are not proposing to pursue this option which in their view would also have a visual impact and could potentially obstruct visibility for drivers. They argue that the development layout has been designed to control noise and that barriers are unnecessary.

The EHO has considered the proposal again with reference to the Planning Noise Advice Document Sussex and ProPG: Planning & Noise which provides practical guidance for new residential development. He advises that if Good acoustic design has been followed in accordance with Pro PG then the applicant should be able to provide us with the noise modelling diagrams demonstrating that the acoustic barriers on the slip road and A27 are ineffective. This has not been the case however.

He has reiterated that, from a public health perspective, his preference is to separate the dwellings from the road noise by distance. Recent appeal decisions in Sussex have supported this stepped approach in respect of noise intrusion, i.e. firstly separating the noise sources from the sensitive receptors, secondly controlling the noise at source and, only then, thirdly consider the protection of the receptors. This is why the EHO's preference continues to be to separate the dwellings from road noise by distance.

While mechanical ventilation and high specification glazing would provide an acceptable internal noise level, future occupiers are likely to want to seek natural ventilation during warmer weather. If windows were opened this would negate the noise mitigation benefits of the glazing systems. Permanently closed windows, or windows opened and rooms subsequently to traffic noise, do not provide a comfortable living environment. ProPG: Planning and Noise states in paragraph 2.22 that *“using fixed unopenable glazing for sound insulation purposes is generally unsatisfactory and should be avoided.”*

It is clear therefore that there remain legitimate concerns about the impact of traffic noise on the amenity of future residents.

Transport, accessibility and parking

The applicant's Planning Statement advises that:

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

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

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

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

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

With regard to sustainable means of transport, WSCC advises that *"there is currently no pedestrian footway adjacent to the site along Steyning Road. There is a footway on the eastern verge of Steyning Road opposite the current site access which provides pedestrian facilities for the houses fronting Steyning Road (Valentine Close), but this footway discontinues to the south where the houses stop. The footway continues on the western (opposite) side of Steyning Road (the development site side) providing*

pedestrian facilities for the houses to the south of the proposed development site, and this footway continues to the Steyning Road/Old Shoreham Road roundabout which links the southern end of Steyning Road and the development site to the edge of Shoreham and the local bus stops.

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

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

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

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

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

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

WSCC has also requested a Stage 1 Safety Audit for the proposed new access be submitted, which has not been received to date.

Air Quality

The application was accompanied by an initial Air Quality Statement. It identified that the site is not located in an Air Quality Management Area (AQMA) and concludes that the proposed development would not lead to a harmful increase in nitrogen dioxide

(NO₂) or particulate matter (PM₁₀) or cause adverse impacts upon other areas of Shoreham which are within AQMAs.

Following initial concerns from the Council's Environmental Health Officer (Air Quality) over the level of detail provided in the statement, a more detailed assessment was carried out and a further report was submitted which concluded that emissions impact would be low when assessed against the Sussex air quality guidance. It provided an emissions mitigation calculation of around £140,000 to offset the emissions generated by this development, to be spent on mitigation measures such as EV charging points within the development.

The Council's Air Quality Officer is happier with this report, subject to the mitigation measures being secured by condition or legal agreement.

Flood risk and amendment to Tidal Walls scheme

The application is accompanied by a Flood Risk Assessment. It identified that the site lies within Flood Zone 3a where there is a high probability of flooding. The application is proposing to realign the tidal walls flood embankment from its approved position to enable the development to take place at the scale proposed. However, work has been completed on the flood defences and the bund has been built through the middle of the site. The Environment Agency has advised that they are not prepared to relocate the embankment but would allow the developers to move it at their own expense.

The Tidal Walls scheme originally included a proposal to raise the level of Steyning Road to protect the site from flood water running around the north of the bund, along the road and into the site. However, this part of the project is no longer to be carried out. The applicants have submitted updated modelling information which demonstrate that undefended flood levels remain the same as those in the original FRA (5.3m AOD) and that a minimum FFL for sleeping accommodation of 5.6m AOD continues to be advised.

The EA were reconsulted and have objected to the application on the grounds that a revised FRA is necessary to take account of the changes to the Tidal Walls scheme.

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

Contaminated land

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

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

Ecology and biodiversity

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

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

Sustainable Design

Policy 18 of the Local Plan requires a higher water efficiency standard than required under the Building Regulations while Policy 19 requires new major residential development to provide at least 10% of predicted energy requirements through renewable/low carbon energy sources. The Council has recently adopted Supplementary Planning Guidance on Sustainable Energy which expands on this policy background.

The application is currently silent on what renewable energy measures will be incorporated into the development. As it is in outline form only with all design matters reserved, such measures can be secured at the detailed stage.

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

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

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

removed and replanted. Such areas will need to be checked by an ecologist prior to clearance.

The ES concludes that:

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

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

Notwithstanding the conclusions of the ES, the revised alignment will move the wall further to the north and will change its form to a more curved design, with an increase in length of 208m. It is considered that the increased length and curve of the wall has the potential to have a greater visual impact than the approved design. However, consideration of the merits of this part of the application are considered to be premature as the principle of allowing the residential development which will necessitate the realignment of the tidal wall has not been established and, indeed, that part of the application is recommended for refusal.

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

Conclusion and Planning Balance

The development seeks to boost the supply of housing and the proposal would result in some support for local services and facilities, both during construction and when the building is occupied. As such, the proposal would have social and economic benefits. However, the landscape impact of the development and the resulting harm to the gateway setting of Shoreham, its riverside setting and the setting of the Conservation Area and the Listed Buildings within it outweighs the limited benefits of allowing such development, which would be contrary to the Development Plan.

The harm caused by this development would be serious and, as such the presumption in favour of sustainable development as envisaged by the NPPF does not apply in this case as the adverse impacts of approving this proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Recommendation

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

1. The site lies outside of the built up area boundary and is within the countryside where development will only be permitted where the need for a countryside location is essential. No overriding need for the provision of housing on this site has been successfully demonstrated. The proposal therefore represents an unsustainable form of development and conflicts with Policies 1, 2, 3 and 13 of the Adur Local Plan and the relevant paragraphs of the NPPF.
2. The proposal would have a detrimental impact on the landscape character and appearance of the site and on the wider area, the gateway setting of Shoreham, its riverside setting and the setting of the Conservation Area and the Listed Buildings within it. The proposed development therefore conflicts with Policies 11, 13, 15, 16, 17 of the Adur Local Plan and the relevant paragraphs of the NPPF
3. It has not been adequately demonstrated that the proposed development would not result in harm to future residents through unacceptable noise disturbance as a result of the site's proximity to the A27 flyover or that any impacts could be successfully overcome. The proposal therefore conflicts with policies 15 and 34 of the Adur Local Plan and the relevant paragraphs of the NPPF.
4. Lack of updated FRA/failure of sequential/exception test
5. Lack of Stage 1 Safety Audit

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

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

Application Number: AWDM/1144/19

Recommendation: APPROVE

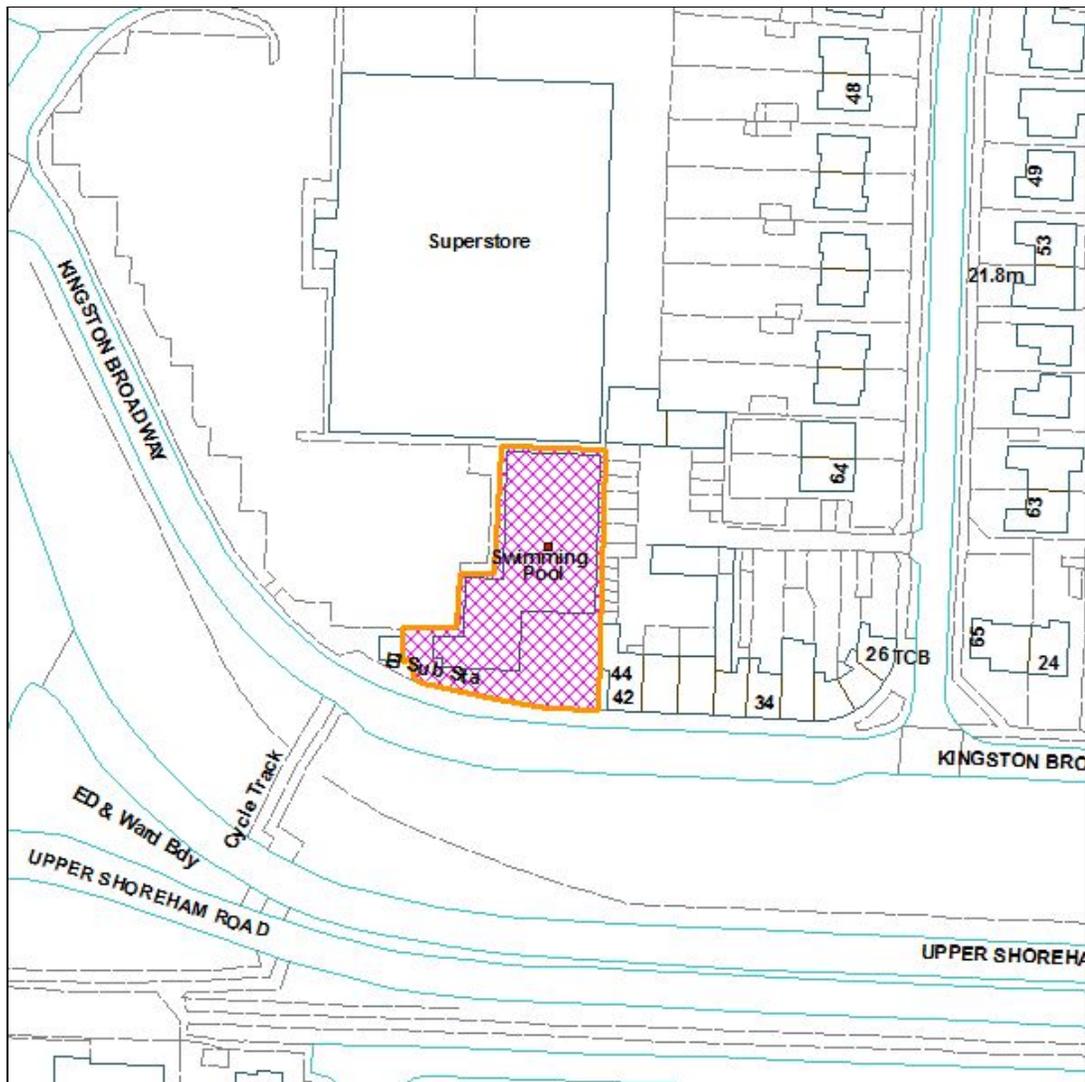
Site: Wadurs, Kingston Broadway, Shoreham-By-Sea

Proposal: Single-storey side extension to east elevation to provide additional changing rooms.

Applicant: Kevin Smith
Adur & Worthing Councils

Ward: Hillside

Case Officer: Gary Peck



Not to Scale

Proposal

This application seeks full permission for a single storey extension to the eastern elevation of Wadurs swimming pool to provide an additional changing area/wc and office. An almost identical proposal was granted permission in September 2016 but has not been implemented and will therefore lapse this month as work has not commenced.

This application effectively seeks to renew that earlier permission, although there are some minor internal changes (18 cubicles were proposed under the previous application, compared with 16 slightly larger cubicles under this proposal) and a window is proposed on the northern side of the extension serving the office, which was not part of the previous scheme (there is a gap retained between the northern part of the proposed extension and main building). The size of the extension remains the same, however, at 80 square metres.

At present, a portacabin sits on part of the site which is currently used as offices.

Site & Surroundings

The application site is situated on the southern side of the Holmbush Retail Park and faces Kingston Broadway to the south. The swimming pool building is a single storey brick building with a clay tiled roof which was constructed following approval by the Council in 1991. Planning permission was subsequently granted in 1994 for an extension to provide a training pool, refreshment area and first aid/staff room.

Relevant Planning History

AWDM/1023/16: Single-storey side extension to east elevation to provide additional changing facilities – granted permission in September 2016. The permission has not been implemented and will lapse in September 2019.

Consultations

Environmental Health: No objection

Southern Water: No objection subject to a drainage condition

West Sussex County Council:

Summary

This proposal is for a single side extension to provide an additional 80sqm of changing room space. The site is located on Kingston Broadway, an unclassified road subject to a speed limit of 30 mph.

WSCC in its role as Local Highway Authority (LHA) were previously consulted regarding highway matters for this site under application AWDM/1023/16, raising no objections. This application was permitted by the Planning Authority.

Content

No alterations to the existing access or parking arrangements are proposed. The additional changing rooms proposed are not anticipated to result in a material intensification of use of the site access.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest the access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Representations

No comments received

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Policy 15: Quality of the Built Environment and Public Realm, Policy 32: Open Space, Recreation and Leisure

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Although the permission will lapse later this month, it is considered that the principle of development was established by that permission. It is also noted that a new Local Plan has been adopted since permission was previously granted but the aims of the relevant policies remain the same which seek to support facilities such as those being provided subject to the normal development management criteria.

The previous considerations still apply to the proposal therefore. At present, the land contains a portacabin that is quite unsightly when compared to the rest of the building. The removal of this will benefit the character of the area, and its replacement with an extension which will be of similar design but subsidiary to the main building (the roofline is about 3 metres lower than the height of the main building) is therefore to be welcomed.

The new facilities will provide 16 new cubicles, 2 of which are the larger family type hence which could also be suitable for disabled access.

In the absence of any changed circumstances since permission was last granted, therefore, the recommendation is to grant approval.

Recommendation

To GRANT planning permission subject to the following conditions:

- 01 Approved Plans
- 02 Full Permission
- 03 The external walls and roof of the extension and alterations hereby permitted shall, prior to commencement of use of the extension, be completed to match those of the existing building.
Reason: In the interests of visual amenity and to comply with policy 15 of the Adur Local Plan 2017
- 04 Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.
Reason: *To ensure adequate drainage and to comply with policy 36 of the Adur Local Plan 2017*

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.