Town and Country Planning Act 1990

Appeal by Shoreham Brighton Road Ltd

69-75 Brighton Road, Shoreham-By-Sea, West Sussex, BN43 6RE

Planning Application Reference AWDM/1473/21

Statement of Case Submitted on Behalf of the Appellant

16th March 2023

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1 Introduction

1.1 This Statement of Case has been prepared on behalf of Shoreham Brighton Road Ltd ("the Appellant"). It is submitted in support of an appeal ("the Appeal") pursuant to Section 78 of the Town and Country Planning Act 1990, in response to the decision by Adur District Council ("the Council") to refuse to grant planning permission in relation to planning application AWDM/1473/21 ("the Application").

1.2 Where relevant references are made to Core Documents (CD). A full list of these documents is contained within Appendix 1.

The Proposed Development

1.3 The appeal proposes the following development (as set out on the Council's decision notice, which contains a similar description to that on the application form):

> *"Demolition of existing buildings, construction of residential and commercial development, basement parking and raised deck, new highway access, flood defences, drainage infrastructure, landscaping and ancillary development.."*

1.4 The appeal site's address is 69-75 Brighton Road, Shoreham-By-Sea, West Sussex, BN43 6RE.

Reasons for Refusal

1.5 The Council refused the planning application on 21st December 2022 for the following reasons (see CD5.4):

1. *"The proposed development by reason of its overall density, height, scale, bulk and massing would result in an overdevelopment of the site to the detriment of the character and visual amenities of the locality and would result in an under provision of parking and open space contrary to policy CA7 of the Shoreham Harbour Joint Area Action Plan, 2019 and Policies 8, 15, 28 & 32 & of the Adur Local Plan 2017.*

2. *In the absence of a planning obligation, the application does not secure the provision of the infrastructure and services necessary to accommodate and mitigate the impact of the development in relation to matters including: affordable housing, highways & transport, health, education, libraries, fire & rescue, open space & recreation, provision for future connection to the Shoreham District Heating Network; site management, public art and provisions for employment and opportunities connected with the development, in accordance with Policies 29 & 32 of the Adur Local Plan, 2017; CH7 & SH10 the Shoreham Harbour Joint Area Action Plan 2019 and the NPPF, 2021."*

2 The Proposed Development

2.1 This appeal seeks full planning permission for the following development:

- 183 new residential apartments, comprising:
  - 80 with 1 bedroom; and
  - 103 with 2 bedrooms.
- At least 30% affordable housing, comprising at least 55 dwellings, with a tenure split of 25% shared ownership and 75% rented accommodation, in line with the Council's policy requirement, and to be secured by a s106 legal agreement. The proposed developer is Vivid Housing Association, who intend to provide more than 30% affordable housing, with the aid of Homes England grant funding.
- 7 new commercial units, with a total floor area of around 500 m2, in use class E – this allows for them to be put into retail, financial/professional services, café/restaurant, office, a crèche, day centre or health centre. It is anticipated that this space could be used for residents home-working, and the Appellant is also in discussions with the NHS, who have shown an interest in taking on some of this space for the provision of local services.
- New flood defences, which will both protect residents within the site, and also link to new defences on the land to the east, to provide part of a comprehensive new flood defence for Shoreham. These defences can only be delivered through private investment, and the redevelopment of the land on the Western Harbour Arm; there is no public funding identified to provide this benefit. If flood defences are not provided on this site, the defences as a whole will remain ineffective.
- New public walking routes, along the edge of the river, and north-south through the site.
- New high-quality areas of public open space, for the benefit of local people.
- A net gain in biodiversity, of around 1,000%, to be achieved through the creation of new habitats within the site.
- A "sustainable" development, which would minimise future carbon emissions, both through the operation of the buildings, and transport. This would include the provision of car club spaces, for the use of new and existing residents, which can help to reduce existing on-street parking and congestion.

Compliance with the Development Plan

2.2 This development would accord with the policies of the development plan. As we explain below, it would provide an important component of the development envisaged by the Adur Local Plan. Without this site, the development plan's aspirations, for instance to provide much needed new homes (albeit at a level below the actual objectively assessed need), and to protect the town from flooding, could not be met.

2.3 Officers supported the proposed development, but it was refused by the Council's Planning Committee, contrary to their professional advice. The Committee expressed views which

suggested that they wished to diverge from the Local Plan's policies, or that those policies were to be reviewed in the near future, and so could be ignored for the purposes of determining the application[1]. However, applications must be determined in accordance with the development plan, unless material considerations indicate otherwise, and the Committee did not identify any reasons for such a departure. The Council's first reason for refusal is manifestly incorrect, as we explain further below.

2.4 The Council's second reason for refusal will be addressed by a s106 legal agreement, which is already in an advanced form at the point of submitting the appeal.

Meeting Housing Need

2.5 The proposed new homes would be provided in response to a very pressing need for new market and affordable homes. There is a longstanding and substantial shortfall in the supply of housing; the current level of supply stands at only 1.2 years, against a requirement for 5 years plus 20% (effectively 6 years supply). This equates to a huge shortfall, of over 2,000 homes, against the required level of supply. Details of the supply of housing land are set out in an assessment by the Strategic Planning Research Unit of DLP Planning, at Appendix 2. The 183 homes provided would make a very valuable contribution towards making up this shortfall.

2.6 In addition, the overall level of housing delivered has been well below that required by the Government's Housing Delivery Test in recent years. In the past four years, on average only just over half (55%) of the required level of housing has been provided within the District. This is part of a long-term trend, and the Council's monitoring evidence suggests that the under-supply of housing goes back over a decade. The results for the most recent year on which data is available, 2021, indicate that only 353 of 457 homes were required, representing 77% of the amount required. This is only just above the threshold of 75%, below which the presumption in favour of sustainable development is automatically engaged. As it is nevertheless well below the level required, it is necessary to add a 20% buffer to the forward projection of identified housing land.

2.7 The level of affordable housing provided within the District has for many years also been very substantially below the level required. The Council's evidence suggests a need for either 2,350 (2020 SHMA) or 3,280 (2012 SHMA) homes. However, only a very small supply, of 170 affordable homes, has been provided over the past 10 years. The proposed development would provide at least 55 new affordable homes, which would represent nearly a third of that historic total, on a single site. In addition, as the site is being acquired by a Housing Association, there is the potential for the level of affordable housing to rise above 55 homes, potentially up to 100% of the development, or 183 homes.

Delivering Critical Infrastructure

2.8 The proposed development would provide a vital part of the new flood defences which are envisaged by the adopted Adur Local Plan and the Shoreham Harbour Joint Area Acton Plan. Without this development, any flood defences will be rendered ineffective, as water would still be able to reach the town. It is only with all of the allocated sites developed that continuous

[1] For instance, see the transcript of the committee meeting (CD5.3), at 01:42:12:250 and 01:48:03.570.

flood defences can be provided, and the town protected from the risk of flooding. There is no identified public funding source which could alternatively provide these defences.

2.9 It is also proposed to deliver new walking and cycle routes, which would provide important new linkages within the public realm. These would link the riverside pathway, which will be provided by the adjacent development at Free Wharf, to Brighton Road, only a few minutes from the town centre and railway station. They will provide a far more attractive and pleasant walking route to the town centre than currently exists, along the river frontage and through attractive open spaces within the site. These routes would help to encourage travel by sustainable means, both from the application site and others along the Western Harbour Arm. This is of particular importance given the congested road network, and the need to improve air quality in this area, and reduce emissions from traffic.

Providing Employment

2.10 The proposed development would include around 500 sq m of Class E floorspace. These spaces would have the flexibility of the new use class, which includes various options such as offices, shops, cafés and restaurants, crèches, clinics and health centres. The spaces would also be designed with flexibility to accommodate various potential end users. This flexibility would help to ensure that they would be well used. The Appellant intends to retain control of these commercial units, and it will be in their interests to set rents at a level that will see them occupied. It is anticipated that these commercial units are likely to contain a mix of uses, including the potential for a café on the river frontage, home-working space in serviced offices, and a concierge service for residents. The Applicants are also in discussion with the NHS, who have expressed an interest in taking some of the space. These uses will both create employment for local people, and help the development to be more self-contained, reducing the need for travel by car; they also have the potential to provide a service for the local community.

2.11 The proposed development would also crate many jobs for local people during its construction period. This is anticipated to last for 2 years, and to provide employment for around 350 construction workers per annum; this would in turn result in a GVA spend of £20.6 million per annum. The provision of local jobs would also be boosted by an Employment and Skills Plan, to maximise local apprenticeships and training opportunities, and to be secured by a s106 legal agreement. The additional residents living within the development would also boost the demand for services and facilities in the local area. Given the site's close proximity to the town centre, this would be likely to have a particularly beneficial effect for local businesses. The accompanying Economic Benefits Statement, at Appendix 4, quantifies these benefits.

A Highly Sustainable Development

2.12 This would be a truly sustainable and modern development. Walking and cycling would be prioritised as means of travel, thus both minimising carbon emissions generated through transport, and also ensuring there would be no unacceptable effect on the local highway network. Provision would be made for extensive bicycle parking, along with electric vehicle parking. A minimum of 2, and subject to demand, up to 8 car club spaces would be provided, which would also be for use by electric vehicles; these could each help to take up to 18 cars off the local streets, and accelerate the transition to sustainable transport in the local area, and

this benefit would be secured by a s106 agreement. This is explained further in Section 5 below.

2.13 The buildings are expected to exceed the new 2022 building regulation requirements in terms of their future carbon emissions. They would be designed to be highly energy efficient, and to minimise carbon emissions through their ongoing use.

2.14 The development would also deliver a significant net gain in biodiversity, with a more than 10-fold increase, of 1,019%. It would transform a barren site with a range of measures to provide habitats and foraging areas for local wildlife. New planting would be provided throughout the site at ground level and in roof gardens and green roofs. New habitats would be provided within the buildings, and at the river frontage. This is explained in the Biodiversity Net Gain Assessment by The Ecology Partnership, at Appendix 5.

A High Quality Design

2.15 The proposed development has been subject to several meetings with an independent design review panel (CD4.1, CD4.2 and CD4.3), and the Council's Planning and Design Officers. The proposals have also been subject to extensive consultation with the local community. This process is documented in the Design and Access Statement (CD1.2), and the Addendum to the Planning and Design and Access Statements (CD1.4). It resulted in support for the proposed design from both the Design Review Panel and Officers. Further to this, even whilst determining that they would refuse planning permission, members of the Council's Planning Committee praised[2] the quality of the design of the buildings and public spaces within the proposed development.

[2] See the transcript of the planning committee meeting (CD5.3) at 01:46:30.030 and 01:58:28.180.

3 The Appeal Site and Surroundings

The Appeal Site

3.1 The appeal site is previously developed land, which is already occupied by buildings and areas of tarmac relating to the site's current use, as a car dealership. The buildings contain a sales area on the Brighton Road frontage, as well as workshop and servicing areas. The rear of the site is used as an open car park. The site has been in its current use, and occupied by Frosts Cars, since 1973. Prior to that the site was in commercial use, as an engineering works. Details of the site's history are set out in Section 3 of the Design and Access Statement (CD1.2), and the Heritage statement (CD1.18).

3.2 Frosts Cars intend to vacate the site, as they no longer require premises on the edge of the town centre to accommodate all of their car repairs and parking. They have recently acquired a new site elsewhere in Shoreham, and if the appeal is not allowed, the site will sit vacant.

3.3 The present buildings have a commercial appearance. Sales buildings to either side of the central vehicular access are fronted by large windows for the display of vehicles, whilst further vehicles are parked along the frontage in between these buildings. The remainder of the site is almost entirely covered by a parking area, covered in tarmac. It contains little permeable ground, and no vegetation. The buildings are bland and utilitarian in their appearance, and in combination with the tarmac areas between them, the site currently detracts from the character of the local area.

Accessibility

3.4 The appeal site is located around 5 minutes' walk to the east of Shoreham-by-Sea town centre, and a similar distance from the railway station. It is better located in this regard than the other sites in the Western Harbour Arm. It is also located on Brighton Road, which is a bus route, and from which it is possible to catch a bus to a range of locations, including a service to Brighton, which runs with a 12-minute frequency throughout the day on Monday – Saturday, and with a 20 minute frequency in the evenings, and on Sundays. In addition, Shoreham By-Sea railway station provides services to Brighton with a frequency of 10-20 minutes throughout the day on Monday – Saturdays, and 20-30 minutes on Sundays. Services to London Victoria, Portsmouth and Southampton are also available every 30 minutes throughout the week. Further details are set out within Appendix 6.

3.5 People living within the site would easily be able to access shops, services and jobs within the local area, and also to travel further afield to Brighton and London. It is realistic to expect that people would be able to live in this location without the need to rely on travel by private car.

3.6 Shoreham-by-Sea town centre contains a range of local convenience shops, small supermarkets and food shops, cafés, restaurants and pubs, as well as facilities including doctors, pharmacies, dentists and vets. The majority of residents' day-to-day needs could be met within the town, within a 5-10 minute' walk of the application site. Further details are set

out within the Design and Access Statement (CD1.2) and Transport Assessment (CD1.24) which accompany this appeal.

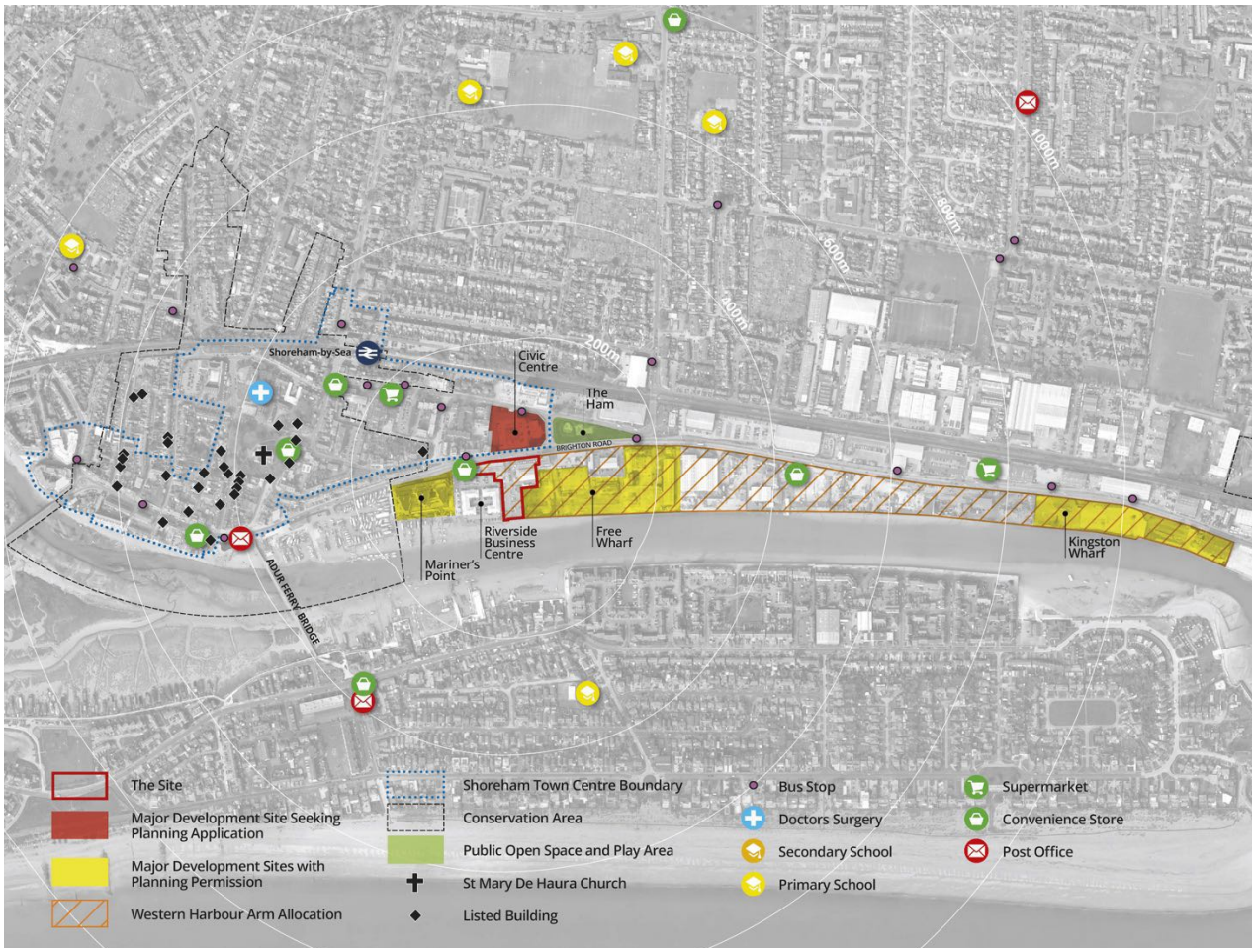

Figure 1: The Site's location, in relation to surrounding development and the Western Harbour Arm

The Local Area

3.7 To the immediate west of the appeal site is the Riverside Business Park, which was built in the 1980s, and contains a number of similar business units. These are in a mix of office and light industrial uses.

3.8 Also to the west of the appeal site is Montgomery Motors, a typical late 1980s commercial building used for vehicle repairs. It will be necessary to demolish the building within the appeal site which abuts Montgomery Motors.

3.9 Further to the west is Mariner's Point, a residential and commercial development built on the site of a former Parcelforce depot (planning application AWDM/0501/12), comprising of 132 dwellings and commercial floorspace, in a building of 5-7 storeys in height.

3.10 The majority of the area to the north is the site of the former Civic Centre, which has been demolished, and is proposed for a mix of residential and commercial development, in accordance with an allocation in the Adur Local Plan 2017. At the time of writing, the Council have resolved to grant planning permission on this site (subject to the completion of a s106

agreement) for a development of 159 dwellings and commercial floorspace, in 2 blocks, ranging in height from 3 to 9 storeys (application AWDM/1450/21).

3.11 Next to the Civic Centre site, to the east, is the Ham, an area of public open space, which is largely laid out to grass, with trees around its edges, and a skate park at its western end. Historic maps suggest that it has been laid out as an area of open space since at least the 19th century. The proposed development would make financial contributions towards the provision of open space, and these may be used in the improvement this space, amongst others.

3.12 To the immediate east of the appeal site is Free Wharf; this was previously an active part of Shoreham Port, which contained warehouses, and was used for importing aggregate and marble. The site is now being redeveloped in accordance with planning permission AWDM/1497/17, and subsequent permissions granted under s73 applications AWDM/1952/20; AWDM/2037/20 & AWDM/0558/21. The original permission allowed for the construction of 10 buildings, ranging from 4 to 9 storeys, providing a total of 540 dwellings, and commercial floorspace. The subsequent s73 permissions have allowed for some design changes, and the replacement of some of the commercial floorspace with an additional 8 apartments. Further to this, on January 31st 2023, the Council resolved to approve a further application made under s73 (AWDM/1315/22), which proposes the addition of a further 39 homes (raising the total to 587 dwellings), as well as further reductions in the amount of commercial floorspace and car parking proposed; if approved, this application would not increase the height of the proposed buildings, but it would increase the width and bulk of their uppermost storeys.

3.13 Opposite the site, on the northern side of Brighton Road, are two and three-storey buildings. These include a small terrace of shops, accommodating estate agents and cafés, plus the Duke of Wellington, a pub and live music venue, as well as residential accommodation. Behind this is Bramber House, a building in use as offices, with a car park / builder's yard to the front. These buildings date from the 19th and 20th centuries. The Duke of Wellington is a relatively attractive and ornate building, whilst the other buildings are of a more utilitarian nature. They are all outside the conservation area, and of no particular architectural importance.

3.14 On the corner of the site is a new apartment block, 63-67 Brighton Road (also known as Humphreys House), which has been built relatively recently, following the grant of planning permission in 2017 (application AWDM/1625/16). This building comprises a 5-storey apartment block containing 14 dwellings, and a ground floor commercial space. The building presents a blank elevation on its western side, facing the appeal site, whilst apartments have balconies facing south, looking in part towards the appeal site.

3.15 To the north of the Civic Centre site is the Focus Group Building, a 4-storey office building for the eponymous Focus Group. This was constructed recently, following the grant of planning permission in 2017 (application AWDM/1282/17).

3.16 A more complete and better illustrated description of the site's surroundings is included within Section 4 of the Design and Access Statement (CD1.2).

The Western Harbour Arm

3.17 The appeal site is within the Western Harbour Arm of Shoreham Port. The Western Harbour Arm contains a large area of commercial land which has now fallen vacant. The Council have recognised that much of this land can be put to a more productive use, including the application site. As a consequence, the appeal site and adjacent land to the east are allocated by the Shoreham Harbour Joint Area Action Plan (JAAP) as being required to provide residential and commercial development. The policies of the JAAP are discussed further in Section 4 below.

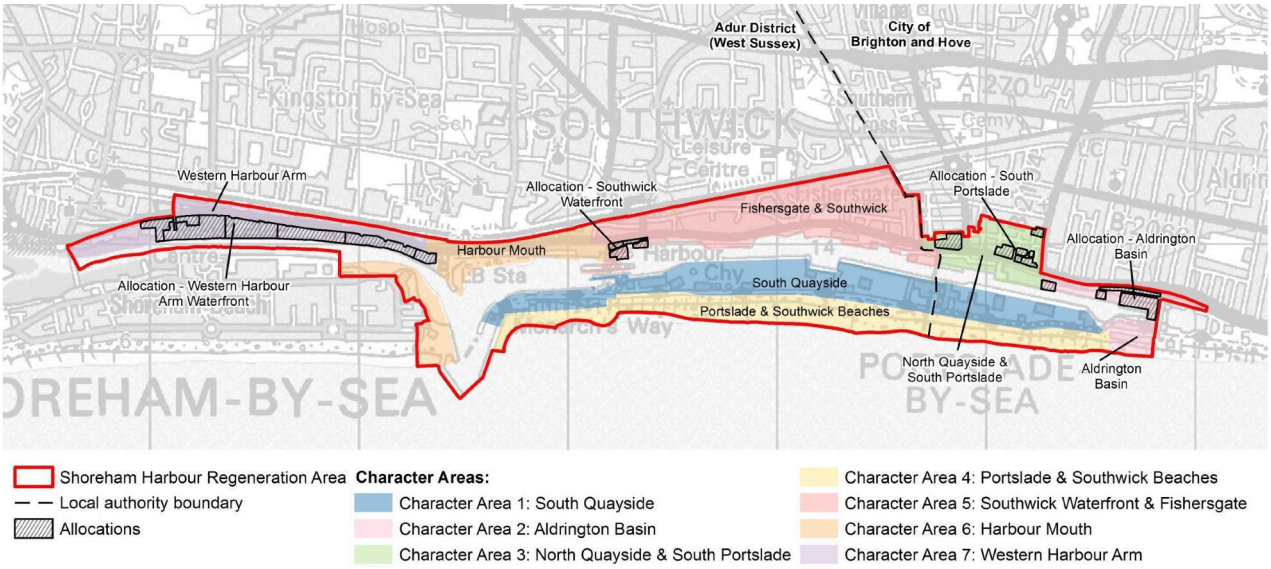

Figure 2: Map 3 – Character areas, taken from the Shoreham Harbour JAAP

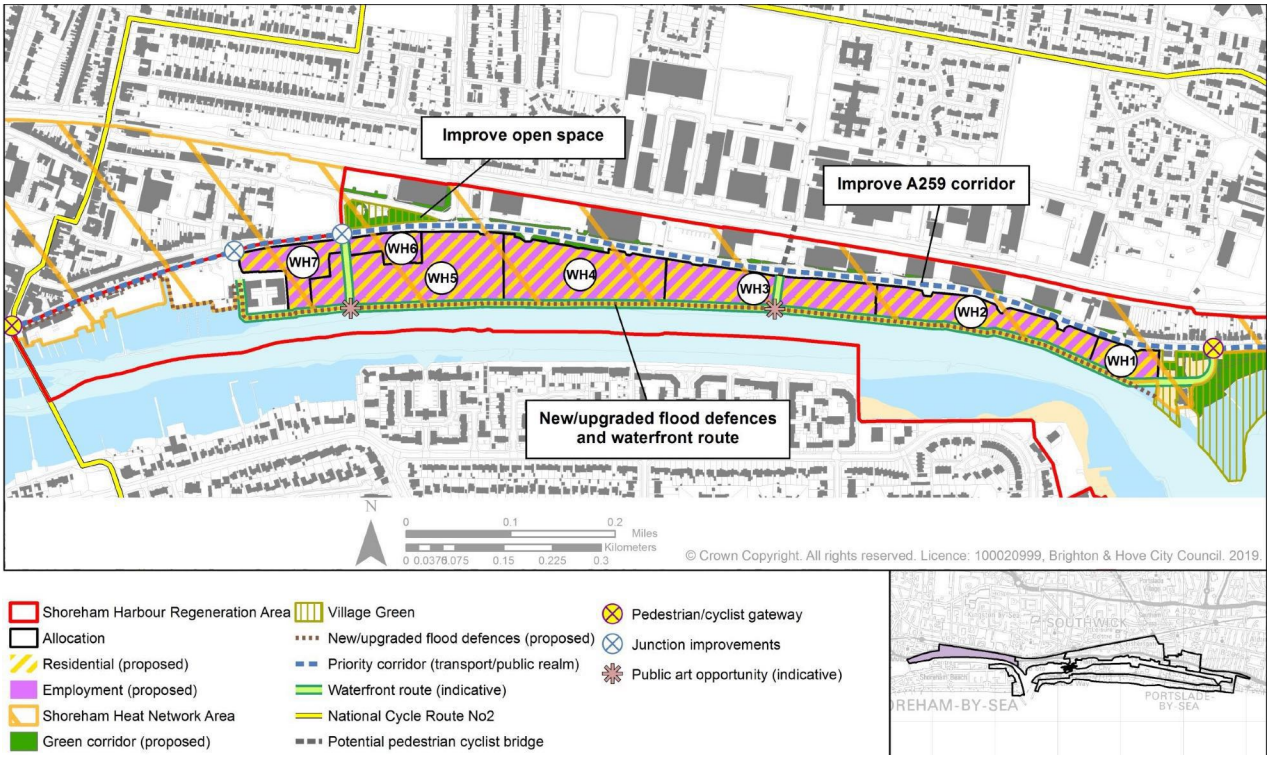

Figure 3: Map 12 – CA7: Western Harbour Arm, also taken from the Shoreham Harbour JAAP; the appeal site is identified as WH7

3.18 At present, little of the allocated land within the Western Harbour Arm is easily visible from the public realm. Most of the land is enclosed, and only limited views are available from Brighton Road. The road itself is also not a pleasant one to walk along, due to the often narrow footpath, and pollution from the busy road. The redevelopment of the Western Harbour Arm offers a significant opportunity to improve the walking and cycling environment in this key east-west route between Shoreham and Southwick.

3.19 As can be seen in Figure 4 below, there are a variety of building heights in the area. This drawing shows that there are some taller buildings, of 7 – 9 storeys, in the recently completed Mariner's Point development (to the west), and in the approved development at Free Wharf (to the east), which is currently under construction (to the immediate east of the application site). Buildings of three and four storeys are already common in this area and with the developments at the Free Wharf and Civic Centre sites the appeal site will soon sit adjacent to developments of up to 9 storeys in height, including close to the Brighton Road frontage.

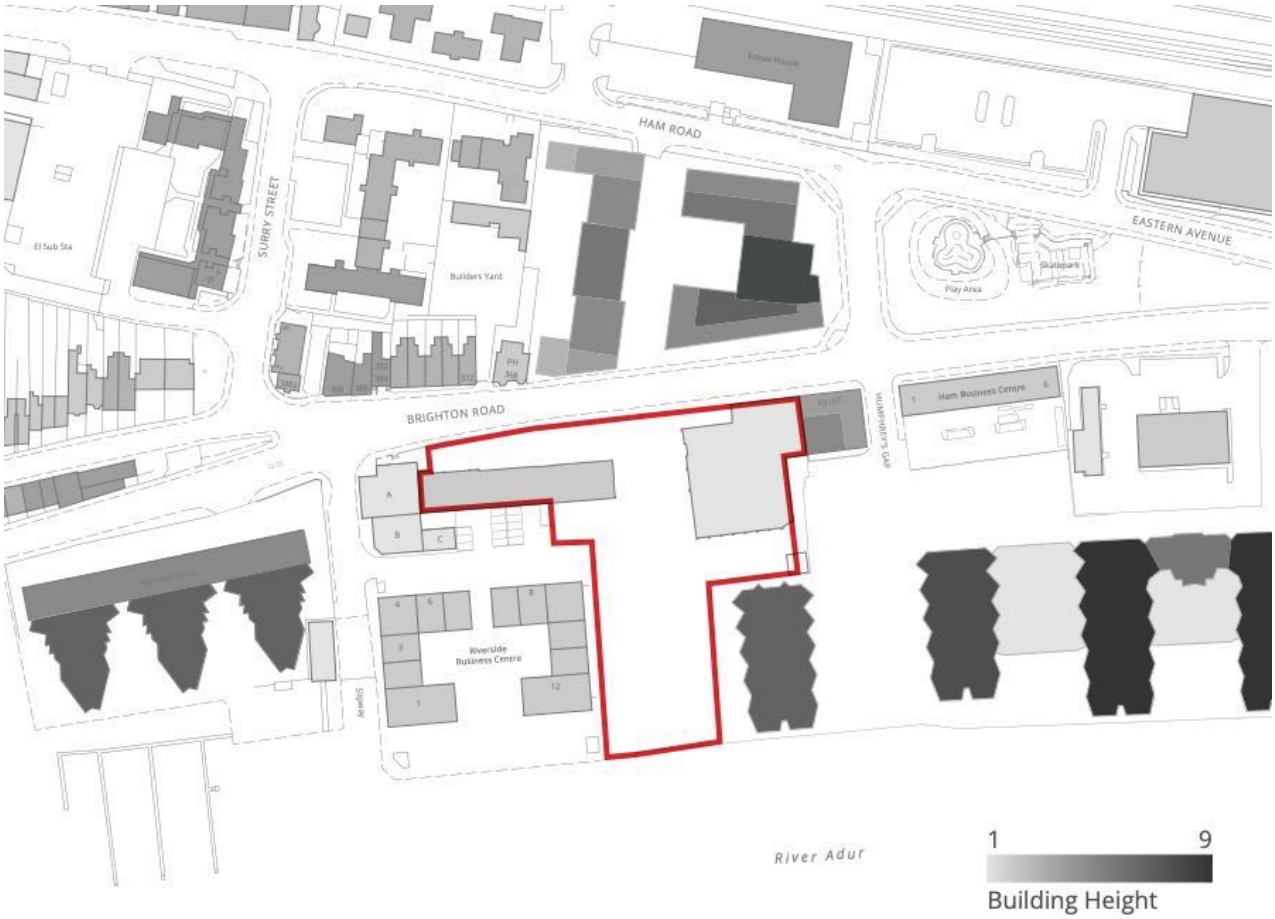

Figure 4: The heights of existing and approved (or in the case of the former Civic Centre site resolution to approve) buildings in the area immediately surrounding the appeal site

3.20 The JAAP provides guidance on building heights, and much else, within the Western Harbour Arm, and these details are discussed in Section 4 below.

Flood Risk

3.21 The appeal site is within an area identified by the Environment Agency as Flood Zone 3, as shown in Figure 5 below. This means that it is considered to be at a high risk of flooding, with a 1 in 200 or greater annual probability of flooding from the sea. This risk is primarily from tidal water from the River Adur. The flood risk sequential test has already been undertaken in relation to the proposed development, by the Council in the process of developing their Local Plan. The JAAP proposes continuous flood defences along the riverfront, including on the appeal site, as shown in Figure 3 above.

3.22 The Flood Risk and Drainage Strategy by Stantec (CD1.12) which accompanied the application, and subsequent information provided during the course of the application, establishes that the proposed development would not be at risk of flooding. This has been accepted by the District Council, Lead Local Flood Authority and Environment Agency, as confirmed in their responses to the planning application.

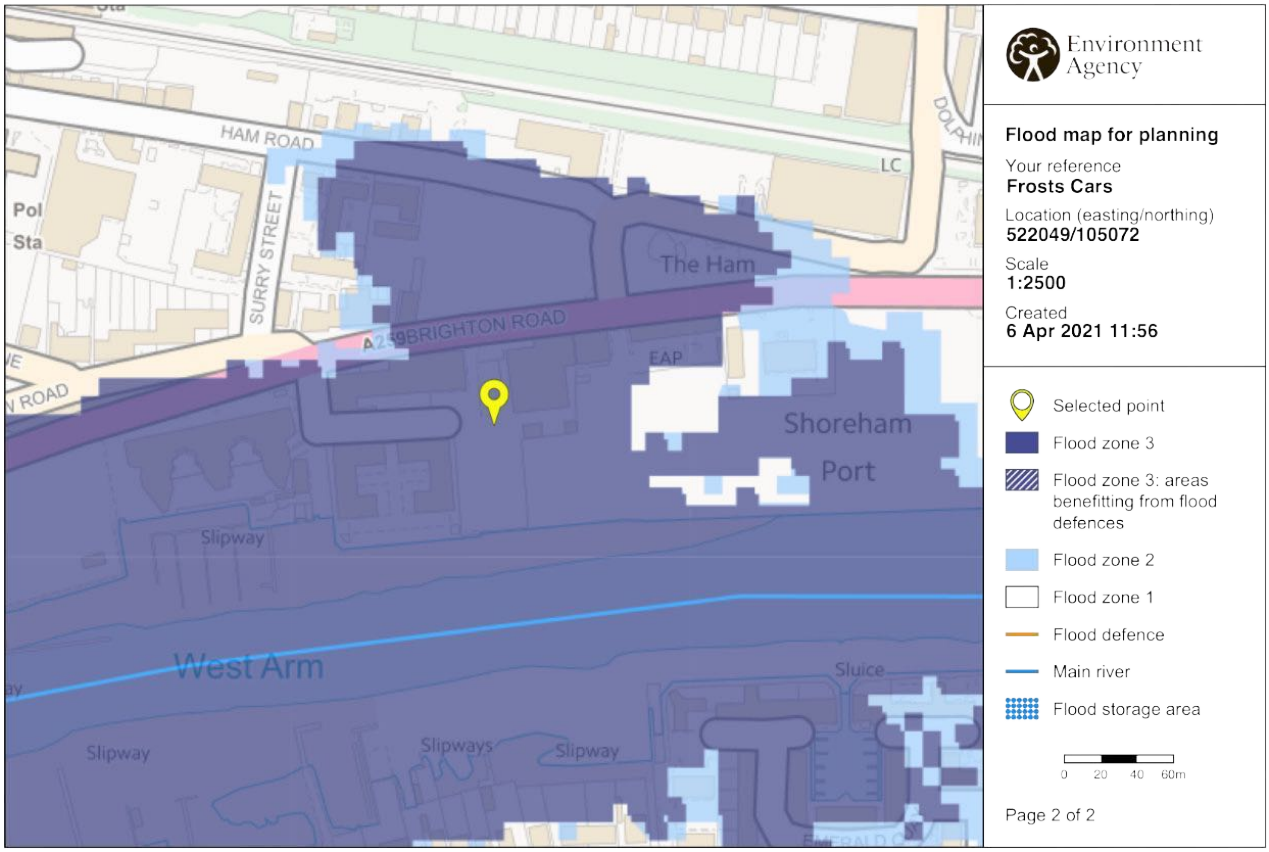

Figure 5: The Environment Agency's Flood Map for Planning, identfying the appeal site

Heritage Assets

3.23 The Shoreham-by-Sea conservation area is concentrated around the town centre, which is the historic core of Shoreham. The application site falls outside of the conservation area, which ends around 70m from the site's western edge. The Heritage Statement (CD1.18) which accompanies this application notes that, in its present form, the application site makes no contribution to the conservation area's heritage significance.

3.24 The closest listed buildings to the application site are a pair of Grade II listed buildings at 55 and 57 New Road. They are a pair of two-storey houses, dating from around 1830, located around 70m to the west of the site. The Heritage Statement notes that they are of historic and architectural value, due to their age and design, which is of a typical Regency style. The Heritage Statement also concludes that the application site makes no contribution towards the setting or significance of the listed pair.

3.25 St Mary de Haura Church is a Grade I listed building, which dates from the 11th and 12th centuries. It is the only Grade I listed building within Shoreham-by-Sea town centre, and its location is specifically identified in Figure 1 above. It sits on elevated ground, and is widely visible within the town centre and immediate surroundings, particularly in views from the south. These views contribute to its significance as a heritage asset. The Conservation Area Assessment notes that the Church is *"the primary landmark of the conservation area"*. The proposed development would not harm the setting or significance of St Mary de Haura Church. This opinion is shared by Heritage Collective, the authors of the Heritage Statement, and it was also established at the pre-application stage that it was common ground with the District Council's Officers, and the members of the Design South-East Review Panel.


Focus House
HAM ROAD
EASTERN AVENUE
Skatepark
Play Area
El Sub Sta
Builders Yard
RIVERSIDE
RIVERSIDE
RIVERSIDE

3.27 The area close to the appeal site has traditionally been the point at which different aspects of Shoreham meet, with the residential and retail uses within the town centre and its periphery on the west, and the employment uses on the Western Harbour Arm to the east. It is on the edge of the town centre, as defined by the Local Plan, and some retail uses line Brighton Road. The distinction between residential and employment areas is now changing, with the adoption of the Local Plan and now also the JAAP, which envisages residential development with some ground floor commercial uses. This process is now underway, with the redevelopment of the Free Wharf site.

3.28 The Civic Centre site, to the immediate north of the appeal site, is shown as being without a current use. This is due to the demolition of the Civic Centre a few years ago, and the site is currently without an established use. As noted above, the Council have resolved to grant planning permission for residential development on this site, with some ground-floor commercial uses.

4 Planning Policy Context

Adur Local Plan – December 2017

4.1 Policy 1, concerning sustainable development, states that *"the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"*, and *"planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise"*.

4.2 Local Plan Policy 2, Spatial Strategy, accepts that development within the built-up boundaries of settlements including Shoreham-by-Sea, is acceptable in principle. It places development within the built-up area boundaries at the top of the hierarchy of suitable locations for development. It also identifies Shoreham Harbour as *"a focus for development to facilitate regeneration through delivery of a mix of uses including housing"*, to be delivered through a future Area Action Plan. The supporting text to Policy 2 states the following:

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

4.3 Policy 3 requires the provision of a minimum of 3,718 dwellings within Adur District, in the period 2011-2032, with an annualised target of 177 dwellings. It also specifically allocates a minimum of 1,100 dwellings to the Shoreham Harbour Regeneration area Western Arm.

4.4 Policy 4 concerns economic growth, and seeks a minimum of 16,000 m^2 of employment generating uses in the Shoreham Harbour Regeneration Area.

4.5 Policy 8 concerns the Shoreham Harbour Regeneration Area, which includes the appeal site, and which is identified as *"a broad location for change"*. It sets out a requirement for the delivery of a minimum of 1,100 homes and 16,000 sq m employment-generating floorspace within the Western Harbour Arm area, in the period to 2032. The policy sets out various requirements, relating to matters such as carbon emissions and sustainable development, biodiversity, air quality and contaminated land, all of which are addressed by the application documents; these matters are also repeated in the Shoreham Harbour JAAP, as noted below. The Policy also goes on to set out area priorities for the Western Harbour Arm, where the appeal site is located, as follows:

- *"To designate the Western Harbour Arm (Waterfront) as a strategic mixed-use area.*
- *To facilitate the comprehensive redevelopment of the Western Harbour Arm (Waterfront) to become an exemplar sustainable, mixed-use area (classes B1 and C3).*
- *To secure improvements to legibility, permeability and connectivity through high quality building design, townscape and public realm, ensuring to respect and complement the character of surrounding areas.*

- *To maximise intensification and redevelopment opportunities of existing lower grade, vacant and under-used spaces.*

- *To facilitate the strategic relocation of industrial uses to elsewhere in the Port or local area to free up waterfront opportunity sites.*

- *To improve access arrangements to create better linkages with Shoreham town centre and surrounding areas.*

- *To improve connections around key linkages including Shoreham High Street/Norfolk Bridge (A259) – Old Shoreham Road (A283), Brighton Road (A259) – New Road – Surry Street, and Brighton Road (A259) – Ham Road.*

- *To deliver a comprehensive flood defence solution integrated with a publicly accessible riverside route including pedestrian/cycle way and facilities for boat users.*

- *To enhance the area's natural biodiversity by incorporating multifunctional green space, creating and improving habitats and improved green infrastructure links."*

4.6 Policy 15 concerns the *"Quality of the Built Environment and Public Realm"*. It sets out various requirements for new development, relating to matters including its appearance and character, layout and design, safety and reducing crime, residential amenity, biodiversity, highway safety, parking, recycling and public art. Aspects of this policy are considered further in section 5 below.

4.7 Policy 16 concerns the approach to heritage assets and new development. It requires new development which would affect a heritage asset to *"be of a high quality, respecting its context and demonstrating a strong sense of place"*. Policy 17 also relates to the historic environment, and it sets out similar requirements to the NPPF with regard to harm. As we have noted above, the Heritage Statement concluded that the proposed development would not have any notable effect on the setting and significance of any designated heritage assets, and the Council have not disagreed.

4.8 Policy 19 requires planning applications for major development to include an exploration of the opportunities to use low carbon and renewable energy, and residual heat / cooling for domestic and non-domestic developments. It also requires developments to connect to the Shoreham Heat Network where this is viable and feasible. All major developments are also required to provide for 10% of their predicted energy requirements through on-site renewable / low-carbon energy production.

4.9 Policy 20 seeks a range of dwelling types, tenures, and sizes. The policy does not specify a required mix of dwelling sizes for all developments, and instead it recognises that 2 and 3-bedroom family housing will be provided in some locations where it can be accommodated, and elsewhere there will be flatted development. The policy's supporting text (at paragraph 4.27) explains that the Council's evidence has identified a general need for family housing at present, but that future needs are likely to be skewed more towards the need for smaller homes, to respond to the needs of an ageing population. Much of the current demand is for 2 and 3 bedroom houses. The preference for smaller dwellings in the Shoreham Harbour area is supported by the JAAP, as noted below.

4.10 Policy 21 requires the provision of 30% affordable housing, in development of 11 or more dwellings. The Policy also sets out a preferred tenure mix of 75% social/affordable rented housing and 25% intermediate housing. The appeal proposals would satisfy this requirement.

4.11 Policy 22 seeks a minimum density of 35 dwellings per hectare on all new residential developments. It also notes that development in Shoreham Harbour will be expected to achieve higher densities.

4.12 Policy 25 seeks to protect land which is or was most recently in use for B1, B2 or B8 purposes. The application site is in use as a car showroom, and it has a sui generis use, and so the policy is not applicable in this case.

4.13 Policy 28 concerns transport and connectivity, seeking to secure significant improvements to transport and mobility in Adur. It contains various criteria which seek to promote the use of public transport and sustainable modes of travel, such as cycling and the use of electric vehicles. It also suggests that improvements will be sought to local roads, and to extend the cycle network. And it seeks to locate development where the need to travel will be minimised, and to minimise negative effects on air quality. The supporting text for this policy notes, at paragraph 4.75, that *"car parking provided to serve new development should be appropriate to the type and location of the development and not encourage unnecessary car travel"*. The requirements of both this policy, and the Shoreham Harbour Transport Strategy (2016), are explored in the Transport Assessment (CD1.24).

4.14 Policy 29 concerns the delivery of infrastructure. The requirements of this policy will be met through the s106 agreement which is to be signed by the Applicants, and the District and County Councils. This is discussed Further in Section 6 below.

4.15 Policy 30 requires new developments to incorporate elements of green infrastructure into their overall design. The Landscape Strategy (CD1.19) sets out the application's response in this regard.

4.16 Policy 31 requires all development to protect, conserve and where possible enhance biodiversity. The Preliminary Ecology Appraisal (CD1.6) sets out how the proposed development would meet the requirements of this policy, and this is discussed further in Section 8 below.

4.17 Policy 32 requires the on-site provision of open space within new developments. The proposed development would provide open space, both at ground level and on the buildings, in communal roof gardens and private balconies. A variety of different types of spaces are proposed, and again this is explained in the Landscape Strategy.

4.18 Policy 34 concerns pollution and contamination. An Air Quality Assessment and a Noise Assessment prepared by Hawkins Environmental , along with supplementary updates which have answered the Council's queries, have been provided to support this application, in response to the requirements of this policy.

4.19 Policy 35 seeks to protect water quality. The application is accompanied by a Phase 2 Ground Investigation Report, which sets out details of investigations which have been undertaken within the site to determine the potential for contamination and pollution. The Council's Environmental Health Officer has confirmed that they are satisfied with the proposed development, subject to the imposition of suitable conditions.

4.20 Policy 36 concerns flood risk and sustainable drainage, the Flood Risk and Drainage Strategy (CD1.12) which accompanies this planning application sets out how the development responds to the requirements of this policy. These documents also respond to the requirements of the Shoreham Harbour Flood Risk Management Guide Supplementary Planning Document (2015). The Lead Local Flood Authority, and the Council's Drainage Officer, have confirmed they are satisfied with the proposed development, subject to the imposition of suitable conditions.

Shoreham Harbour Joint Area Action Plan (JAAP) – October 2019

4.21 The Shoreham Harbour Joint Area Action Plan (JAAP) is a strategy for the regeneration of Shoreham Harbour and the surrounding areas, produced collectively between Adur District Council, Brighton & Hove City Council and West Sussex County Council, and subsequently adopted by them in October 2019. The JAAP separates the Shoreham Harbour Regeneration Area into several character areas. The application site is located within Character Area 7: Western Harbour Arm. The site also sits within an allocated site in this area. Further details in this regard are set out in Section 3 above.

4.22 Paragraph 2.1.17 notes that the Western Harbour Arm *"includes an allocation for proposed development at Western Harbour Arm Waterfront"* which will *"deliver a minimum of 1,100 new homes and 12,000m^2 employment generating floor-space"*. The following paragraph states that new flood defences will be built, a new waterfront route will be created to improve footpath and cycle route connections between Shoreham-by-Sea town centre and Kingston Beach, and habitats and biodiversity will be created and protected.

4.23 Policy SH1 concerns climate change, energy and sustainable buildings, and requires development proposals to *"demonstrate how they maximise opportunities to support local sustainability objectives and commitments"*. The matters covered by this policy are addressed in the Energy and Sustainability Statement (CD1.21).

4.24 Policy SH3 concerns Economy and employment, and it aims to support the delivery of at least 16,000m^2 of new employment generating floor-space in Adur. It also allows for small-scale retail uses as part of mixed-se developments, where this will enliven key frontages and support existing retail areas. The proposals would bring forward a provision of around 500m^2 of new employment-generating floor-space, in Class E use, which would include retail amongst several possible purposes, and this would contribute towards the required total of employment-generating floorspace.

4.25 Policy SH4 notes that sites identified within the JAAP should contribute towards the provision of *"a minimum of 1,400 new homes across the harbour area by 2032"*, of which at least 1,100 would be within Adur. The application proposals would provide 183 residential units, which would be a useful contribution towards meeting the need for housing. The policy also requires developments to provide a mixed and balanced community, in terms of the mix of bedrooms proposed, and tenure including different types of affordable housing. This is discussed further in Sections 5 and 7 below.

4.26 Policy SH5 promotes sustainable travel. This policy requires new development in the regeneration area to *"demonstrate how it intends to reduce the need to travel by car and should help to deliver sustainable transport improvements as identified in the Shoreham Harbour*

Transport Strategy". The policy also refers to the Shoreham Harbour Transport Strategy's *"area-wide transport behaviour change and travel choice programme"*. With regard to car parking, the policy states that *"Car parking provision will be considered as part of the overall package of measures that impact on the need to travel resulting from the development. Proposals should include adequate levels of car parking for residential development or measures to promote lower levels of car ownership."* It also encourages proposals to minimise surface and on-street car parking, and encourages "innovative solutions" to the provision of car parking, including *"the creation of new car clubs or the extension of existing car clubs"*. This matter is discussed further in Section 5 below.

4.27 Further detail relating to the issues mentioned in Policy SH5 is provided in its supporting text. At paragraph 3.5.1, this reflects on the need to reduce traffic congestion, so as to improve air quality within the two Air Quality Management Areas (AQMAs) (one of which is very close to the appeal site), and it states that *"measures that reduce reliance on the private car and improve sustainable transport choices will be promoted"*.

4.28 The supporting text on p45 also notes that *"the environment for pedestrians is considered to be poor and unattractive in places, and may not encourage short walking trips"*; this is the case along the A259 Brighton Road, in part due to poor air quality and traffic noise. The supporting text goes on to explain that there are heavily used promenades to the east of Shoreham Harbour, but not within the Harbour itself, and that with regard to the walking environment within the Harbour area, *"there is a significant opportunity to improve the quality of this experience"*. This includes the potential for a new waterfront route to become part of the England Coastal Path. And it notes that the Shoreham Harbour Transport Strategy seeks a new cycle route along the A259, which would be *"a critical item of infrastructure"*, and would reduce *"the intimidating nature of the A259 corridor for cyclists"*. Neither of these proposals could be delivered in full without the proposed development on the appeal site.

4.29 The supporting text at paragraphs 3.5.21-23 sets out the proposed approach to car parking within new developments in Shoreham Harbour. This should *"take account of the expected levels of car ownership; ensure high quality of design; make efficient use of land"*. It also notes that *"Due to the constrained nature of allocated sites at Shoreham Harbour, innovative approaches to parking will be required. The Transport Strategy identifies a localised approach to car parking provision such as using appropriate parking controls and the use of car clubs."*

4.30 Policy SH6 concerns flood risk and sustainable drainage. It states that *"development proposals in the regeneration area must comply with the principles and approach to flood risk set out in the Shoreham Harbour Flood Risk Management Guide (2015), or subsequent guidance and must take account of the most up to date flood risk management evidence and policy in consultation with the relevant authorities, including the Environment Agency"*. The Flood Risk and Drainage Consultants have consulted with both the Environment Agency and the Lead Local Flood Authority prior to submission of this application. Further details are supplied within the accompanying Flood Risk Assessment and Drainage Strategy.

4.31 Policy SH7 concerns natural environment, biodiversity and green infrastructure. The policy seeks to improve the local green infrastructure network this includes:

- *"A259 green corridor improving and connecting improvement sites alongside the road, including embankments and grassed amenity space…*

- *Intertidal habitat creation, including baulking and vertical beaches as part of flood defence works.*

- *Green walls and roofs, and appropriate street planting."*

4.32 The Preliminary Ecology Appraisal, Landscape Strategy and Design and Access Statement each provide details of the proposed green infrastructure and ecological improvements, which accord with the Policy's requirements.

4.33 Policy SH7 also concerns water quality, air quality, noise, contamination and waste and recycling. These matters are also dealt with where necessary within the application documents.

4.34 Policy SH8, recreation and leisure, requires new developments to contribute to the provision of multifunctional public open space and green infrastructure, in accordance with the Shoreham Harbour Green Infrastructure Strategy. It is discussed further in Section 5 below. It notes that *"Development will be expected to optimise the amount of onsite provision. Where it is not possible to meet all or part of the open space requirements on site, subject to agreement of the council(s), an appropriate alternative provision, such as enhanced public realm, and/or contribution towards off site provision will be required."* The policy also encourages *"improved linkages to existing open space assets and green corridors"*, and the incorporation of *"features that improve open access to the waterfront"*. This matter is discussed further in Section 5 below.

4.35 Policy SH9 concerns place making and design quality. It seeks good quality design and place making, taking into consideration the character of the marine environment, and it seeks improved public access to and views of the waterfront. It also concerns the quality, accessibility, security and legibility of public streets and spaces. It also requires opportunities to be identified for public art, the provision of private amenity space, and a consideration of the effects on the amenity of proposed future and existing residents / users. The policy also requires *"a high standard of design that enhances the visual quality of the environment and makes a positive contribution to creating places that are safe, inclusive and accessible; and which promote health and wellbeing"* and it sets out the following *"key design aspects"*:

- *"High quality building materials, architectural design and detailing.*

- *Suitable scale and massing in relation to housing type and local context, including landscape, townscape character and historic environment.*

- *Appropriate internal space standards in accordance with each authority's policy requirements.*

- *Buildings should provide strong enclosure to public spaces and streets, and should maintain a clear distinction between public, semiprivate and private space."*

4.36 Policy SH10 concerns infrastructure requirements which would be sought through Section 106 Planning Obligations. A s106 agreement has been prepared to accompany this appeal, which accords with the requirements of this policy.

4.37 The application site falls within Character Area 7, the Western Harbour Arm. Figures 2 and 3 above identify the location of the Western Harbour Arm, and the appeal site within it, which is identified as WH7. Map 12 from the JAAP (Figure 3 above) identifies that the site is allocated

for residential and employment development, and that a waterfront route will run along its river frontage, along with upgraded flood defences.

4.38 The JAAP sets out a vision and area priorities for the Western Harbour Arm area. The priorities are set out within Section 3 of the Supporting Planning Statement (CD1.3), in a table which also explains how the proposed development has been designed to respond to each one of them. The priorities broadly relate to the provision of new homes and jobs, the creation of new linkages for public access, the provision of road and transport improvements and new flood defences, the mitigation of noise and air quality impacts, and support for the Shoreham Heat Network. One priority is of particular note, in relation to the Council's first reason for refusal, which is *"To maximise intensification and redevelopment opportunities of existing lower grade, vacant and under-used spaces."* This reflects the need to make efficient use of land, to meet the need for development on the few available sites, and this matter is explained further in Section 5 below.

4.39 Policy CA7 concerns the Western Harbour Arm. It sets out specific requirements for new development within this area, and again these are set out in Section 3 of the Supporting Planning Statement, alongside a response relating to the proposed development. Part 2 of the Policy requires the delivery of *"a minimum of 1,100 new homes (use class C3) and a minimum of 12,000m2 new employment generating floor-space (predominantly use class B1a) on the southern side of Brighton Road (A259) within the plan period"*. Considering the policy in light of the Council's first reason for refusal, we note that Policy CA7 contains the following guidance on the scale and density of new development within the Western Harbour Arm:

7. *"New development should achieve residential densities of a minimum of 100 dwellings per hectare consisting of predominantly flatted development. A mix of dwelling sizes should be delivered.*

8. *Building heights of up to five storeys are generally considered acceptable on the Brighton Road and River Adur frontages. Away from these frontages, greater storey heights may be acceptable within deeper sites. At sites WH1 and WH2, the setting of Kingston Buci lighthouse must be considered if development over 3 storeys is proposed. At sites WH2, WH3, WH4 and WH5 views from the coast at Shoreham Beach to the South Downs must be retained."*

9. *Taller buildings may be considered in the centre of the allocation (western portion of site WH3, site WH4 and eastern portion of site WH5). Proposals will be required to demonstrate an appropriate response and high quality design in relation to the following elements:*

    - *Scale and height*
    - *Architectural detailing*
    - *Materials*
    - *Public realm and open space*
    - *Public transport accessibility*

- *Views into and out of the area, including assessment of glimpse views, local views and long views in relation to the waterfront, local landmarks, the South Downs National Park, conservation areas, and historic assets.*

- *Microclimate impacts including wind, daylight and sunlight effects, air pollution and urban heat island effects.*

10. *Development should respect and connect with surrounding areas, in particular protecting and enhancing the views from Shoreham Beach, protecting views of St Mary de Haura Church, Kingston Buci lighthouse and better connecting with Shoreham town centre's historic core.*

4.40 The supporting text for Policy CA7 (paragraph 4.7.69) states the following, in relation to the density and scale of development:

> *"The Western Harbour Arm Waterfront will be a high density neighbourhood. In general, buildings should be developed up to 5 storeys on the Brighton Road (A259) and River Adur frontages. Within deeper sites, heights could step up away from these frontages."*

4.41 The supporting text then goes on to mention the Western Harbour Tall Buildings Capacity Study (see below), and its requirement for certain significant views to be protected. The proposed development would not impact on these views, and unlike other sites (WH1-5), it is not mentioned within this text as a site which is likely to have such an impact.

4.42 Paragraph 4.7.71 goes on to note the following:

> *"Significantly taller buildings could create issues, such as traffic congestion, infrastructure provision and creation of a microclimate through trapping of air pollutants. Towards the centre of the allocation (western part of site WH3, site WH4 and eastern part of site WH5), there may be scope for taller buildings provided that it can be demonstrated that these issues have been addressed, and the proposal is of exceptional design quality."*

4.43 Matters of microclimate have been discussed with the Council during the determination of the application, and following the preparation of an Air Quality Assessment (CD1.5), they have not been deemed to be a concern in relation to these proposals, hence they are not mentioned in the Council's first reason for refusal. The proposals have also been designed with the intention that they would minimise the increase in vehicular traffic, and maximise sustainable transport use, including public transport, walking, cycling and the use of electric vehicles; further details are set out in Section 5 below. In light of this, the provision of taller buildings on the appeal site does not conflict with the above guidance.

4.44 We have noted that the Council's Planning Committee members appeared to be under the misapprehension that the JAAP only allowed for development of up to 5 storeys on the appeal site[3]. This appears to have been a factor in the Council's decision to refuse the application.

[3] See for instance CD5.3, at 01:43:22.103, 01:48:03.570 and 01:53:49.300.

Tall Buildings Capacity Study – September 2017

4.45 Adur District Council commissioned the Tall Buildings Capacity Study (CD4.6) from consultants EDP, as part of the evidence base for the JAAP. The Study specifically considers the scope for tall buildings within the Western Harbour Arm area, including on the application site. Plan EDP8 of the Study shows three *"view cones"*, located between each pair of purple arrows, which should be kept free of tall buildings, to preserve existing views through the Western Harbour Arm to the South Downs; none of these view cones touches the appeal site.

4.46 The application site is at the western end of the area identified on Plan EDP8, within an area coloured orange. In this area, the Study notes that buildings of up to 6 storeys in height are *"unlikely to have a significant impact on the design objectives"* of the Study. The Study also notes that buildings which are taller than 6 storeys *"may be acceptable… as long as the design objectives are addressed, subject to specific testing"*.

4.47 The design objectives referred to above are also set out on Plan EDP8. They require the prominence of St Mary de Haura Church to be retained; this would be the case, and we discuss this further below. They also relate to the prominence of other important heritage assets, which would not be affected by development on the application site. The proposed development would not contravene any of these objectives.

5 Response to Reason for Refusal 1

Reason for Refusal

5.1 The Council's first reason for refusal is as follows:

> 8. *"The proposed development by reason of its overall density, height, scale, bulk and massing would result in an overdevelopment of the site to the detriment of the character and visual amenities of the locality and would result in an under provision of parking and open space contrary to policy CA7 of the Shoreham Harbour Joint Area Action Plan, 2019 and Policies 8, 15, 28 & 32 & of the Adur Local Plan 2017.*

5.2 This reason for refusal raises various separate objections to the proposed development, and these are addressed in turn below.

Density

Planning Committee Report

5.3 The Officers' report to the Planning Committee commented as follows with regard to the density of the proposed development:

> *"The JAAP policy SH4 requires that Shoreham Harbour regeneration should contain a mix of dwelling types, sizes and tenures. Accompanying text alongside Policies SH4 & CA7 envisages that the majority of new dwellings will comprise flatted development at high densities of a minimum 100 dwellings per hectare. Smaller dwellings should be focussed in and around the harbour and town centre.*
>
> *The proposal for 183 homes on 0.68ha gives a density of 269 dwellings per hectare (d/ha). This compares with 186/ha at Free Wharf and 159/ha at Kingston Wharf. The proposal well-exceeds the minimum target of 100/ha in Policy CA7 and has the potential to make particularly efficient use of this site in the supply of new homes.*
>
> *There are other recent nearby examples of high density development approved within the town centre boundary, although outside the regeneration area. These are at The Mannings, Surry Street at 264/ha and the recent resolution to approve redevelopment of the former Civic Centre site at a density of 256/ha.*
>
> *It is considered that there is no in-principle objection to the proposed density, but as highlighted in the revised NPPF, it is important to consider how this higher density development would produce a high quality, beautiful and safe environment in its context and secure the delivery of appropriate infrastructure."*

5.4 We note that the Council have resolved to grant planning permission for an increase in the density of development on the Free Wharf site, with the addition of a further 39 dwellings,

bringing the density of that site up to 199 dwellings per hectare; the Committee Report for that application is at CD4.9.

Policy

5.5 The supporting text to Policy 2 of the Local Plan states the following:

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

5.6 Local Plan Policy 8 sets out various area priorities for the Western Harbour Arm, including the following:

> *"To maximise intensification and redevelopment opportunities of existing lower grade, vacant and under-used spaces."*

5.7 Local Plan Policy 15 states the following:

> *"Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, scale, materials, detailed design features and landscaping. Development should:*
>
> - *Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development…"*

5.8 Local Plan Policy 22: Density (which despite its clear relevance is not mentioned in the Council's reason for refusal) states the following:

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

5.9 Policy CA7 of the JAAP simply states the following:

> *"New development should achieve residential densities of a minimum of 100 dwellings per hectare consisting of predominantly flatted development."*

Discussion

5.10 As the Council's committee report notes, the proposed density does not result in a conflict with the development plan's policies. No maximum density is set – only minimum requirements, within Policies 22 and CA7, which would be exceeded. Moreover, the Local Plan envisaged that higher density development was required within Shoreham Harbour, in order to meet the overall housing requirement which the Plan set. The Committee Report (CD5.1) notes that the proposal would *"make particularly efficient use of this site in the supply of new*

homes", which as we explain in Section 7 below would be a significant benefit. It also notes that there are other examples of development at a similar density to that proposed by this appeal, including on the former Civic Centre site, directly opposite the appeal site, which the Council has resolved to approve.

5.11 The Council's reason for refusal alleges a conflict with various development plan policies. Those parts of the policies mentioned which relate to density are reproduced above – they are Local Plan Policies 8, 15 and 22, and JAAP Policy CA7. There would be no conflict with any of these policies. The proposed development would accord with the requirements set out by Policy 8 to maximise the opportunity to provide housing on what is currently under-used land. It would also accord with Policy 15, being of a high architectural quality, and enhancing the character of the appeal site and wider environment, as is explained in the Townscape and Visual Impact Assessment (TVIA) at Appendix 3, and the proposals would exceed the minimum densities required by both Policies 22 and CA7.

5.12 Further to this, Policy CA7 sets out specific guidance on the height of buildings, which we have summarised in Section 4 above. The proposed development would accord with this guidance, as is explained below. We consider that the density of development would both accord with the relevant policies, and that it also represents a necessary response to the need for new homes (outlined in Section 7 below).

Height, Scale, Bulk and Massing

Planning Committee Report

5.13 The Officers' report to the Planning Committee (CD5.1) commented as follows with regard to *"character, appearance and visual impact"*:

> *"In response to the T-shaped layout of the site, the proposals comprise a range of built forms to reflect the context of each part of the site. Of the four proposed blocks, the three frontage blocks facing Brighton Road (Figure 4) are evenly-spaced and straight-sided with tiering of their upper floors. The westernmost of these, opposite existing two-three storey buildings, is lower than the larger eastern pair, which will face towards the future three-nine storey development of the former Civic Centre site.*
>
> *The single block proposed at the riverside (Figure 5) uses a series of heavily staged and staggered vertical profiles and chamfered edges, in common with the approved Free Wharf riverside development immediately to the east. Its alignment, with its short ends facing north and south and long sides facing east-west, continues the pattern of the seven approved riverside blocks Free Wharf, albeit with a slightly smaller interval of space than is typical between the Free Wharf blocks.*
>
> *The overall design and layout has been subject of two Regional Design Panel reviews in 2019 & March 2021 Appendix 1 shows the proposals as they stood at the time of the most recent review. In response to the Panel's recommendations for architectural simplification and greater coherence, previous areas of panelling have been removed from facades, with more consistent use of brickwork in white and buff (Figure 1) to echo those of the Free Wharf riverside and buildings at the Brighton Road/New Road junction.*

Windows are more numerous and evenly spaced, including side elevations, to reduce the number of flats with north-only aspects and add greater architectural interest.

Materials also include areas of vertical timber for the recessed back-walls of proposed balconies, seen beyond glass balustrades on front and side elevations and with horizontal brise-soleil side screens to south facing balconies at the rear. Slatted timber is also used to screen the roof-mounted air source heat pump (ASHP) compounds, which are deeply recessed from building facades, and now have cylindrical profiles, in reference to the profiles of the Free Wharf upper-most floors. Weathered steel shown above, is for landscape planted boxes at ground level (see Landscaping section below in this report). Buff coloured brickwork for two of the roadside blocks is also intended to complement the buff and pale grey tones of the future Civic Centre redevelopment opposite.

In order to promote distinctiveness at eye level, as sought by the Design Panel, the latest amended plans have introduced arched, arcaded frontages, as shown in Figure 7 below. This is evocative of wharfside buildings and provides a sense of a plinth to the base of the buildings, it also includes inset cobbles in the ground floor walls, taking influence from cobbled walls and older flint buildings in the town. The rounded arch motif has been carried around other sides of each proposed block in the form of large round-headed windows and door openings, as can also be seen in the lower image of figure x.

These amended designs and the revised palette materials are considered to be successful in creating distinctiveness, particularly at ground level in accordance with policy 16 of the local plan and CH7 of the JAAP. Window and door-frames are stated to be dark grey, although materials are not specified and confirmation has been sought.

Subject to careful selection and approval of specific bricks via a planning condition, the proposed white and buff colours indicated in these images may appear harmonious with existing and approved neighbouring buildings. In accordance with NPPF para 135 large scale plans of detailed elements would also be required by planning conditions, in order to ensure that design quality is maintained and not materially diminished between permission and completion."

5.14 We note that this commentary contains a number of references to the way in which the proposed development would fit in well with its context, including the approved development immediately to the east at Free Wharf, which is currently under construction, and the redevelopment of the former Civic Centre to the north, for which the Council have resolved to grant planning permission. It also refers to the independent design review process which has been undertaken in the design of the proposed buildings.

5.15 With regard to scale, height and visual impact, the committee report included a number of images of the proposed development, and then went on to consider the Townscape and Visual Impact Assessment (TVIA) which accompanied the application (CD1.22). The analysis includes a table comparing the height of the proposed buildings to others in the local area, and this is reproduced below, alongside the accompanying text.

"Alongside the following consideration of the applicant's TVIA, Table 3 below compares the height of the tallest part of the proposal (Block 4 - nine storeys incl. roof compound), with the tallest other buildings in the area. The table includes distances from St Mary De Haura Church, which is also important in assessing the proposal in terms of any impact on the setting of the listed Church and the Shoreham Conservation Area within which it is located,

and which extends to approx 65 from the site, containing other listed buildings including no.s 53-55 New Street.

Table 1 shows that the tallest part of the proposed development, the nine storey riverside block 4 at 35.2m is of similar height to the future nine-storey block at the Civic Centre site. It is 1.1m lower than the tallest nine storey block at Free Wharf, although at 375m from St Mary De Haura, it is 85m and 190m closer to the town centre and Church than both these future buildings. This is discussed in the TVIA assessment below (distance TVIA / heritage)

Table 3: Comparative Heights and distances.
*Height AOD = Above Ordnance Datum

	Height (AOD*)	Distance
St Mary de Haura	**32.3m**	**0m**
Mariners Point (7 storey)	**24.7m**	**220m**
The Mannings (6 storey)	**24m**	**220m**
69/75 Brighton Road (9 storey)	**35.2m**	**375m**
Civic Centre Site (9 storey)	**35.3m**	**460m**
Free Wharf (9 storey)	**36.3**	**565m**

"Other height comparisons not shown in the table are: the five storey facades of blocks 2 & 3 are 0.4m taller than the future facade of the Civic Centre opposite. The four storey facade of block 1 is approx 2.2m taller than the 3 storey house facades opposite and 6.7m taller than the eaves of the two storey existing shops. Each of the proposed blocks step up in height away from each of their facades."

5.16 The Committee Report's analysis of the TVIA replicates and comments on various images from the document. Much of the commentary simply describes the images, but it does also contain some opinions on the way the proposed development would appear within its context. When commenting on the way the development would be seen in views looking west along Brighton Road, the Committee Report notes that the façades of the buildings that face the street *"are generally perceived as five storeys from street level, with the inset upper floors only visible over longer distances"*. With regard to a view of the development, looking east along Brighton Road (TVIA C in the committee report), Officers note the following:

"The horizontal balconies on the proposed facade and recent introduction of ground floor runs of arch-topped windows (not shown) help to divide the horizontal mass, along with the series of inset shoulders seen above the existing Montgomery Motors Building. The TVIA assessed impact is 'substantial beneficial'. Whilst this degree of benefit is debatable, the replacement of functional showroom buildings by the more-considered, varied architectural forms, together with streetside trees and landscaping (not shown), is considered to be positive, and an enhancement to the setting of the conservation area and listed buildings."

5.17 With regard to views of the development from across the river, looking north-west (TVIA D), the Committee Report comments:

"The Council's Tall Buildings Capacity Study of 2017 recommends an arrangement of buildings in which stepping up of height will create a soft undulating skyline, to integrate with the existing horizontal nature of the landscape. The proposed building as a continuation of the series of five to nine storey forms of the Free Wharf development conforms to the emerging pattern of riverside development, and from this vantage the lowering of the Civic Centre building in the background by two storeys, makes little difference to the riverside impact.

This is also apparent in the longer distance view at Harbour Way in TVIA E in which the green outline of the proposed building makes only a minor difference to the south-western end of the approved Free Wharf profile, shown in red.

Some observable differences between the proposed block and the neighbouring Free Wharf Block A in the closer view of TVIA D, are the six storey height southern end of the proposed block at the river-front, by comparison with the five storeys at Free Wharf; also the slightly smaller intervening space between these two blocks 22m compared with the typical 24-25m at Free Wharf, lastly the partially- steeper rake of the proposed upper floors.

The last of these differences is produced by the lesser set-back of the proposed seventh floor from the riverfront (2m compared with 7.6m at Free Wharf). However, this last point is somewhat offset by the shallower rake of successive levels which are inset by 11m each floor by comparison with the approved 9.3m & 7.6m at the Free Wharf equivalents.

The additional storey at the riverside edge of the proposed building compares with the approach in Policy CH7 (8) of the JAAP, which states that generally up to five storeys is acceptable at road and river frontages, where greater heights may be acceptable away from the frontages. However, the policy does not preclude occasional incidence of taller frontages; a similar approach was adopted in the development currently under construction at Kingston Wharf in which six and eight storey blocks form part of the river frontage."

5.18 When considering views of the development, looking east from the Adur Ferry Bridge, the committee report notes the following:

"TVIA F (below): In the view from Ferry Bridge the green outline of the proposed development shows the proposal merging into the larger mass of Free Wharf. Notably, from this vantage, Mariners Point, in the closer foreground appears of broadly-similar height and scale to the proposal, although it is some 9m lower than the tallest part of the proposal. The tallest point is the 2m high proposed roof compound, which is seen as a slight high-spot in the centre of the green outline (note: the Civic Centre profile would be 2 storeys lower than shown in purple here).

The southern end of the proposed riverside block 4, discussed at TVIA E above, is also observable here as a slight shoulder rising above the nearest part (block A) of the red-outlined Free Wharf. This steeper form than its approved neighbour is unlikely to affect the overall skyline. The assessed impact of 'moderate beneficial' is considered more likely to be minor or neutral from this vantage."

5.19 With regard to the effect of the proposed development on views of St Mary de Haura Church, the committee report notes the following:

"Within this emerging future context, the high spot of the proposal is unlikely to appear as a sudden or dramatic vertical element to rival the predominance and singular verticality of the Church tower in the tight group of older buildings in the historic centre to the west. Provided that the Free Wharf development is constructed as approved, the impact is not considered to be substantial in terms of the heritage value of the Church and the historic centre."

5.20 In relation to long-distance views of the South Downs, the committee report notes the following:

"The assessment observes that views are sensitive to impacts upon glimpse of the Downs, which can be seen on the far horizon. However, as the red outline of Free Wharf shows, this glimpse is already much reduced by the scheme already approved. By comparison the green outline of the proposal shows a development of a similar scale but slightly greater height. It is noted that the glimpse of the Downs is occluded by the lower third of the proposed outline; this equates to the first 3-4 storeys and indicates that this effect would result even from significantly lower buildings than those proposed.

The assessment concludes that the impact, due to the stepped profiles of the proposed buildings, would be characterised as 'moderate beneficial' as a contribution to the wider large-scale development. Although this characterisation is also debatable, it is agreed that the harm from this vantage is unlikely to be significant relative to the wider harbourside development."

5.21 The committee report goes on to conclude that the development would have neutral and minor-neutral impacts on longer-distance views, from Norfolk Bridge looking north-east towards the town (TVIA H), and from Lancing College, looking south towards the town from the South Downs (TVIA I). the committee report summarises its assessment as follows:

"In summary, the TVIA demonstrates that the largest visual impacts of the proposal are in locations closest to it, in Brighton Road and Eastern Avenue. Here, the proposed facade heights are similar to (+0.4m taller than) those of the Civic Centre development, and conform with JAAP policy for general frontage heights of up to five storeys. From New Road to the east, the proposed four storey facade of block 1 is substantially taller than existing buildings opposite and at Montgomery motors and relies upon its design qualities (including horizontal balcony runs and ground floor arches to soften the vertical mass and add provide interest).

From longer distances the proposed buildings would be seen among the cluster of new and future buildings at Free Wharf, Mariners Point and the lowered Civic Centre development. These are well separated from the town centre and St Mary De Haura such that the proposal, including the slight high spot of its nine storey block, does not rival the singular predominance of the Church tower.

At the riverside the additional storey slightly tighter spacing compared with Free Wharf creates a more vertical mass, but one which then rakes-back more substantially at upper-most floors than Free Wharf, which helps to counterbalance this. Across the river the loss of distant horizon view in Riverside Road/Emerald Quay would be a consequence of even substantially lower buildings, well within the heights contemplated in the JAPP. Impacts from further away including Harbour Way and the South Downs are likely to be very minor."

Policy

5.22 We have set out in Section 4 above the guidance within Policy CA7 of the Shoreham Harbour JAAP, and its supporting text. This can be summarised as follows:

- All new development should be built at a minimum density of 100 dwellings per hectare – no maximum density is mentioned;
- Development of 5 storeys is generally considered acceptable on the Brighton Road and river frontages;
- Where a site is deeper (as the appeal site is), buildings can increase in height, where this would be stepped back from these frontages – no maximum height is specified;
- Specific guidance is provide in relation to the areas which the Tall Buildings Capacity Study indicates are more sensitive to tall buildings (see below) – specifically, development at the eastern end, close to Kingston Buci Lighthouse – and in the central area where views to the South Downs are to be protected – and generally in relation to St Mary de Haura Church – none of these restrictions relates to the appeal site, hence it is not specifically mentioned.

Discussion

5.23 The assessment of the proposed development within the Council's committee report does not in any way support the Council's first reason for refusal. With regard to the matters which Policy CA7 and the Tall Buildings Capacity Study mention, the committee report concludes that the proposed development would not have an unacceptable impact on views of St Mary de Haura Church, and that any development of 3 or 4 storeys or more would have the same effect of blocking views towards the South Downs. This confirms our view, that the proposed development would not conflict with Policy CA7 in these important regards.

5.24 The committee report suggests a slight conflict with Policy CA7 in relation to the height of Block 4, on the river frontage, exceeding the guidance for this to be up to 5 storeys in height. However, it then goes on to note that *"the policy does not preclude occasional incidence of taller frontages; a similar approach was adopted in the development currently under construction at Kingston Wharf in which six and eight storey blocks form part of the river frontage"*. The Kingston Wharf development has been granted planning permission by the Council (application AWDM.0204.20, approved 29/01/2021).

5.25 As we have noted in Section 4, members of the Planning Committee appeared to be confused about the policy ion building heights in the JAAP, assuming that only a maximum of 5 storeys were permitted within the site, even after this had been clarified for them by the Head of Planning. One Member also suggested that the context formed by the approved development on the Free Wharf site (immediately to the east), and the proposed development on the former Civic Centre site (immediately to the north, which the Committee had resolved to approve) should not be taken into account when determining the application to which this appeal relates[4]. All of this suggests that the Committee's reasons for refusing the application were not soundly based in a full understanding of either the Council's policies, or the relevant

[4] See the transcript of the committee meeting (CD5.3), at 01:49:33.990.

material considerations. If this is the case, it helps to explain the divergence between the Officers' report and the Committee's decision.

5.26 With reference to Policy CA7 and its supporting text, the appeal site is one of the deeper sites on the Western Harbour Arm. This is shown in Figure 7 below, which is an illustrated version of Map 12 from the JAAP (see Figure 3 above), showing the range of depths of the various sites within the Western Harbour Arm. This shows that the appeal site is one of the deepest, with its central area 105m deep; this is only slightly less deep than the deepest part of any site, which is 115m at Free Wharf (WH5). It is substantially deeper than the sites in the eastern part of the Western Harbour Arm, WH1, WH2 and WH3, and much of WH4. In light of this, it is clear that the reference within Policy CA7 to the *"deeper sites"* includes the appeal site. As such, it is acceptable for buildings to step up from 5 storeys, behind their road and river frontages.

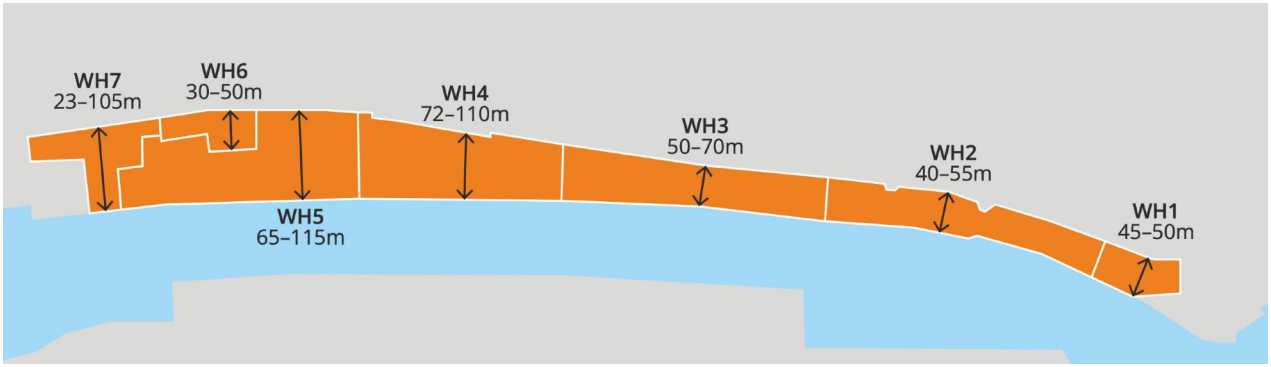

Figure 7: Annotated extract of Map 12 from the Shoreham Harbour JAAP, showing the relative depths of the various allocated sites

5.27 This appeal is accompanied by an updated Townscape and Visual Impact Assessment (TVIA) (Appendix 3). This is similar to the document which accompanied the planning application, but it has been updated to reflect the changes in the design of the proposed buildings, which were arrived upon through discussions with Officers, the independent Design Review Panel, and members of the public during consultation events. It also reflects a change to the proposals for the former Civic Centre site, whereby the part of the proposed development close to Brighton Road was reduced in height from 11 down to 9 storeys.

5.28 The updated TVIA contains similar conclusions to those in the original document. The proposals will improve the current townscape setting and local views, and will complement and positively respond to the future masterplan for the wider Regeneration Area. They will make a positive contribution to the changing skyline of this part of Shoreham and will provide an attractive high-quality development, in the form of an inclusive and sustainable design which will respond to the local townscape character. The new public realm connecting Brighton Road to the Riverfront will add both physical and visual amenity value to new and existing local residents.

5.29 To ensure a transparent and robust approach, and to allow the reader of the TVIA to make their own judgment on whether the proposals will result in overall benefit or harm, the TVIA presents a series of updated Accurate Visual Representations to demonstrate the change in near, middle and long-distance views. The location of these views and their presentation has been agreed with officers in the lead up to submission and they are key to understanding the significance of the townscape and visual effects.

Parking

Planning Committee Report

5.30 The Officers' report to the Planning Committee commented as follows with regard to car parking:

> *"…JAPP Objective 5 and Policy CH4 state the expectation that developments should: 'promote sustainable transport choices through ensuring that new developments are well served by high quality, integrated and interconnected networks, improved pedestrian, cycling and public transport routes and seeking to reduce demand for travel by private car in innovative ways'. Local Plan Policy 28 also views the provision of levels of car and cycle parking as complementary to the promotion and provision of new sustainable transport alternatives or mitigation of impacts, including consideration of impact on-street parking.*
>
> *The proposal adopts a similar approach to other nearby high density residential schemes, which rely upon proximity to the town centre and existing car ownership rates to support lower vehicle parking provision. Part of this approach is also in the provision of sustainable alternatives. A key part of this is the inclusion of a car club. Details of the number of spaces and vehicles are awaited; it is noted that a minimum of two is acceptable to the Highway Authority, but a greater number would increase the prospects of uptake, both by future residents of the development, and existing residents in the area or other future neighbouring developments can be arranged…*
>
> *In summary, it is considered that the proposal is consistent with other schemes which have used a mixture of lower parking provision rates alongside car clubs and sustainable travel plans, to promote lower reliance upon private cars in accordance with policies. As such the proposal builds upon the strength of the accessible location at the intersection of town centre and harbour area."*

Policy

5.31 The reason for refusal notes that, because of the density and scale of development, the proposal would result in an under provision of parking contrary to the Shoreham Harbour JAAP Policy CA7 and the Adur Local Plan Policies 8, 15 and 28.

Joint Area Action Plan Policy CA7

5.32 There is no reference in the JAAP Policy CA7 to the car parking arrangements for developments in the Western Harbour Arm Character Area. However, Objective 5 of the JAAP relates to Sustainable Travel as follows:

> *"To improve connections and promote sustainable transport choices."*
>
> *"To promote sustainable transport choices through ensuring that new developments are well served by high quality, integrated and interconnected networks, improved pedestrian, cycling and public transport routes and seeking to reduce demand for travel by private car in innovative ways."*

5.33 The supporting text at paragraph 3.5.1 advises that:

"Measures that reduce reliance on the private car and improve sustainable transport choices will be promoted."

5.34 The JAAP notes at paragraph 3.5.21 that WSCC guidance requires expected levels of car ownership and demand to be determined taking account of the type, size and tenure of the proposed development. Furthermore, paragraph 3.5.23 notes that:

"Due to the constrained nature of allocated sites at Shoreham Harbour, innovative approaches to parking will be required."

5.35 The JAAP's Policy SH5 'Sustainable Travel' notes that developments in the area must demonstrate how they intend to reduce the need to travel by car and increase sustainable travel. With specific regard to parking, Policy SH5 advises that:

9. *Car parking provision will be considered as part of the overall package of measures that impact on the need to travel resulting from the development. Proposals should include adequate levels of car parking for residential development or measures to promote lower levels of car ownership.*

10. *For commercial development, car parking provision should be in line with local authority maximum standards.*

11. *The amount of surface and on-street car parking should be minimised wherever possible and innovative solutions to the provision of car and cycle parking are encouraged as informed by the Shoreham Harbour Transport Strategy. Measures could include the creation of new car clubs or the extension of existing car clubs, by providing additional vehicles in appropriate locations and access to membership, to cover the regeneration area.*

12. *All new development proposals will be required to provide adequate, appropriate and secure cycle parking and storage facilities.*

5.36 Local Plan Policy 8 *"Shoreham Harbour Regeneration Area"* notes that a Transport Strategy for Shoreham Harbour has been produced to mitigate impacts on the highway network and to promote sustainable travel behaviours, and that development in this area should contribute to the delivery of measures identified in the Transport Strategy. There is no specific reference to parking requirements or how the scale and density of new development affects the provision of parking for those developments.

5.37 Policy 15 *"Quality of the Built Environment and Public Realm"* requires that development, amongst others, should have acceptable parking arrangements (in terms of amount and layout).

5.38 Policy 28 *"Transport and Connectivity"* requires that new development should, amongst others:

- *"Ensure that it is located and designed to minimise the need for travel, facilitates and promotes the use of sustainable alternatives to the private car, and provides or contributes to the necessary infrastructure to serve the development and mitigate against any adverse impacts to an acceptable level;*

- *Incorporate appropriate levels of car and cycle parking having regard to West Sussex County Council guidance, taking into consideration the impact of development upon on-street parking."*

5.39 The preamble to Policy 28, at paragraph 4.67, notes that

> *"On-street and off-street parking is insufficient to meet current demand and can result in parking problems, particularly around the railway stations and shopping areas. Traffic 'churn', as a result of vehicles seeking parking spaces, contribute to an already congested network and exacerbate air quality issues."*

5.40 Paragraph 1.5 of the Adur Local Plan notes that development proposals will be assessed as to whether they comply with the National Planning Policy Framework, which advises at paragraph 107 that parking standards for residential and non-residential development should consider:

- *"The accessibility of the development;*
- *The type, mix and use of the development;*
- *The availability of and opportunities for public transport;*
- *Local car ownership levels, and*
- *The need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles."*

5.41 The proposed level of car parking has been designed with regard to the above local and national planning guidance, and the Council's own Head of Planning confirmed at the planning committee meeting relating to the appeal scheme (see the transcript of the meeting at CD5.3, from 00:05:02.140) that the Council's overall strategy is to reduce level of parking provision and encourage sustainable transport.

5.42 In accordance with this policy context, and in particular JAAP Policy SH5, the car parking provision for the proposed development has been considered as part of an overall package of measures to reduce the need to travel. The proposed scale and density of development will not result in an under-provision of car parking, for the reasons discussed below.

Discussion

5.43 We note that the Highway Authority considered there would be no highway safety concern with the proposed level of car parking provision, and no highway capacity impacts, subject to the package of transport mitigation and improvements that have been agreed. These highway safety and capacity impacts were assessed in detail in the Transport Assessment that accompanied the planning application (CD1.24), which concluded that the development is in a sustainable location with good access to local services and facilities and by non-car modes of travel.

5.44 The Transport Strategy for the development, given this good level of non-car accessibility, was developed in accordance with the above local and national policy guidance which seeks to reduce travel by private car, as follows:

- Capitalising on the site's location and existing accessibility by sustainable travel modes to local services and facilities that are within walking distance, as well as being close to Shoreham railway station and having easy access to the frequent bus services that use the A259 past the site;

- Enhancing the cycling accessibility of the site by making provision for the planned Shoreham to Brighton & Hove high quality cycle route, which will improve the cycling accessibility of the site;

- Providing cycle parking within the site significantly above the required minimum based on local standards, so that residents can take advantage of the planned high quality cycle route, and because the location of the site means many of the day-to-day needs of residents can be met within cycling distance of the site;

- Providing financial contributions towards the highways and transport measures specified in the JAAP and Local Plan, including wider sustainable transport measures and off-site junction improvements;

- Providing car club spaces within the site and paid membership of the car club for residents of the development (with a minimum of 2 car club spaces, as required by the Highway Authority, and potentially rising to 8 spaces, subject to demand);

- Encouragement of existing and planned sustainable travel modes through the implementation and operation of a Travel Plan for the development, which will be promoted to residents by a Travel Plan Co-ordinator over a five year period; and

- Private car parking provision which recognises that the site is in a location with a good level of non-car accessibility, meaning there is less reliance on travel by private car.

6.1 The starting point for assessing the appropriate amount of private car parking provision for the development was with reference to WSCC's *"Guidance on Parking at New Developments"* (September 2020). Using the standards in this document for the Parking Behaviour Zone (PBZ) in which the site is located (PBZ 3 – covering St Mary's Ward), application of the standards would generate a requirement of 206 no. car parking spaces for the residential use. We considered that the site's locational characteristics, near Shoreham station and with frequent bus services along the A259, put the site in PBZ5, with lower car parking standards, and this approach has not been challenged by WSCC. The resulting car parking provision, by application of the WSCC standards, would generate a requirement of 162 no. spaces.

6.2 With regard to the JAAP, which requires new developments to promote sustainable transport choices through measures that reduce reliance on the private car (paragraph 3.5.1), we assessed the car parking requirements further, noting that the JAAP also requires innovative approaches to parking (paragraph 3.5.23) and Policy SH5 seeks that developments promote lower levels of car ownership.

6.3 Furthermore, we recognise that the DfT's Decarbonising Transport Plan (2021) seeks to reduce car dependency by moving away from transport planning based on predicting future demand to provide capacity (*"predict and provide"*), to planning that sets an outcome communities want to achieve and provides the transport solutions to deliver those outcomes (*"vision and validate"*).

6.4 In light of the above, we began our assessment of car parking provision with the focus on achieving an outcome where walking, cycling and public transport are the main modes of travel for residents of the development. We first investigated the car parking demand based on the approach advocated in the NPPF at paragraph 107, and on the basis that providing car parking at levels below that suggested by application of the maximum car parking standards would be in recognition of the site's accessible location.

6.5 The nearby development proposals for the Civic Centre (planning application reference AWDM/1450/21) assessed car parking need based on local data on car ownership levels, and this was accepted by the Local Planning and Highway Authorities. For flats in town centres, it found a 2011 Census car ownership rate for St Mary's Ward of 0.7 cars per household, and 0.52 cars per household that are in rented or shared ownership. These car ownership levels have also been used to assess the appropriate level of car parking provision for the Free Wharf development (planning application reference AWDM/1315/22).

6.6 Application of these car ownership rates to the proposed development would generate a car parking demand of 119 spaces. We then developed the assessment of car parking demand further through recognition of the sustainable transport improvements that would be promoted by the development, and the proactive encouragement to residents of the sustainable travel opportunities through the development's Travel Plan and associated Travel Plan Co-ordinator. Because of these aspects, the WSCC Parking Guidance notes that consideration can be given to reducing the expected level of parking demand by 10% (paragraph 5.4), referring to Department for Transport (DfT) research which shows that reductions in traffic movements of between 10% and 30% can be achieved through provision of Travel Plans, public transport contributions, and other sustainable travel initiatives.

6.7 The above car ownership levels are derived from the 2011 Census. Unfortunately, the corresponding data is not yet available in the 2021 Census. However, at the time of writing, the available 2021 Census data does include overall levels of car ownership in this area of Shoreham (Adur 005 Super Output Area – Mid Layer), which has been compared to the overall levels of car ownership from the 2011 Census. The change between 2011 and 2021 shows increasing numbers of households and numbers of cars owned, but the overall car ownership rate has remained largely the same. Applying this to the ward-specific car ownership levels described above suggests that the 2011 ownership rates will be similar to those for 2021.

6.8 A 10% reduction in the local car ownership-based assessment of car parking demand would generate a provision of 107 no. spaces for this location, given its existing and future accessibility by sustainable modes of travel.

6.9 Finally, we considered the potential to reduce private car parking provision through the inclusion of car club spaces within the development. The DfT refers to research which shows that each car club vehicle on average can replace 18 no. privately owned cars, and that by providing an alternative to driving a private car, car clubs reduce carbon emissions, air pollution, parking pressure and congestion, while supporting the shift to lower carbon forms of travel. Pre-application discussions with WSCC indicated that at least 2 no. car club spaces would be acceptable, which would therefore reduce the need to provide up to 36 no. private car parking spaces.

6.10 Through the above assessment and the design of the car parking itself, we established a final car parking provision for the development as follows:

- At least 2 no. car club spaces (and up to 8, subject to demand), which would meet the demand for at least 36 no. private car parking spaces;

- A maximum of 79 no. private car parking spaces (including 12 no. disabled parking spaces), with these being unallocated on the basis that research accompanying the DfT's Manual for Streets found that there are efficiency advantages of providing unallocated as opposed to allocated car parking;

- A total of 81 no. car parking spaces within the site, and of these, 27 no. spaces being for electric vehicle charging.

6.11 Car parking demand for visitors, and for the commercial elements of the proposed development, would be met by town centre and roadside car parking, in common with many existing town centre areas, and so no on-site visitor or commercial car parking spaces are proposed.

6.12 We consider that the proposed car parking provision accords with local and national policies which seek to reduce demand for travel by private car, and that it is part of a package of measures to promote sustainable travel choices. The amount of car parking is not considered an under provision because it has been assessed as meeting the car parking demand of the development in the context of the existing and future accessibility of the site, the cycle parking provision, the promotion of the sustainable travel choices through the Travel Plan, and the provision of the car club spaces.

6.13 Prospective residents of the development will be fully aware of the travel opportunities available to them at the development and the car and cycle parking provision before they move to the development. A new development maximises the potential benefits of such advice and marketing, and people tend to find it easier to change their travel habits at the same time as making other lifestyle changes, such as moving house.

6.14 It is therefore considered that the Council's car parking reason for refusal cannot stand. The scale of development would be provided with an adequate supply of car parking and would not result in an under provision of car parking. Both Local Highway Authority and Local Planning Authority officers have accepted that the proposed car parking provision would be at a satisfactory level.

Open Space

Planning Committee Report

5.45 The Council's Committee Report notes that the application site *"...is less than half the size of Kingston Wharf and one quarter the size of Free Wharf. As such there is less space to include larger homes and the corresponding extent of open space and play spaces to serve larger households and families..."*. It also notes the following, with regard to private and communal open spaces within the site:

> *"Externally, each apartment has a balcony or ground floor terrace. These range in size between 4.6sqm to around 15sqm, the largest of these at block 4. Minimum or average depths are around 1.2 m, which allows for outdoor sitting. Those at ground floor are*

generally set behind planted strips, which afford some separation form the main pedestrian thoroughfare. Communal roof terraces are indicated at the top for blocks 2 & 3, although these comprise quite irregular and constrained spaces, the benefit of which may be more successful for the proposed planting which is shown in the proposed landscape strategy. A roof terrace to block 1 appears to be larger and may be more readily used, subject to clarification as to its accessibility from stairs of lift.

The series of landscaped spaces between the buildings will provide for outdoor use both by residents and the public. The modest lawn area, edged with shrubs between blocks 1 & 2 is described as a tranquil space away from the main thoroughfare of the proposed central pathway can provide an opportunity for relatively quiet enjoyment.

In common with other recent redevelopment schemes in Wester Harbour and nearby at the Mannings and Civic Centre site, it is recognised that the range of outdoor and recreational needs generated by the proposal, cannot be met on site. The nearest area of public space off-site is at the Ham offers some opportunities and is due to receive enhancements resulting from the Mannings and Civic Centre developments. However, the nearest other recreation grounds are at Middle Road, Park Avenue and beyond these, Buckingham Park.

The Adur & Worthing Open Space Study provides a method for assessing open space and recreation needs, and the cost of providing these. An initial estimate indicates needs for natural and amenity greenspaces, outdoor recreation (e.g sports) child and you play and allotment, which may equate to around contributions of around £330,000 and a £60,000 maintenance. Subject to checking of this, these can be sought as part of a s.106 agreement."

5.46 As a matter of clarification, the roof terrace for Block 1 is accessible for wheelchair users, via a lift, as can clearly be seen on Drawings 19_400_PL09A and 19_400_PL18.

Policy

5.47 Policy 8 of the Local Plan is the overarching policy from which the JAAP stems. It sets out general requirements for new development, and with regard to the Western Harbour Arm, it requires new development *"To enhance the area's natural biodiversity by incorporating multifunctional green space, creating and improving habitats and improved green infrastructure links"*. The proposed development would accord with this requirement, delivering a 10-fold increase in biodiversity, driven by new green infrastructure within the site.

5.48 Policy 15 requires new development to *"enhance the local environment by way of its appearance and character, with particular attention being paid to… landscaping and layout of development"*. The proposed development has been designed to ensure it would achieve this requirement.

5.49 Policy 32 of the Local Plan, *"Open Space, Recreation and Leisure"*, states that *"Major development for residential use will be required to provide open space on site in accordance with the Council's adopted standards. The type of open space to be provided will be determined by the scale and type of development and the needs of the area. Where it is not possible or necessary to provide open space on site, contributions will be required to provide or improve open space off-site."* The proposals will accord with these requirements, as we note below.

5.50 Policy SH8 of the Shoreham Harbour JAAP, Recreation and Leisure, requires new developments to contribute to the provision of multifunctional public open space and green

infrastructure, in accordance with the Shoreham Harbour Green Infrastructure Strategy. It notes that *"Development will be expected to optimise the amount of onsite provision. Where it is not possible to meet all or part of the open space requirements on site, subject to agreement of the council(s), an appropriate alternative provision, such as enhanced public realm, and/or contribution towards off site provision will be required."* The policy also encourages *"improved linkages to existing open space assets and green corridors"*, and the incorporation of *"features that improve open access to the waterfront"*. Again, the proposals will accord with these requirements.

5.51 Policy CA7 of the JAAP states that *"Where open space requirements cannot be met on site, development will be expected to contribute towards the creation of the proposed green corridor along the A259, and/or existing open spaces, such as The Ham and Kingston Beach."*

Discussion

5.52 We note that the Council's reason for refusal implies that the scale of development proposed (its *"overall density, height, scale, bulk and massing"*) would result in *"an under-provision of… open space"*. However, the relevant policies accept that it may not be possible to provide all of the types of open space listed in the Council's standards within a particular development site. This is clearly more likely to be the case in situations such as that at the Western Harbour Arm, where both the Local Plan and Shoreham Harbour JAAP envisage that development will be of a notably higher density than elsewhere in the District.

5.53 The proposed development includes a range of types of open space within the site, and contributions are to be secured through a s106 legal agreement towards off-site provision and improvements. The financial contributions will be made in accordance with the Council's Open Space Calculator, which is based on the Adur and Worthing Open Space Study 2019. This approach accords with the relevant policies, and it has been supported by Officers throughout the pre-application and planning application processes.

5.54 The reason for refusal overlooks the high quality and variety of open spaces within the proposed development, which were praised by the Planning Committee. The Landscape Strategy details the spaces which would be provided within the site; these would include public amenity spaces for socialising, a play area for children and a boules pitch for sport activity. The proposed landscaping also provides linkages from Brighton Road through the site to the waterfront, supporting the delivery of the waterfront footpath route, and an improved walking route to the town centre.

5.55 Throughout extensive discussions with the Council, both at the pre-application stage, and during the course of their determination of the application, they did not express any concerns in relation to the amount of open space that would be provided within the site. The Council's reason for refusal is also worded in a way which appears to imply that if the proposed development were smaller, there would be additional space available for open space. This is not the case, as a development which sought to address the reason for refusal would be likely to lose a significant amount of development from the higher levels of the buildings. Officers understood this, and this is why they recommended the application be approved.

5.56 It is also inconceivable that such a development would also be able to free up any significant amount of additional space at ground level for the provision of further open space. Such a development would simply not be financially viable. This is evident not only from the viability information that was submitted with this appeal (CD1.7 & 1.8), but also in the form of the

development on the other sites within the Western Harbour Arm, and on the Council's own land, the former Civic Centre site. The developments which have been approved on those sites have been uniformly high density, with buildings of up to 7-9 storeys in height, and they have all made similar financial contributions towards the provision of off-site open space. The lower-density development at free Wharf has proven not to be financially viable, and the developer has submitted a further planning application seeking an additional 39 dwellings (application AWDM/1315/22), increasing the density of development within the site at the expense of car parking and commercial areas, and without the provision of any additional open space.

5.57 The Council's reason for refusal alleges a conflict with various policies of the Local Plan and JAAP, listed above, but there would be no specific conflict with any of them. The Council have failed to articulate their objection within the reason for refusal, and the Committee Report does not provide any reasoning for it, as Members took a different view to Officers. There are no grounds for concluding that the proposed development would result in an under-provision of open space.

6 Response to Reason for Refusal 2

Reason for Refusal

6.15 The Council's second reason for refusal is as follows:

> 2. *In the absence of a planning obligation, the application does not secure the provision of the infrastructure and services necessary to accommodate and mitigate the impact of the development in relation to matters including: affordable housing, highways & transport, health, education, libraries, fire & rescue, open space & recreation, provision for future connection to the Shoreham District Heating Network; site management, public art and provisions for employment and opportunities connected with the development, in accordance with Policies 29 & 32 of the Adur Local Plan, 2017; CH7 & SH10 the Shoreham Harbour Joint Area Action Plan 2019 and the NPPF, 2021."*

Appellant's Response

6.16 A s106 legal agreement was in the advanced stages of being agreed between the Appellant, and the District and County Councils, at the time the application was taken before the Council's Planning Committee. Since that time discussions have continued, and at the time of writing this agreement is very close to being finalised. The Appellants anticipate that the second reason for refusal will be addressed by this s106 agreement well in advance of this appeal being considered. They also anticipate that this matter will also be addressed through a Statement of Common Ground between the Appellants and the Council.

7 Meeting the Need for New Homes

Past Housing Delivery

7.1 The need for housing is extremely pressing. There has been a shortfall in the supply of housing delivered within the District in recent years, as is recorded in the results of the Government's Housing Delivery Test (HDT), which are as follows:

Year	Housing Required	Housing Delivered	% Requirement Delivered	Consequence
2018	531	217	41%	Buffer
2019	532	300	56%	Buffer
2020	516	249	48%	Presumption
2021	457	353	77%	Buffer

Figure 8: Housing Delivery Test Results for Adur District

7.2 Taking the above figures together, the average level of housing provided within the past 4 years was only just over half (55%) of the required total. This represents a very substantial shortfall over time. Whilst the figures for 2022 have not at the time of writing been published, the Council have advised us that they expect the result to be below 75% once more.

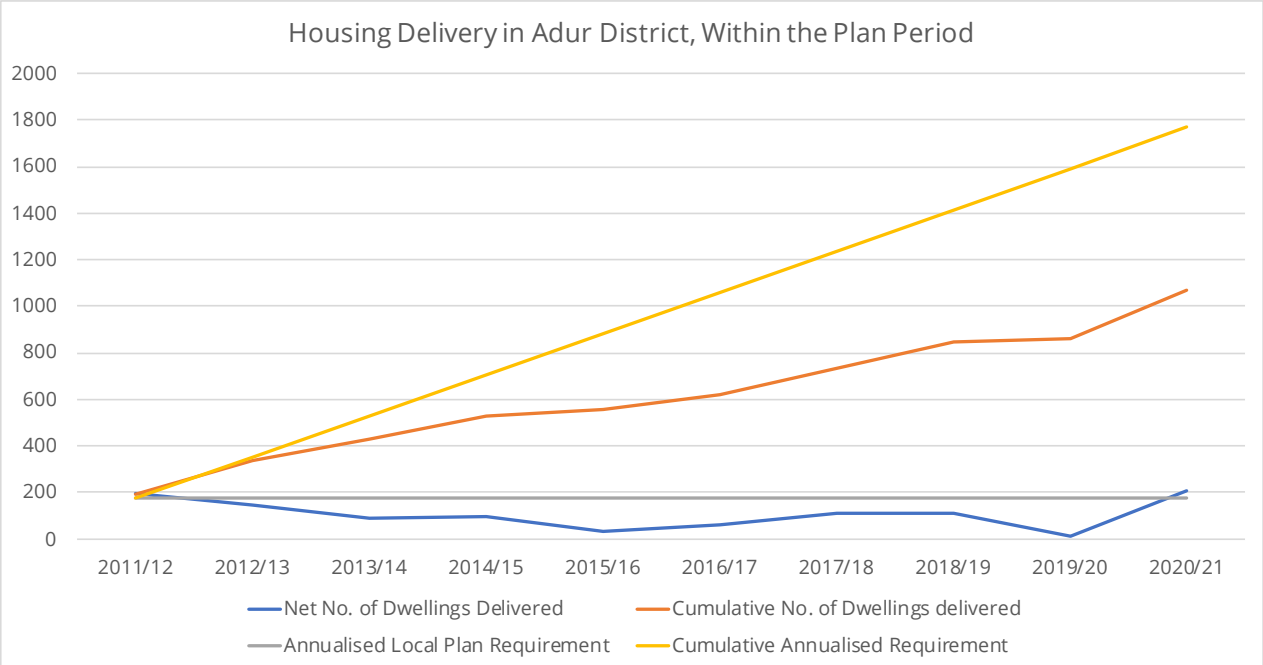

Figure 9: Historic housing delivery within Adur, in the context of the Local Plan's housing target

7.3 Further evidence of the shortfall in the supply of housing can be found in the Council's Annual Monitoring Reports. Figure 9 above is based on figures within the Council's Annual Monitoring

Report for the 2020-21 period (published May 2022)[4]. This shows that the level of housing which has been delivered within the District has, until 2020, always fallen well below the level required. This has in turn resulted in a cumulative shortfall in supply, with only 1,069 dwellings delivered, against the Local Plan's minimum requirement for 1,770 dwellings; this represents a shortfall of 40%, or 701 dwellings, in the first decade of the Plan period.

Supply of Affordable Housing

7.4 The Housing Delivery and Supply Report by the SPRU (Appendix 2, Section 6) sets out details of the recent delivery of affordable housing within the District. This explains that the Council have only published figures within their Annual Monitoring Report which reflect gross completions, which do not take into account losses in stock, where existing sites are redeveloped. The SPRU extract data from the Government's live tables showing the number of dwellings by tenure in the District, and this indicates that the net figures are far lower than gross completions; the gross completions in the 10-year period from 2011 to 2021 average 25 dwellings per annum, but with losses taken into account, the net figure is only 17 dwellings per annum.

7.5 These figures indicate that the net supply in the initial 10 years of the Plan period was only 170 affordable homes. This represents only 16% of the total number of homes provided.

Objectively Assessed Housing Need

7.6 We have noted above that the Adur Local Plan sets a minimum requirement for the provision of 3,718 dwellings within Adur District, in the period 2011-2032, with an annualised target of 177 dwellings. However, this figure does not represent the objectively assessed housing need (OAHN) within the District. The Inspector's Report into the Adur Local Plan examination (CD2.2 and CD2.3) found that the OAHN was 325 dwellings per annum. The adopted housing requirement of 177 dwellings per annum represents only around 55% of the OAHN.

7.7 We have noted above that only 60% of the required number of homes has been provided in the first decade of the Plan period, amounting to a shortfall of around 700 dwellings. If the level of supply is compared with the actual OAHN, it amounts to only around 33% of the 3,250 dwellings needed in that initial decade, a huge shortfall of 2,181 dwellings.

7.8 It is also important to note that, whilst the Inspector considered 325 dwellings per annum to be a suitable level for the OAHN, even this apparently impossibly high figure would not meet the need for affordable homes. This was calculated at 294 dwellings per annum at the time of the Local Plan Examination, on the basis of the Council's Strategic Housing Market Assessment (SHMA) 2012. Given that this figure is itself substantially higher than the Local Plan's annualised housing target, it is clear that there is no realistic prospect of meeting the need for affordable homes within the District. As such, any contribution which can be made to the provision of affordable homes is very valuable, and this is discussed further below. The 170

[4] Other than for the 2011/12 year, the housing completions exclude the small number of homes which are built within the South Downs National Park, within the area covered by the Adur Local Plan. Whilst the South Downs National Park Authority publishes a separate Annual Monitoring Report, unfortunately this does not disaggregate the number of completions by District. However, these represent only a handful of completions each year.

affordable homes provided in the first decade of the Plan period represents less than 6% of the level which the Inspector considered was needed.

7.9 The Council have published a more recent SHMA, in 2020, which identifies a need for 235 affordable homes for rent and 74 affordable homes for owner occupation, per annum. This makes a total of 309 affordable homes per annum. This has increased from an assessed need for 233 affordable homes per annum within Adur District, identified in a 2015 study for the Council by GL Hearn[5]. This equates to a need for a further 74 affordable homes each year, or an increase of one third (33%). This is a very substantial increase in need, over the course of just five years.

Standard Method

7.10 The report by the SPRU sets out the latest housing requirement for the District. This changed on 15th December 2022, due to the Local Plan becoming more than 5 years old, and in accordance with paragraph 74 of the NPPF. In accordance with the Government's standard methodology, the new annual housing requirement rises to 446 dwellings per annum. This is higher even that the OAHN figure discussed in 2017, for the Local Plan, and the SPRU report notes that the reason for this is a higher affordability ratio, reflecting the worsening affordability of housing within Adur District.

Duty to Co-Operate

7.11 Under the heading "Duty to Co-Operate", the Council's Annual Monitoring Report for 2020-21 notes the following:

> *"The Council is a member of the West Sussex and Greater Brighton Strategic Planning Board which seeks to jointly address strategic planning and development issues. The constituent authorities have prepared a Local Strategic Statement (the second iteration is known as LSS2, and was updated in 2016) which sets out long term strategic objectives and spatial priorities for delivering these in the short to medium term. The Board (and the Officer Group which supports it) has been meeting throughout the monitoring period, and is currently in the early stages of preparing the third revision to the LSS (LSS3) which will explore options for meeting the area's unmet needs for housing, employment and infrastructure. LSS3 will develop a longer-term strategy for the sub-region over the period 2030-2050. This will be a non-statutory strategic planning framework to help guide the future location and delivery of development to be identified and allocated within the constituent Local Plans.*
>
> *Housing delivery is a key consideration and the District Council has made it known to other local authorities within the Partnership that, despite taking a very positive approach to development, Adur will not be able to meet its full housing needs. As a consequence, requests were, and will continue to be made to neighbouring authorities as part of the 'Duty to Co-operate' to ask whether they have any potential to help meet some of Adur's housing shortfall."*

7.12 In addition to Adur Council, the West Sussex and Greater Brighton Strategic Planning Board is comprised of Arun, Chichester, Worthing, Horsham, Mid-Sussex and Crawley Councils. The

[5] *Objectively Assessed Need for Housing: Adur District* (GL Hearn), August 2015.

most recent situation with each of these other Councils, including published drafts of emerging Local Plans, is as follows:

Local Authority	Current / Likely Future Housing Provision	Housing Target (dwellings per annum)	OAHN (dwellings per annum)	% of OAHN to be provided	Annual Shortfall / Surplus (dwellings)
Arun	Local Plan Inspector's Report (July 2018) - plan adopted	1,000	919	109%	+81
Chichester	Housing and Economic Development Needs Assessment Update (April 2022) – based on standard method	617 (Draft Local Plan, "Preferred Approach", December 2018)	638	97%	-21
Crawley	Reg.19 Draft Local Plan (January 2021)	332.5	718	46%	-386
Horsham	Reg. 19 Draft Local Plan (July 2021) –consultation not yet commenced, on hold due to Natural England position statement on water neutrality	1,100	965	114%	+135
Mid-Sussex	Reg. 18 Local Plan (November 2022)	1,119	1,119	100%	+0
Worthing	Local Plan Inspector's Report (October 2022) - plan yet to be adopted	230	885	26%	-655
Total provision compared with OAHN					-846

Figure 10: Housing targets when compared with OAHN in West Sussex and Greater Brighton Strategic Planning Board local planning authorities

7.13 In light of the above, it appears certain that there will be a substantial shortfall in the supply of housing within the area covered by the West Sussex and Greater Brighton Strategic Planning Board. This overall position indicates that there is no realistic prospect that a shortfall in the supply of housing within Adur District will be made up in one of the other nearby local authority areas.

7.14 This view is further reinforced by the very recent publication of the Inspector's report in the emerging Worthing Local Plan, which concludes there is a need for a very substantial shortfall in the provision of housing in this adjacent district. In that case, the Inspector's report commented as follows:

> *"The Council considers there to be insufficient capacity to meet all of the OAHN within the Plan area based on an assessment of a range of constraints and opportunities. The Borough is squeezed between the SDNP to the north and sea to the south and its boundaries are also drawn tightly to the east and west. The current built form takes up the vast majority of the Plan area and thus the scope for suitable expansion is limited. When considering that much of the land outside the built-up area also forms part of the environmentally sensitive coastline, it is clear that the challenges facing Worthing are both real and significant. These constraints, and the effect they have on development, are long*

standing and well-rehearsed. Indeed, there was no serious suggestion by any interested party that Worthing would be able to realistically meet its full OAHN."[6]

7.15 The Inspector's report for the current Adur Local Plan included similar comments, as that Inspector also concluded that the full OAHN could not be met within the District:

> *"The objectives should be to significantly boost the supply of housing and to ensure full OAN is met but it is important to balance the acknowledged need for housing against other important objectives. In terms of Adur this balance needs to include the significant constraints to development in the District, in particular in terms of flood risk, ensuring the achievement of good design (bearing in mind the proximity of the South Downs National Park) and protecting the separate identity of settlements. Taken as a whole I am 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."*[7]

7.16 With this in mind, the Inspector modified policies relating to the various proposed allocations, including that relating to Shoreham Harbour, to make their targets for new homes and employment land minimum figures.

Housing Land Supply

7.17 The Housing Delivery and Supply Report by SPRU (Appendix 2) sets out an assessment of the current supply of housing land. This considers the position in relation to the housing requirement set by the standard method, which as we have noted above, is the way it must be calculated within Adur District, from 14th December 2022. This calculates that the identified supply of housing land amounts to only 1.2 years, with a shortfall of 2,043 dwellings against the required supply, of 5 years + a 20% buffer. This extremely low level of supply, which amounts to only 632 dwellings, is utterly inadequate.

Affordability

7.18 The effect of the long-term under-supply of housing is to make housing less affordable, as demand outstrips supply. Worsening affordability makes it more difficult for established communities to remain within an area, and it increases the need for affordable housing.

7.19 A good indicator of the affordability of housing is the ratio between lower quartile incomes and lower quartile house prices. This reflects the ability of people on the lowest incomes, who are generally in the greatest need of suitable housing, to afford to buy housing which meets their needs. This is shown in Figure 11 below, which shows that by 2021 a lower-quartile house in Adur cost 12.41 times the annual earnings of someone with a lower quartile income.

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[6] *Report on the Examination of the Worthing Local Plan 2020-2036*, The Planning Inspectorate (14th October 2022), paragraph 85.

[7] *Report on the Examination of the Adur Local Plan 2016*, The Planning Inspectorate (29th September 2017), paragraphs 50 & 51.

This rate is worse than the average across the South East (a ratio of 11.23) and is nearly twice the national average (8.04).

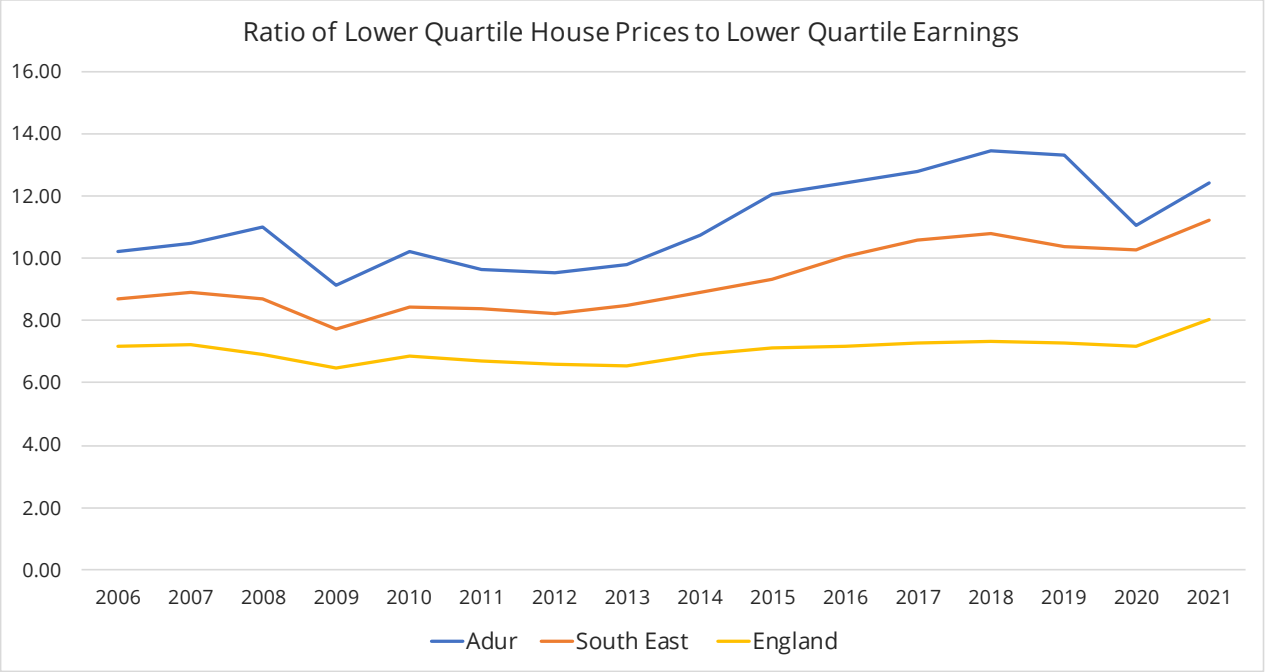

Figure 11: Ratio of lower quartile house prices to lower quartile earnings[8]

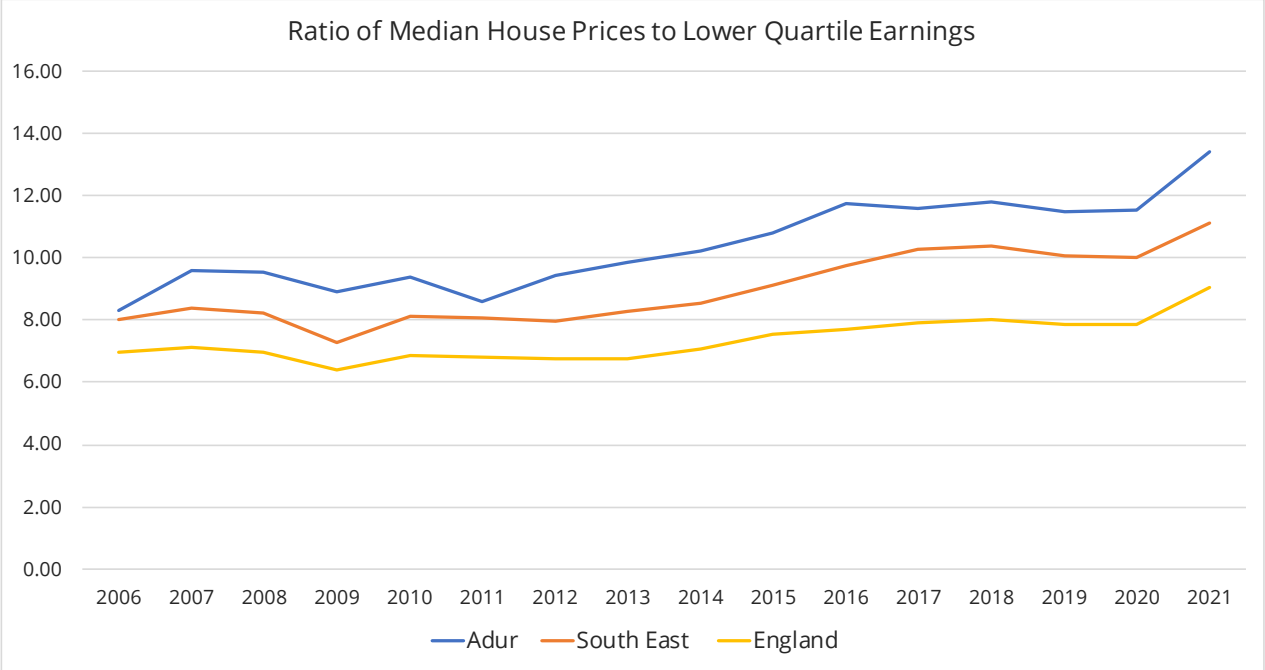

Figure 12: Ratio of median house prices to median earnings[9]

7.20 There was a small drop in the ratio for 2019 and 2020, which reflected falling house prices due to matters such as political uncertainty relating to Brexit, and the covid-19 pandemic – it did

[8] Taken *from Office for National Statistics, Ratio of house price to workplace-based earning (lower quartile and median), 1997-2021 (March 2022)*.
[9] Ibid.

not reflect a fall in the demand or need for new homes. A similar trend was observed in 2008 in relation to the credit crunch, following which there was a rise in the ratio as the availability of credit returned, and the high level of pent-up demand led to a more rapid rise in prices than before. Overall, the trend is undoubtedly towards worsening affordability over time.

7.21 We have also set out the ratio of median house prices to median earnings, in Figure 12. This also shows that Adur is less affordable than the average for the South-East or England as a whole. It also demonstrates that affordability problems afflict the majority of the local population, not just those on the lowest incomes.

7.22 This data clearly shows that there is an imbalance of supply and demand. What is particularly notable from Figure 3 is that the overall rise locally has been well in excess of the national average, highlighting a particular problem in this area. This demonstrates the importance of building as much housing as possible, in order to reverse this trend and make housing more easily accessible for all. It is only where the supply of housing is increased that affordability can be stabilised in the long-term.

7.23 Where the ratio of house prices to earnings is high, it affects peoples' ability to buy housing. In the case of Adur District, even a couple on lower-quartile incomes will struggle to raise a mortgage without a sizeable deposit, which is likely to be beyond the means of most people on low incomes. Using a calculator on https://www.moneysavingexpert.com/mortgages/how-much-mortgage-borrowing/ (accessed 25/11/22) indicates that two applicants who both earn £22,972 (the average lower quartile income for 2021 in Adur District) would be able to borrow in the range of £114,900 - £161,000. The average lower quartile house price in Adur in 2021 is £285,000, implying a need for a deposit of between £170,100 and £124,000.

7.24 Whilst this reflects that the cheapest housing is out of reach for people on the lowest incomes, it is also important to recognise that the housing these people require to meet their needs may well not fall within the lowest-quartile of value; this will for instance be the case where a household contains children or elderly dependents, and so requires more space. With the ability to buy suitable housing placed well beyond the means of most people on lower-quartile incomes, and indeed many who have median incomes, these people are forced to turn to the rental market to find homes.

7.25 Figures 13 and 14 show that both lower-quartile and median rental levels within the Borough have also been rising for several years, and that they are starting to rise above the average for the South-East. This is a further indicator that housing is becoming less affordable for local people[10]. As this applies as much to housing of median prices, as to that in the lower-quartile range, this will adversely affect very many people in the local area.

7.26 Figure 15 illustrates the reality of this situation for most people. It relates to median housing, so as to reflect the fact that many people on lower incomes will need family housing, rather than the smallest and cheapest homes on the market. It shows that this means that people on lower-quartile incomes typically spend around 40% of their income on housing. Whilst the ratio has improved slightly in 2020, the data is not up to date, and the ratio will now be worsening significantly, in light of the current cost of living crisis, led by spiralling inflation.

[10] Data taken from private rental market statistics produced by the Valuation Office Agency, available at https://www.gov.uk/government/statistics/private-rental-market-statistics.

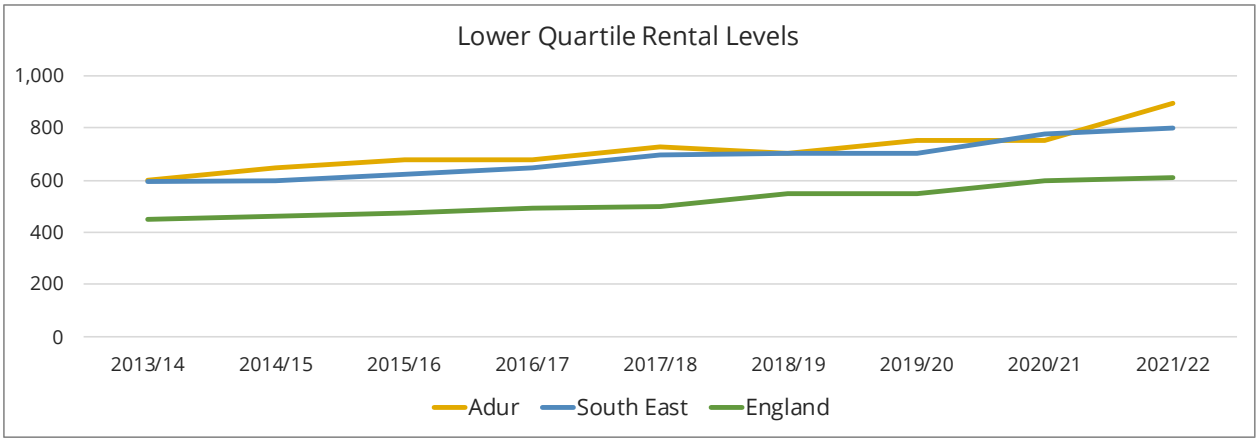

Figure 13: Lower quartile rental levels[11]

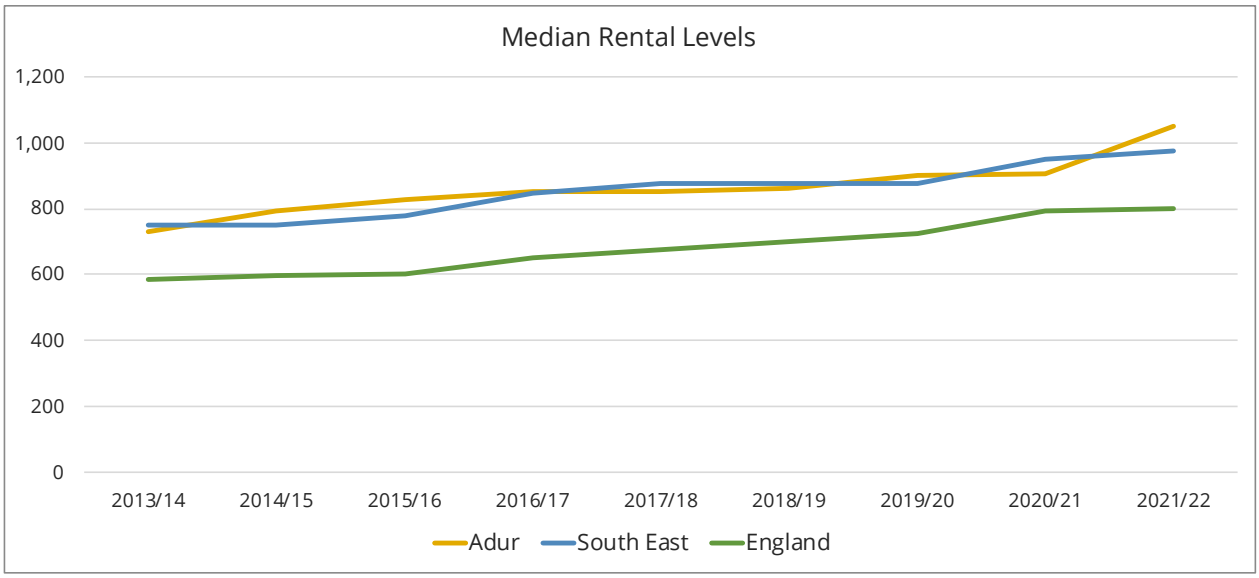

Figure 14: Median rental levels[12]

[11] Data taken from https://www.ons.gov.uk
[12] Data taken from https://www.ons.gov.uk

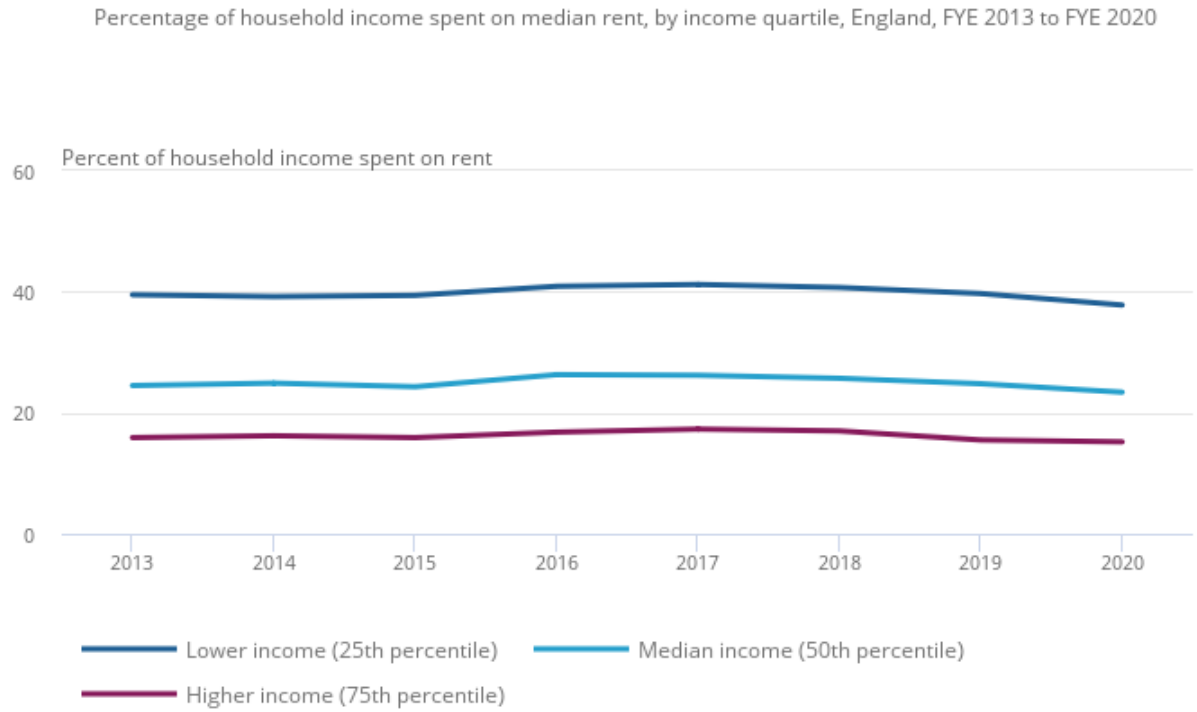

Figure 15: Percentage of family income spent on median rent within England, by income quartile[13]

The Homes This Appeal Would Provide

7.27 This appeal proposes to provide 183 new homes, of which a minimum of 55 (30% of the total) would be affordable homes. However, Vivid Housing Association have agreed terms to purchase the site from the Appellants, upon the grant of planning permission. Due to the way in which Homes England's (HE) funding model works, it is necessary to seek only a policy-compliant level of 30% affordable housing, in order to enable Vivid to apply for HE grant funding to make the additional 70% of the homes affordable. As such, whilst this cannot be guaranteed by a s106 agreement at this stage, the Appellants expect the proposed development to be provided as 100% affordable housing.

7.28 The provision of either 55 (30%) or 183 affordable homes would be a very substantial benefit, which would weigh heavily in favour of allowing this appeal. As we have noted above, the net supply of affordable homes in the past decade stands at only 170 homes. 55 homes would represent around a third of this total again, whereas 183 homes would represent 108% of this past supply, from a single development.

7.29 The provision of 183 homes would also make a vital contribution towards the overall supply of housing in the District. These homes would represent 6.8% of the total number of homes required within the District in a 5-year period under the standard method[14]. This provision would boost the supply of housing land from under 1.2 years to over 1.5 years.

[13] Source: Office for National Statistics (ONS) – Family Resources survey, private rental market statistics. Table taken from https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/privaterentalaffordabilityengland/2012to2020, accessed 29th November 2022.

[14] 183 of 2,675 homes – for details of the way the total is calculated, see the analysis by SPRU at Appendix 2.

7.30 It is also important to note that the average level of housing completions within the District over the past 10 years has been only 107 dwellings per annum[15]. In the past 5 years only 510 dwellings have been completed. The provision of 183 dwellings would represent over a third of this total, again from a single development.

7.31 The development plan sets a minimum target for the provision of housing. As we have noted above, this is a constrained target, which is based on pessimistic expectations of delivery, and it does not represent the actual need for new homes, which is substantially higher. It is clear that the proposed new homes would make both a very valuable contribution to the ongoing supply of new homes, and that they would meet a very pressing need for new homes.

Appeal Decision Concerning Housing Need

7.32 An example of the way in which an acute need for housing should be considered in the planning balance is provided by a recent decision on a site which lies partly within St Albans District, and partly within Welwyn Hatfield Borough, in the Metropolitan Green Belt. A copy of the appeal decision, which relates to land at Roundhouse Farm, Colney Heath, is included as CD6.1[16]. This decision was the first nationally for well over 10 years, in which housing need was seen as being sufficiently pressing to justify decisively outweighing the presumption against inappropriate development within the Green Belt. In that case, the appeal proposed up to 100 homes, of which 45% would be affordable, and 10% would be self-build. The appeal site was greenfield land within the Green Belt, and it was not proposed as an allocation for housing in any current or emerging Local Plan. The Appellant claimed that the supply of housing land within St Albans District was 1.64 years, and in Welwyn Hatfield it was 1.85 years. The Inspector considered that she did not need to adjudicate that point as *"Even taking the Councils supply positions of WHBC 2.58 years and SADC at 2.4 years, the position is a bleak one and the shortfall in both local authorities is considerable and significant"*. In conclusion, the Inspector went on to comment as follows:

> *"The proposals would cause harm by reason of inappropriateness and harm to openness. Both of these attract substantial weight. I have also attached moderate weight to harm to the character and appearance of the area. However, these appeals involves two local authority areas, both of which have acute housing delivery shortages and acute affordable housing need. The proposals would make a contribution towards addressing these needs in the form of market, self build and affordable housing in both WHBC and SADC. I have attached very substantial weight to the provision of both market housing and affordable housing. I have attached substantial weight to the provision of self build housing. These factors, when considered collectively demonstrate that very special circumstances do exist."*

7.33 It is worth noting that this decision was granted despite the substantial weight which was accorded to the harm to the Green Belt. It is also important to note that *"very substantial weight"* was accorded to the provision of new homes, in light of the unmet need. We also note that the level of unmet need in each of these local authority areas was less acute than currently exists in Adur District.

[15] Again, see the report by SPRU at Appendix 2.
[16] APP/B1930/W/20/3265925, Roundhouse Farm, Land off Bullens Green Lane, Colney Heath, decision date 14th June 2021.

8 Further Benefits of the Appeal Proposals

The Use of Previously Developed Land

8.1 The appeal proposals would make efficient use of previously developed land. Apart from allocating the site for the form of development which is proposed, the Adur Local Plan 2017 also provides a wider commentary on the need to make efficient use of previously developed land, as follows:

> *"Land is a scarce resource in Adur and there are competing demands for its use. Given the need for additional homes it is important that the limited amount of previously developed land available is used efficiently when considering proposals for new residential development. As such, the density of new residential development should be maximised, subject to it being appropriate to the character of the area. Whilst it is recognised that where there is good access to local facilities by walking, cycling or public transport, higher density housing can help to regenerate an area by supporting local facilities and businesses, this should be balanced against the desire to provide a good living environment for existing and future residents and retain the character of Adur."*

8.2 We have explained in Section 5 above that the proposed development would be appropriate to the character of the area. It would also provide a good living environment for existing and future residents.

8.3 Paragraph 4.112 of the Local Plan, concerning contaminated land, notes that *"the Council aims to encourage the re-use of previously developed land (brownfield sites) to reduce the demand for developing green-field sites"*.

8.4 The proposed development would clearly also accord with this overarching strategy which underpins the policies of the development plan. It is proposed to make an efficient use of land in a highly sustainable location, on previously developed land.

8.5 Further to this, paragraph 119 of the NPPF requires planning policies and decisions to promote an effective use of land in meeting the need for homes. Paragraph 120 requires planning policies and decisions to do various things, including the following:

- *"give substantial weight to the value of using suitable brownfield land within settlements for homes"; and*
- *"support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively."*

8.6 The circumstances in this case match those outlined by paragraph 120, and the appeal proposals clearly benefit from the *"substantial weight"* which the NPPF directs the decision maker to apply. There are very few instances where the NPPF directs the decision maker as to the weight which should be attributed to a particular factor, and this clearly demonstrates the

importance of this matter, and the way in which it must be considered in the planning balance.

8.7 The benefit which the use of the appeal site would provide is particularly strong I this instance because Frosts Cars, who have occupied the site since the 1970s, have recently acquired alternative premises, and they will be vacating the site shortly. The business will be moving to 1 Stoney Lane, Shoreham-By-Sea, a site which is already set up as a car dealership (having been vacated by a Suzuki dealership). This new site will meet the business's needs better.

8.8 In light of this, should the appeal not be allowed, the site would lie vacant. This would be a terrible waste of a rare and important piece of previously developed land, in a highly sustainable location on the edge of the town centre, and within the area allocated for development by the Local Plan and JAAP. This is a matter which we consider must be given very substantial weight.

Biodiversity Net Gain

8.9 The proposed development would ensure that there would be a net increase in biodiversity within the site. The Preliminary Ecological Appraisal (CD1.6) which accompanies the appeal identifies that the site is almost entirely barren, being almost entirely covered by tarmac and buildings, and having a low ecological value.

8.10 The mud flats within the River Adur, around 40m from the edge of the site, are a priority habitat, which is used by a large number of birds. They are protected by the Shoreham Harbour JAAP, which requires compensatory mudflat habitats, should pontoons be proposed within them. The appeal proposals do not include any such pontoon, on the basis of the advice the Applicant received from The Ecology Partnership at an early stage in the design process. However, they do include proposals for the addition of timber baulking on the outside of the new river wall, which would provide a new habitat for invertebrate, crustacean and algae biodiversity.

8.11 The Preliminary Ecological Appraisal concludes that the proposed development would not have any adverse impacts on protected or priority species. However, the proposals do represent an opportunity to provide a notable net gain in biodiversity within the site. A number of measures are suggested within the report for the enhancement of biodiversity within the site, and beyond. The proposed development has been designed in consultation with The Ecology Partnership, to ensure that it would maximise the opportunity to enhance biodiversity.

8.12 The various landscaped spaces within the site offer opportunities for the provision of features which will enhance biodiversity within the site. New trees, shrubs and plants would be provided, using native species which are suitable for this coastal area. These would be located throughout the site, both at ground level and within roof gardens.

8.13 In addition to roof gardens, new green roofs would also be provided on the buildings. These would provide a mix of plant species, and other features such as log piles, sand and shingle, which would provide opportunities for a variety of invertebrates. Insect and bird nesting boxes would also be used on the buildings' roofs. Together these features would provide aerial green corridors within the landscape, which would benefit insects and birds.

8.14 It is also proposed to provide green walls on the buildings, which can create further niches for new habitats. They can also provide a linkage from green roofs to the ground. They would be clad in species such as climbing ivy, flowing clematis and honeysuckle.

8.15 This Statement is accompanied by a Biodiversity Net Gain Assessment (appendix 5), which concludes that the proposed development would result in a net gain of 960.78%. this would be a near 10-fold increase in biodiversity within the site, and it would provide a substantial benefit. We consider that this should be accorded substantial weight.

Providing Flood Defences

8.16 The appeal site is within Flood Zone 3 meaning it is at a high risk of flooding. This risk comes from the River Adur, which is tidal in this area. The Local Plan and the Shoreham Harbour JAAP each recognise this risk, and they perform the sequential test, to confirm that it is necessary to locate new homes here. There is simply nowhere else new homes can be provided, due to the other constraints to which the District is subject, as we explain in Section 7 above.

8.17 However, the provision of new development on this site would provide a major benefit to the local area, as it would provide an important part of the new flood defences for Shoreham, which are envisaged by the development plan. As illustrated on Map 12 of the Shoreham Harbour JAAP (Figure 3 above), these new defences are required to stretch along the length of the Western Harbour Arm. There is no identified source of public funding for these defences, the cost of which is very substantial, and they can only be provided by the private sector, through development such as that proposed by this appeal. Moreover, if development were not to take place on the appeal site, a hole would remain in these flood defences, and they would remain ineffective. The provision of new flood defences would be a public benefit, which weighs heavily in favour of allowing the appeal, and we consider it should be given substantial weight.

Minimising Carbon Emissions

8.18 The provision of new homes in a highly sustainable location, such as the appeal site, will encourage people to travel by sustainable modes of transport. People living within the site will be able to walk to the town centre and railway station, and catch a bus close to the site. They will also be encouraged to cycle, with the provision of generous cycle parking facilities.

8.19 The provision of car club spaces, (which are typically electric vehicles), and the provision of electric vehicle charging points, will also help to reduce the number of cars in the area, and speed up the transition to electric vehicles. This would be a wider planning benefit, as the car club spaces would be available to any residents living in the area, irrespective of whether or not they lived within the site. The car club spaces could reduce the number of cars parked on local streets, as they would provide a viable alternative to keeping a private car, which for many people would be cheaper. Removing parked cars from local streets would reduce on-street congestion, and also the potential total number of cars on local roads at any one time. We consider that this benefit should be accorded moderate weight.

8.20 In addition, the Framework Travel Plan (CD1.25) sets out measures which would be employed to encourage residents to travel by sustainable means. This would also help to minimise car use amongst the site's residents, and reduce the potential for congestion in the local area. We

consider that the way the development has been designed to minimise carbon emissions is a benefit which should be accorded moderate weight.

8.21 The proposed development has also been designed to ensure it would minimise carbon emissions in its future operation. No fossil fuels would be used within the site. Whilst the potential exists for a connection to be made to a future Shoreham Heat Network, the Appellant now envisages that this will not be necessary. This is due in part to the available technology having moved on significantly since the Heat Network was first proposed, meaning that on-site space and water heating can be achieved with similarly low levels of carbon emissions, and also at a lower cost for residents, than a Heat Network would be able to offer. In addition, the Council are yet to progress plans for the Heat Network, and in the absence of a site on which a Heat Plant could be located, or any funding for the project, the Council are unable to guarantee it would be available at the point the development was completed. The proposed apartments would however be provided with heat and hot water in a manner which would generate a low level of carbon emissions, and which is expected to exceed current (2022) building regulation requirements.

8.22 In light of this, it would not be reasonable for a legal agreement to require the Applicant to commit to the significant expense of providing the on-site infrastructure to facilitate a connection to a Heat Network, without any certainty that it will ever be available. Such an approach would also fail to accord with the requirement under paragraph 57 of the NPPF, and regulation 123 of the Community Infrastructure Levy Regulations, for planning obligations to be *"necessary to make the development acceptable in planning terms"*.

Economic Benefits

8.23 The proposed development would bring a range of economic benefits. During the construction period, which is scheduled to last for 120 weeks (2.3 years), around 350 construction workers would be employed on and off-site per annum. Many of these people would be local to the site, and they would in turn spend the wages they earned locally, leading to a significant boost to the local economy, in the region of £20.6 million. These figures have been calculated by Hatch, and they are set out within an Economic Benefits Statement at Appendix 4.

8.24 The s106 agreement also requires the developer to provide a plan setting out how they will include provisions for working with local learning, skills and employment groups, and colleges and training establishments, in order to procure local labour and arrange apprenticeships and skills training during the construction period. This would provide further benefits to local people, including the learning of new skills and employment.

8.25 Once completed the development would provide additional trade for local services and businesses within the town centre, which is within a short walk of the site. The site's location would help to ensure this benefit would be felt locally, in a way which would be far less likely in a development which was more remote from the town centre. Hatch have calculated that household spending from the development would be around £3.9 million per annum. The new residents would also provide money directly to the council with additional Council Tax receipts of £385,400 per annum, and the New Homes Bonus, which would help pay for local services.

8.26 New residential development is a key component that supports and builds economic development within its local area. The role that housing plays, as a driving force for a successful economy, is one of the main reasons that Governments are keen to boost house building in times of economic stress. Insufficient housing can lead to serious negative social and economic effects, through worsening affordability and a lack of choice. For instance, a lack of housing restricts choice in the market, encouraging those who can move further (generally higher earners) to move away, whilst those who cannot are forced to live in housing which does not meet their needs. For those reasons, paragraph 82 of the NPPF identifies *"inadequate infrastructure, services or housing"* as a *"barrier to investment"*.

8.27 Businesses will therefore naturally be drawn to areas with a good supply of housing. They will want to be in an area where all of their employees can find suitable housing, which is affordable to them. They will also want to be located in an area where there is a good range of housing available. A lack of housing generally, or of a particular type of housing, can deter businesses from locating in any one area. The quality of the local living environment, and the quality and availability of its housing stock, can thereby have a direct effect on the area's economic prospects.

8.28 Hatch have also calculated that the commercial space at ground floor level has the potential to generate in the region of 28-38 full-time equivalent jobs, depending on the use to which the space is ultimately put. This also has the potential to generate business rates of £22-49,000 per annum for the Council, and between £500,000 and £1.4 million in wages.

8.29 We consider that the various economic benefits which the proposed development would bring should be accorded moderate weight in the planning balance.

9 Reasons for Allowing the Appeal

9.1 There are many reasons for allowing the appeal.

9.2 The Council's reasons for refusal allege that the proposed development would not comply with the relevant policies of the development plan. However, the matters mentioned in the reasons for refusal are not substantiated, and they run contrary to the professional advice the members of the Planning Committee were given. There are no grounds for concluding that the reasons for refusal are valid. The proposed development would accord with the policies of the development plan.

9.3 The proposals would bring a wide range of benefits, including the provision of new market housing, environmental and economic benefits. The need for both market and affordable housing in Adur District is particularly acute. It is greater than in other instances, where Inspectors have determined that *"very substantial weight"* should be accorded to the provision of new homes, justifying development which conflicted with development plan policies, including those relating to new development within the Green Belt. This appeal does not offer anything like such a controversial choice, it being allocated for precisely the development which is proposed, and also being an under-used brownfield site in the urban area, close to the town centre.

9.4 The extent of affordable housing that will be provided, at minimum of 30%, will accord with the Council's policy requirement. Once the development has been completed, the site is to be sold to Vivid Housing Association, who intend to provide further affordable housing. These affordable homes are very greatly needed, due to a long-term and very substantial under-provision of affordable housing within the District, in the face of a very high level of need.

9.5 We consider that the proposed development complies with the policies of the development plan. But if it were to be considered that any weighed against approving this development, the weight which could be accorded to them would be limited, due to their being rendered out of date by NPPF 11(d). Conversely, the weight which must be attributed to the many benefits the appeal proposals would bring is very high.

9.6 Even if it were to be concluded, as the Council have, that the proposed development would not comply with the policies of the development plan, NPPF 11(d) would still be engaged due to the shortfall in the supply of housing land. There are no policies in the Framework which indicate that planning permission should be restricted (NPPF 11(d)(i) and footnote 8). There would also not be any adverse impacts which would significantly and demonstrably outweigh the substantial benefits which the appeal proposals would bring (NPPF 11(d)(ii) and footnote 7). NPPF 11d is engaged, and this renders the policies which are the most important for determining the application out of date, limiting the weight which can be attributed to them in decision-making.

9.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the development plan, unless material considerations indicate otherwise. It is clear that the proposals accord with the policies of the development plan, and that they should be approved. There are no material considerations which would indicate a different view should be taken. On the contrary, there

are a range of matters which weigh very heavily in favour of granting planning permission, as we have explained in Section 8 above. In addition, the presumption in favour of sustainable development weigh in favour of the appeal proposals. There is no doubt that planning permission should be granted without delay.

10 Method of Determining this Appeal

10.1 This Statement of Case outlines the Appellant's case in lodging this appeal, including summaries of specialist matters relating to the above reasons for refusal. Due to the complexity of the matters raised, we consider that it will be necessary to consider this appeal at a public inquiry.

10.2 Planning matters, including the appropriate weight to be attributed to different policies, the application of the presumption in favour of sustainable development, and proper balance of planning considerations, will require cross-examination. This is particularly important as the application has been refused contrary to the advice of Officers, and there will be a need to cross-examine whoever will be the Council's representative, to properly and fairly understand the rationale behind their new position, which is otherwise wholly unexplained. This is important not only for this appeal, but also for ongoing decisions within the Borough, in the face of a pressing need to boost the supply of homes, and the Council's refusal of both this and other proposals on allocated sites.

10.3 For the first reason for refusal, there is a need to properly examine the height, scale and composition of the buildings, and to properly scrutinise the relationship with adjoining buildings and the local area, to understand whether there would be compliance or otherwise with the relevant local and national policies. It will also be necessary to undertake an appropriate forensic and technical examination of existing and proposed parking demand. In the circumstances of this case it will not be capable of being undertaken with adequate and necessary clarity other than under cross-examination. It will also be necessary to examine the provision of open space within the site, and through the s106 agreement, and scrutinise the Council's position on how these matters should otherwise be addressed. These matters will require cross-examination, in order to appropriately and properly test the evidence and judgements which inform each side's position.

10.4 None of these matters are suitable for a written-only procedure, nor for a round-table process.

10.5 The Application raised a significant level of public interest. The Council's Committee Report (CD5.1) notes that the Council received a total of 153 comments in relation to the planning application. Accordingly, the Appellant considers that the most appropriate appeal procedure is for a public inquiry to be held.

10.6 We also consider that it will be necessary to present further evidence in due course, in the form of Proofs of Evidence. This Statement of Case has been prepared in this expectation.

A1 Appeal Core Documents

CD Ref	Name	Date
CD1 - Application Documents		
CD1.1	Application forms and certificates	10/08/2021
CD1.2	Design and Access Statement	10/08/2021
CD1.3	Supporting Planning Statement	10/08/2021
CD1.4	Addendum to Planning and Design & Access Statements	12/07/2022
CD1.5	Air Quality Assessment (V5)	21/09/2022
CD1.6	Ecological Appraisal	10/08/2021
CD1.7	Financial Viability Report	10/08/2021
CD1.8	Aspinall Verdi response to Dixon Searle on Financial Viability	10/02/2022
CD1.9	Fire Statement	10/08/2021
CD1.10	Gateway One Fire Statement	15/09/2022
CD1.11	BWC Fire letter to HSE re Fire Strategy	02/12/2022
CD1.12	Flood Risk Assessment and Drainage Strategy (Rev. C)	21/07/2021
CD1.13	Stantec response to the Environment Agency	31/03/2022
CD1.14	Stantec response to the Lead Local Flood Authority	31/03/2022
CD1.15	Daylight and Sunlight Assessment	22/10/2021
CD1.16	Ground Investigations Phase 1 Report	01/11/2020
CD1.17	Ground Investigations Phase 2 Report	31/03/2021
CD1.18	Heritage Statement	27/04/2021
CD1.19	Landscape Strategy (Rev. H)	28/10/2022
CD1.20	Noise Assessment (V2)	07/09/2022
CD1.21	Sustainability Statement	01/07/2021
CD1.22	Townscape and Visual Impact Assessment (Rev P1)	14/06/2021
CD1.23	Utilities Information Report	22/03/2021
CD1.24	Transport Assessment (Rev. A)	11/06/2021
CD1.25	Framework Travel Plan (Rev. A)	09/09/2022
CD1.26	Stantec response to West Sussex Council Highway comments	09/09/2022
CD1.27	Drawing 47462_5501_2614 P5, Preliminary Access Arrangements with Proposed A259 Cycleway	26/10/2022
CD1.28	Drawing 47462_5501_2615 P3, Preliminary Access Arrangements with Existing A259 Configuration	26/10/2022
CD1.29	Drawing 2939_LA_01 Rev. L, Concept Landscape General Arrangement	28/10/2022
CD1.30	Drawing 2937-LMP-01 Rev. J, Composite Landscape Masterplan	28/10/2022
CD1.31	Architect's drawings	
	19_400_PL00, Existing Topographical Survey	27/01/2022
	19_400_PL00.1A, Proposed Ground Floor Plan	23/05/2022
	19_400_PL00.2, Boundary Sections 1-2	08/2021
	19_400_PL00.3.A, Boundary Sections 3-4	16/09/2022
	19_400_PL00.4, Boundary Section 5	08/2021

	19_400_PL00.5, Boundary Sections 6-7	08/2021
	19_400_PL00.6, Boundary Sections 8-9	08/2021
	19_400_PL00.7, Boundary Section 10	08/2021
	19_400_PL01A, Existing Location Plan	18/10/2022
	19_400_PL02A, Existing Block Plan	18/10/2022
	19_400_PL03F, Proposed Ground Floor Plan	09/11/2022
	19_400_PL04A, Proposed Basement Floor Plan	08/09/2022
	19_400_PL05A, Proposed 1st Floor Plan	08/09/2022
	19_400_PL06A, Proposed 2nd Floor Plan	08/09/2022
	19_400_PL07A, Proposed 3rd Floor Plan	08/09/2022
	19_400_PL08A, Proposed 4th Floor Plan	08/09/2022
	19_400_PL09A, Proposed 5th Floor Plan	08/09/2022
	19_400_PL010A, Proposed 6th Floor Plan	08/09/2022
	19_400_PL11A, Proposed 7th Floor Plan	08/09/2022
	19_400_PL12A, Proposed 8th Floor Plan	08/09/2022
	19_400_PL13A, Proposed Roof Plan	08/09/2022
	19_400_PL14, Site Elevations	15/03/2022
	19_400_PL15A, Site Elevations	15/03/2022
	19_400_PL16, Proposed Ground Floor Plan - Block 1	21/09/2022
	19_400_PL17, Proposed 2nd and 3rd Floor Plans - Block 1	21/09/2022
	19_400_PL18, Proposed 4th and Roof Terrace Plans - Block 1	21/09/2022
	19_400_PL19, Proposed Roof Plan - Block 1	21/09/2022
	19_400_PL20, Proposed Ground Floor Plan - Block 2	21/09/2022
	19_400_PL21, Proposed 1st to 4th Floor Plans - Block 2	21/09/2022
	19_400_PL22, Proposed 5th Floor Plan - Block 2	21/09/2022
	19_400_PL23, Proposed 6th Floor Plan - Block 2	21/09/2022
	19_400_PL24, Proposed 7th Floor Plan - Block 2	21/09/2022
	19_400_PL25, Proposed Roof Plan - Block 2	21/09/2022
	19_400_PL26, Proposed Ground Plan - Block 3	21/09/2022
	19_400_PL27, Proposed 1st to 4th Floor Plan - Block 3	21/09/2022
	19_400_PL28, Proposed 5th Floor Plan - Block 3	21/09/2022
	19_400_PL29, Proposed 6th Floor Plan - Block 3	21/09/2022
	19_400_PL30, Proposed 7th Floor Plan - Block 3	21/09/2022
	19_400_PL31, Proposed Roof Plan - Block 3	21/09/2022
	19_400_PL32, Proposed Ground Floor Plan - Block 4	21/09/2022
	19_400_PL33, Proposed 1st, 3rd and 5th Floor Plan - Block 4	21/09/2022
	19_400_PL34, Proposed 2nd and 4th Floor Plan - Block 4	21/09/2022
	19_400_PL35, Proposed 6th Floor Plan - Block 4	21/09/2022
	19_400_PL36, Proposed 7th Floor Plan - Block 4	21/09/2022
	19_400_PL37, Proposed Proposed 8th Floor Plan - Block 4	21/09/2022
	19_400_PL38, Proposed Roof Plan - Block 4	21/09/2022
	19_400_PL39A, Block 1 - Elevations	07/04/2022
	19_400_PL40A, Block 2 - Elevations 1	07/04/2022
	19_400_PL41A, Block 2 - Elevations 2	07/04/2022

	19_400_PL42A, Block 3 - Elevations 1	07/04/2022
	19_400_PL43B, Block 3 - Elevations 2	17/10/2022
	19_400_PL44B, Block 4 - Elevations 1	17/10/2022
	19_400_PL45B, Block 4 - Elevations 2	17/10/2022
	19_400_PL_P_3D Views 1, Height	
	19_400_PL_P_3D Views 2, Height	
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	19_400_PL_P_3D Night-time 8	
	19_400_PL_P_3D Night-time 9	
	19_400_PL_P_3D Night-time 10	
	19_400_P_Figures Schedule	26/09/2022
	19_400_P_Floor Areas Schedule	18/10/2022
	Low Level Sections, Ground Floor Plan	
	Low Level Sections, Block 1 Section A	
	Low Level Sections, Block 1 Section B	

	Low Level Sections, Block 2 Section C	
	Low Level Sections, Block 2, Section D	
	Low Level Sections, Block 3, Section E	
	Low Level Sections, Car Park Ramp Section F	
	Low Level Sections Block 4 Section G	
	Low Level Sections, Section H	
	Low Level Sections, Section I	
CD2 - Local Policy and Guidance Documents		
CD2.1	Adur Local Plan 2017	14/12/2017
CD2.2	Adur Local Plan Inspector's Report	29/09/2017
CD2.3	Adur Local Plan Inspector's Report - Appendix	29/09/2017
CD2.4	Shoreham Harbour Joint Area Action Plan 2019	31/10/2019
CD2.5	Adur Policies Map 2019 - Overview	2019
CD2.6	Adur Policies Map 2019 - Inset Maps 1, 2 & 3 (Shoreham, Lancing and Southwick town centres)	2019
CD2.7	Adur Policies Map 2019 - Inset Map 4 (Shoreham Harbour Regeneration Area)	2019
CD3 - National Policy and Guidance Documents		
CD3.1	National Planning Policy Framework July 2021	20/07/2021
CD3.2	National Planning Practice Guidance	
CD4 - Appellant Documents		
CD4.1	Report of the Coastal West Sussex Design Review Panel - First Meeting	05/10/2020
CD4.2	Report of the Coastal West Sussex Design Review Panel - Second Meeting	15/03/2021
CD4.3	Report of the Coastal West Sussex Design Review Panel - Third Meeting	01/10/2021
CD4.4	Guidelines for Landscape and Visual Impact Assessment; Third Edition, 2013 (GLVIA3)	17/04/2013
CD4.5	South Downs National Park: View Characterisation and Analysis	04/11/2015
CD4.6	Western Harbour Arm Tall Buildings Capacity Study	01/09/2017
CD4.7	Natural England National Character Areas Plan, NCA Profile 126, 126 South Coast Plain	24/02/2014
CD4.8	Letter from Vivid Housing Association	08/03/2023
CD4.9	Report to the Planning Committee for application AWDM/1315/22 (S73 Variation to consent for Free Wharf site, for an additional 39 dwellings)	31/01/2023
CD5 - Council Documents		
CD5.1	Planning Committee Report	21/09/2022
CD5.2	Addendum to Planning Committee Report	27/09/2022
CD5.3	Transcript of Planning Committee Meeting	27/09/2022
CD5.4	Decision Notice	21/12/2022
CD6 - Appeal Decisions		
CD6.1	APP/B1930/W/20/3265925, Roundhouse Farm, Colney Heath	14/06/2021

CD6.2	APP/V1505/W/21/3281212, Basildon Town Square North, Basildon	30/03/2022
CD7 - Case Law		
CD7.1	Forge Field vs Sevenoaks 2014 EWHC 1895 Admin	12/06/2014

Appendix 2

Strategic Planning Research Unit
A specialist team within DLP Planning Ltd

For and on behalf of
Shoreham Brighton Road Ltd

REPORT ON HOUSING DELIVERY AND SUPPLY IN ADUR DISTRICT COUNCIL

Site: 69 - 75 Brighton Road Shoreham-By-Sea West Sussex BN43 6RE
Proposal: Demolition of existing buildings, construction of 183 residential apartments and commercial development over 4 blocks between 5 and 9 levels

Prepared by
Strategic Planning Research Unit
DLP Planning Ltd
Sheffield Office

October 2022

DRAFT

Prepared by:	Roland G Bolton BSc(Hons) MRTPI Senior Director
Checked by:	Insert Name Insert Qualification Insert Position
Approved by:	Insert Name Insert Qualification Insert Position
Date:	October 2022

Strategic Planning Research Unit

V1 Velocity Building
Ground Floor
Tenter Street
Sheffield
S1 4BY

Tel: 01142 289190

Broad Quay House (6th Floor)
Prince Street
Bristol
BS1 4DJ

Tel: 01179 058850

4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH

Tel: 01234 832740

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Strategic Planning Research Unit

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Strategic Planning Research Unit

1.0 INTRODUCTION

1.1 This report has been produced to support the appellants statement of case for the planning appeal against the refusal of the planning permission for 183 apartments and commercial development at 69 - 75 Brighton Road Shoreham-By-Sea.

1.2 This report provides an overview of the past and future housing delivery in Adur including the overall level of delivery, the Housing Delivery Test, the five year housing land position and the delivery of affordable housing.

1.3 It is important to note at the outset that the Council's Annual Monitoring Report published in May 2022 covers the period up to 1st April 2021. The accompanying Strategic Housing Land Availability Assessment (SHLAA) update again published in April 2022 has a base date of a year earlier (1st April 2021).

1.4 The actual Five-Year Housing Land Supply 2020 – 2025 report is now two years out of date, and measured against the Local Plan requirement of 177 dwellings per annum (dpa).

1.5 As the local plan was adopted on the 14th December 2017 the calculation as set out in the published Land Supply Report will be out of date as from the 15th April 2022 there will need to a calculation of the five-year supply using the Standard Method. At present the Standard Method calculation is much higher than that in the Local Plan driven both by the 2014 growth in households of 319 households per year (2022 – 2032) and an increasing affordability Ratio of 13.41 in 29=021

1.6 Therefore, while it may be argued these are relatively recently published the fact, they do not address the situation for this year means that at present the council can not be seen to be in compliance with paragraph 74 of the Framework which requires an annual update of housing land supply.

1.7 Failure to demonstrate an uptodate eland supply triggers the presumption in favour of sustainable development (Framework paragraph 11d footnote 8).

2.0 THE OVERAL SCALE OF HOUSING DLEIVERY

2.1 The 2021 AMR suggests that on average there have been 107 dwellings added per year to the existing stock.

Table 1. Net additions from AMR

	Gross completions	Losses	Net dwelling Completions
2011/12*	204	11	193
2012/13	153	7	146
2013/14	103	10	93
2014/15	105	9	96
2015/16	38	7	31
2016/17	71	7	64
2017/18	121	7	114
2018/19	118	7	111
2019/20	33	20	13
2020/21**	229	21	208
Average	118	11	107

Source: ADC AMR 2022

2.2 This level of provision is both below the adopted Local plan requirement of 177 dpa and considerably below the housing requirement set by the Standard Method of 446 dpa.

3.0 THE HOUSING DLEIVERY TEST

3.1 According to the governments published table in the period 2018 to 2021 Adur was required to deliver some 457 dwellings but only delivered 457. This is just 77% of the requirement and therefore the Buffer of 20% needs to be applied to the housing requirement.

3.2 The 2020 Five Year Land Supply Report applied the 20% buffer in the same context.

4.0 THE CALCULATION OF THE STANDARD METHOD FOR DECISIONS FROM THE 15TH DECEMBER ONWARDS

4.1 From the 14th December 2022 the Local Plan will be over 5 years old. There has been no review of the housing requirement in the plan and as such from the 14th December 2022 the Standard method Should be used to calculate the five-year land supply.

4.2 This calculation differs from that in the Adur and Worthing SHMA (Mach 2020) in that the change in the time period increases the number of projected households, the 2021 affordability ratio is 13.41 compared to the 2018 ratio used of 11.9, and lastly from 15th December 2022 the higher caps used not the lower cap (i.e., the requirement is capped to 40% increase in projected households not 40% increase on the lower plan requirement).

4.3 The detailed method for doing this is set out in the PPG (Paragraph: 006 Reference ID: 2a-006-20190220). The table below sets out this calculation.

Table 2. Calculation of housing requirement using the standard method for decision making 15th December 2022 onwards

SM Calculation for Adur	
2021 Affordability Ratio	13.41
Households at 2022 from 2014 Household projections	29,979
Households at 2032 from 2014 Household projections	33,164
Household growth 2022 to 2032 from 2014 Household projections	3,185
Annual rate of change	318.5
Step 2 Adjustment factor	1.59
Annual requirement	506
Step 3 Cap >40% of household projection	446
Step 3 Cap >40% of Strategic policy figure 177	248
Result higher of the capped requirements	**446**

4.4 The Standard method represents a significant uplift in the level of the housing requirement, in part driven by the increasing affordability ratio which reflects the low level of dwellings provision that has occurred over the last decade.

5.0 THE FIVE-YEAR LAND SUPPLY

5.1 As highlighted in the introduction the councils five-year housing land supply statement is based on the period 2020 to 2025.

5.2 In cases where the supply evidence is somewhat dated but there is new evidence on need then decision makers may simply recalculate the five-year land supply based upon the revised housing requirement.

5.3 In this case the published evidence on supply is that this totals to some 1,874 dwellings for the period 2020 to 2025 compared with the new need calculated from the Standard Method of 2,675 dwellings which results in a shortfall of 801 dwellings and 3.5 years supply.

5.4 Our analysis however has not stopped at that point because it is recognised that there have been completions as well as new permissions granted.

5.5 This report therefore undertook the following:

a) Identified all new planning application submitted and permissions granted for residential development since 1st April 2020 these were categorised into

b) Checked the planning status of those sites which were identified in the 2021 SHLAA which were not listed as completed

c) Checked the status of the "potential sites" in the SHLAA 2021

5.6 Once identified the sites were categorised into those which had full permission or reserved matters (referred to category A sites) and those which were allocations, outline permissions, SHLAA sites, and sites with planning permissions pending.

5.7 This categorisation was undertaken as the Framework requires a different approach to evidence required to include category a and B sites into the five-year land supply. This is set out in Annex 2 of the Framework as follows:

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

5.8 This approach was then applied to the revised list of sites and the results are explained briefly in the following tables.

5.9 As we have not been able to monitor completions on small sites, we have assumed that all small sites granted permission since 1st April 2020 remain in the supply (this is unlikely to be the case and might over estimate the future completions from this source).

5.10 As well as applying the test of delivery we also considered the lead in times and build out rates for some of the larger sites using the second edition of “start to Finish” as a guide as there is no up to date local evidence for these sites.

5.11 Lastly as a sense check we also undertook a calculation that included those sites that have been identified where the planning application is still pending and, in our opinion, does not meet the test of deliver as set by the Framework

5.12 The table on the next page confirms that using the published supply and the housing requirement as it will be at the time of the decision there will not be a 5-year supply, it further suggests that even if the supply was updated and tested against the definition of delivery there would remain a significant shortfall in the five-year land supply which is unlikely to be made up even if sites not presently considered to be deliverable are later included in the assessment.

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Table 3. Summary table of 5-year land supply

Five-year land supply	ADUR	SPRU 2022	SPRU 2022 including sites with pending permissions	
Requirement	446	446	446	
HDT 2021 77%	20%	20%	20%	
Annual Requirement	535	535	535	
5 Year Requirement	2,675	2,675	2,675	
All Commitments (excluding New Monks Farm)	532			
SHLAA Sites	446			
Cat A Supply: Lage Sites with Full or RM planning permission		243	388	
Cat A Small Sites post 01/03/2020		87	87	
Cat B Supply		258	588	Adjusted for delivery on New Monks farm / East of Shadwell Rd (162 delivered out of 385) and West Sompting (96 delivered out of 373)
West Stomping	156			Included in B (96 with full PP pending)
New Monks Farm	236			Included in Cat A (99) and B (150)
Shoreham Harbour Regen Area	460			Included in Cat A (110) Kingston Wharf
Windfall 22 pa	44	44	44	
Total Supply	1,874	632	1,107	
Surplus	-801	-2,043	-1,568	
Years Supply	3.5	1.2	2.1	

Table 4. Large sites (10 plus) with Full Planning Permission or Reserve matters

Application Reference	Application Type	Address	Description	Dwellings	Decision	Date	dwellings not started with full PP	Lead in time	Build out rate	dwellings in 5-year land supply	Comment
AWDM/0961/17	Hybrid	Land East of Shadwells Road at Mash Barn Estate Mash Barn Lane Lancing West Sussex (New Monks Farm)	Hybrid planning application seeking (1) Full planning permission for the demolition of existing buildings and erection of 249 dwellings, (2) Outline planning permission (with only landscaping reserved) for a non-food retail store (Use Class A1); and (3) Outline planning permission (with all matters reserved other than access) for the erection of a further 351 dwellings,	249	Permitted	2/4/2020	99			99	Appears from Carla interactive site plan that approximately 150 units have been sold and assumed completed. so, 99 left to complete with full PP
AWDM/0204/20	Full	Kingston Wharf Brighton Road Shoreham-By-Sea West Sussex	Mixed-use redevelopment comprised of three blocks of residential dwellings (4 to 8 storeys) and mixed-use business centre (office, storage and cafe uses) - incorporating riverside walk, landscaping and ancillary car and cycle parking.	255	Permitted	1/29/2021	255	3	55	110	Discharge of conditions still awaiting to be signed off. Developers web site suggest first dwellings will be available in 2025. delivery at 21% or 55 dpa for sites of this size. some blocks will be delivered consecutively. so, assume 2 out of the 3 blocks delivered by 2026/7
AWDM/1281/19	Full	Mannings Surry Street Shoreham-By-Sea West Sussex	Demolition of existing building and structures and construction of building ranging in height from three to six storeys providing 74 residential units.	74	Permitted	10/15/2021	34			34	This is a redevelopment with a loss of 40 flats and replacement with 74 so net gain is 34 dwgs
							388	3	55	243	

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Table 5. Large sites (10 plus) with Full Planning Permission or Reserve matters

Application Reference	Application Type	Address	Description	Dwellings	Decision	Date	Lead in time	Build out rate	dwellings in 5-year land supply	Comment
AWDM/0021/22	Hybrid	Land East of Shadwells Road at Mash Barn Estate Mash Barn Lane Lancing West Sussex (New Monks Farm)	Erection of 385 dwellings and Community Hub (Flexible Class E/F1/F2 use) along with associated access, landscaping, car parking and public open space (an increase of 34 dwellings from the outline approval of 351 dwellings (AWDM/0961/17).	385	Pending		2 years	54	162	Allow for 99 with full PP to be completed at 50 dpa Lichfield "Start to finish" 2nd edition suggest 9% of sites 500 - 999. Full site size 600 units so this would suggest between 54 dpa. Strat to finish average planning to delivery sites 500 -999 1.7 years.
AWDM/1481/21	Full	Land At Former 5 Brighton Road Shoreham-By-Sea West Sussex BN43 6RN	Proposed mixed-use re-development between 3 and 8 storeys comprising of 21 townhouses, mixed-use apartment block of 24 flats, riverside walk, landscaping, and parking.	45	Refused	9/15/2022			0	Refused not available. No evidence of delivery
AWDM/1473/21	Full	69 - 75 Brighton Road Shoreham-By-Sea West Sussex BN43 6RE	Demolition of existing buildings, construction of 80no. 1 bedroom and 103no. 2 bedroom residential apartments and commercial development over 4 blocks between 5 and 9 levels,	183	Refused				0	Subject to this appeal
AWDM/1450/21	Full	Land East Of 1 To 11 Mercury House Ham Road Shoreham-By-Sea West Sussex	Erection of two blocks of development ranging in height between 3 - 9 storeys comprising 159 residential units comprising a mix of 1-bed, 2- bed and 3-bed units (including a minimum of 30% of affordable housing), commercial (Class E) floorspace at ground floor, and associated parking and landscaping.	159	Pending				0	Redevelopment of Adur Civic Centre. No PP and so not clear evidence of delivery
AWDM/0323/19	Hybrid	Land South of West Street and West of Loose Lane Sompting West Sussex	Hybrid planning application for up to and including 469 homes comprising: (1) Outline planning permission (all matters reserved with the exception of access) for the erection of up to and including 373 dwellings. (2) Full planning permission for 96 dwellings (part of the overall 469 dwellings (3)	373	Pending				96	96 dwgs on phase 1 plan subject to application for Full PP are included but those that are just subject to the OL application are not included. Lead in time for sites of this size 1.9 years from grant of PP build out rate of 21% (469) would be 98 dpa but this level is most unlikely with a single developer so average rate for

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Application Reference	Application Type	Address	Description	Dwellings	Decision	Date	Lead in time	Build out rate	dwellings in 5-year land supply	Comment
			Change of use of land south of Hamble Recreation Ground to community/education and agricultural/horticultural uses associated with a new Community Farm. AMENDED PLANS received to show formation of new agricultural access to Sompting Estate land to west within Phase 1							this size of site has been assumed 55 dpa.
AWDM/1979/17	Full	Land At Former 5 Brighton Road Shoreham-By-Sea West Sussex	Demolition of existing building and erection of 3 buildings to provide 136 dwellings (including 30% affordable) comprising 21no. three bed, 61no. two bed, 46no. one beds and 8no. studio flats, community and residents' space as flexible D1/D2 space to ground floor, flexible A1/A3 to ground floor,	136	Withdrawn				0	No Clear evidence of delivery
AWDM/1119/19	Full	Land West Of 51 To 63 Southview Road Southwick West Sussex	Demolition of 53 and 55 Southview Road and construction of 4 No. 3 bedroom terrace and 4 No. semi-detached dwellings and 2 no. 4 bed detached dwellings with new vehicular access from Southview Road and associated parking and amenity areas.	10	Appeal Dismissed	12/10/2019			0	PP refused. No Clear evidence of delivery
AWDM/2037/20	Full	Free Wharf Brighton Road Shoreham-By-Sea West Sussex	Erection of a six to eight storey building comprising 782sqm of office space (Class E (g)(i)) floorspace and 97 residential homes, resident's concierge, car and cycle parking, refuse and landscaping (an alternative to the building previously approved as part of planning permission AWDM/1497/17). Application AWDM/1315/22 increases number of units by increasing the number of floors in proposed building from phase 2 total of 411 by 99 units to 510 units.	97	Pending				0	To delegate to the Head of Planning and Development to GRANT planning permission subject to s106 1) revised energy strategy and 2) "connection ready" to a future district heat network Planning permission (Ref: AWDM/1497/17) was granted on the 9th August 2018 for the redevelopment of Free Wharf. The planning permission has been implemented and Phase 1, consisting of two buildings known as buildings G and H. These blocks front onto Brighton Road and are under construction with completion

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Application Reference	Application Type	Address	Description	Dwellings	Decision	Date	Lead in time	Build out rate	dwellings in 5-year land supply	Comment
										anticipated for summer 2023. Further app for re plan of reminder of scheme submitted 12.09.22. No Clear evidence of delivery
AWDM/0585/22	Full	Land At 68 And South Of 68 To 86 Manor Hall Road Southwick West Sussex	Erection of 22 residential units, with associated landscaping and access arrangements.	22	Pending				0	Application received after 1st April 2022. The site was originally home to Eastbrook Primary School. The school was officially closed on 31 August 2013.The Eastbrook Primary School building was declared surplus to requirements and was hence demolished and the site cleared. PP not granted no clear evidence of delivery
AWDM/1230/22	Full	Ashcroft 100 Kingston Lane Shoreham-by-sea West Sussex	Demolition of the existing main building, retention of the existing bungalows and construction of a new three-storey residential building with ancillary works	52	Pending				0	Application Received 19.07.22 so after 1st April 2022.
AWDM/1999/21		Land at 7-27 Albion Street, Southwick	Demolition of 11-27 Albion Street and redevelopment to provide a total of 55 affordable flats within two blocks of 4-6 storeys in height and the refurbishment of 7-9 Albion Street, with 31 parking spaces.	39	Pending				0	SHLAA states that planning permission has been granted and a section 106 agreement has been signed (May 2020). Work commenced on site in March 2021. Therefore, the site is classified as a committed site for the purposes of their assessment. No PP and no clear evidence of delivery.
				1501	1088				258	

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Table 6. Check of SHLAA sites from the 2021 AMR

SHLAA Ref	Site	Site Total	Total 2022/27	Comments	Dwgs included in SPRU Calculation
ADC/059/13	Adur Civic Centre, Ham Road, Shoreham	171	171	Included in the assessment as Cat B site Land East Of 1 To 11 Mercury House Ham Road Shoreham-By-Sea West Sussex	0
ADC/037/13	Garage compound Daniel Close Public consultation for 9 dwgs 2021 no application. Not sufficient evidence that site will deliver	10	10	Council Owned Public consultation in 2021 for 9 dwellings. No Application. Not clear evidence.	0
ADC/036/13	Garage Compound Gravelly Crescent	7	7	Site will be made available for development but the council but has not yet been made available. Subject to public consultation and feasibility work.	0
ADC/082/13	Laundry, Alma Street, Lancing	13	13	No activity on site no clear evidence of delivery	0
ADC/086/13	Community Buildings, Pond Road, Shoreham	27	27	Multiple ownerships SHLAA suggested 6 to 10 years. No activity on site. No clear evidence of delivery	0
ADC/119/13	Land at Eastbrook Primary School, Manor Hall Road, Southwick	36	36	Although promoted for development there is no obvious access without demotion of existing dwelling. Access difficulty narrow and steep. The site is in multi ownership. No planning application. No clear evidence of delivery.	0
ADC/124/13	Land west of Highview, Sompting	13	13	Purchased by Adur, no planning Application, not for sale. No clear evidence of delivery.	0
ADC/25/13	Lancing Police Station, 107-111 North Road, Lancing	32	32	Purchased by Adur, no planning Application, not for sale. No clear evidence of delivery.	0
ADC/153/18	Mannings, Surry Street, Shoreham-by-Sea	40	40	Included in assessment as net increase of 34 dwellings	34
ADC/151/18	Land east Manor Close and south	35	35	This site is part of the wider allocation of New Monks Farm. While owners have expressed an interest in developing the site there are no pending planning applications. There is no clear evidence of delivery.	0
ADC/154/18	Joyful Whippet, Steepdown Road, Sompting	5	5	Included in assessment as PP has been granted for 6 units	6
ADC/136/13	The Pilot, Station Road, Southwick	34	34	Planning Application recommended for approval April 2021 subject to s106 which has yet to be signed. No other action on the site since March 2021. No clear evidence of delivery.	0
SHLAA Sites			423		

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Shoreham Harbour		Site Total	Total 2022/27		Dwgs included in SPRU Calculation
SH/001/13	Former Howard Kent site, 5 Brighton Road, Shoreham-by-Sea	45	45	Identified in assessment but discounted as full PA was Refused 9/15/22	0
SH/009/18	Paladone, New Wharf, Brighton Road, Shoreham-by-Sea	100	100	SHLAA 2021 states site is not currently available for development but that discussion have indicated that it will come forward in next five years. No planning application. No clear evidence of delivery	0
SH/014/18	EMR Egypt Wharf, Brighton Road, Shoreham	180	120	SHLAA sates that the site is available for development however it appears that European Dismantlers are still operating form the site. There is no planning application on site. No clear evidence of delivery.	0
SH/013/18	Fuel Tanks, Lennards Wharf, Brighton Road, Shoreham-by-Sea	120	44	SHLAA sates that the site is available for development . There is no planning application on site. No clear evidence of delivery.	0
SH/010/18	Frosts/ Montgomery, Brighton Road, Shoreham	100	100	This site is subject of this appeal and has been refused planning permission.	0
SH/011/18	Kwik-fit/ Ham Business Centre	40	0	This site was not identified to deliver to 2027/28 in the SHLAA.	0
SH/012/18	Monteum	50	0	This site was not identified to deliver to 2027/28 in the SHLAA.	0
Shoreham Harbour		**635**	**409**		

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Table 7. Check of SHLAA Commitments not listed as completed

SHLAA	Site	SHLAA Description	PP	Comment	Dwgs in SHLAA 2021	Net Dwgs at 2022	SPRU Comment
ADC/076/13	Land at 7-27 Albion Street, Southwick	Planning permission has been granted and a section 106 agreement has been signed (May 2020). Work commenced on site in March 2021. Therefore, the site is classified as a committed site for the purposes of this assessment.		Demolition of 11-27 Albion Street and redevelopment to provide a total of 55 affordable flats within two blocks of 4-6 Storeys in height and the refurbishment of 7-9 Albion Street, with 31 parking spaces.	55	39	Included in Large sites 55 dwellings minus loss of 16. new application WDM/1999/21 application to vary condition 1 (plans) Status: Pending Decision
ADC/084/13	Yard rear of St Peters Place, Western Road Stomping	A Planning application has been submitted (AWDM/0300/20) for 18 x 1 bed apartments and permission has been granted (October 2020) therefore the site is taken forward as a committed site for the purposes of this assessment. Outside of the monitoring period a planning application (AWDM/1202/21) was approved (September 2021) for a 2 Storey commercial building comprising of 6 units.	WDM/1202/21 and AWDM/0300/20	WDM/1202/21 is for commercial Class E(g) Units and was granted AWDM/0300/21 was for 3 Storey residential (18 one bed units)>neither have had conditions signed off.	18	0	The application for class E was submitted after the residential application and so is the latest expression of the landowners thinking for the future of this site
ADC/122/13	New Monks Farm, Lancing	The site was allocated in the Adur Local Plan 2017.A hybrid planning permission (part full and part outline) has been granted for the development of this site, and work has commenced on site.	AWDM/0961/17		249	0	Included in major sites Land East of Shadwells Road
ADC/163/20	The Old Town Hall, 142 Albion Street, Southwick, Southwick	A planning application has been approved for the redevelopment of this site and therefore, for the purposes of this assessment the site is taken forward as a committed site.	AWDM/0877/20	AWDM/0877/20	6	0	Included in small sites
SH/006/16	Kingston Wharf, Brighton Road, Shoreham-by-Sea Shoreham	The site was allocated in the Adur Local Plan 2017. A hybrid planning permission (part full and part outline) has been granted for the development of this site, and work has commenced on site.	AWDM/0204/20		255	0	Included in Major Sites

Table 8. Small Sites included as Cat A sites.

Application Reference	Address	Description	Net Dwellings	Decision	Date
AWDM/0652/22	29 Rectory Walk Sompting West Sussex BN15 0DU	Conversion of property into 2 dwelling houses and single storey extension	1	Accepted	4/14/2022
AWDM/1616/20	46 Old Fort Road Shoreham-By-Sea West Sussex BN43 5RJ	Demolition of existing property. Proposed construction of two-storey house with first floor terrace to the south elevation. Front boundary wall and sliding gate. Use of render, timber and zinc cladding to external elevations.	0	Accepted	10/3/2020
AWDM/0384/22	Land North Of 1 To 28 The Haven Brighton Road Lancing West Sussex	Construction of 7no. 3 bed dwellings within a terrace of 2 storey buildings with accommodation in the roof space and 14no. parking spaces, 20no. cycle spaces and associated works including landscaping.	7	Accepted	5/20/2022
AWDM/0068/22	Land East Of 69 Highdown Southwick West Sussex	Proposed 2no. three bedroom houses attached to the east of no. 69 with rear dormers and rear balconies at first floor. Hip to gable to easternmost dwelling. (Part retrospective)	2	Accepted	4/28/2022
AWDM/1527/21	St Peter's House 107A Gardner Road Southwick Brighton West Sussex BN41 1PN	Proposed two storey detached house with rear dormer	1	Accepted	8/23/2021
AWDM/2172/21	1 - 3 Ham Road Shoreham-By-Sea West Sussex BN43 6PA	Change of Use from Chiropractors (Use Class D1) to 1no. 3 bedroom dwelling with new rooflight to west roofslope.	1	Accepted	3/23/2022
AWDM/2135/21	168 Brighton Road Lancing West Sussex BN15 8LL	Sub-division of existing maisonette to form 2no. three bedroom flats, incorporating remodelling of property with a second floor flat roofed extension including timber and zinc cladding and white render.	1	Accepted	2/8/2022
AWDM/2126/21	36 Barfield Park Lancing West Sussex BN15 9DG	Construction of two dwellings along with provision of landscaping and a vehicle crossover on to Mash Barn Lane. Demolition of garage and provision of 2 parking spaces to 36 Barfield Park. (36 and 37)	2	Accepted	2/25/2022
AWDM/2120/21	1A Station Parade South Street Lancing West Sussex BN15 8AA	Change of use of taxi office (Sui Generis) to 1no. 1 bedroom residential unit with replacement windows in white UPVC.	1	Accepted	3/3/2022
AWDM/2056/21	212 Manor Hall Road Southwick Brighton West Sussex BN42 4NH	Erection of a detached two storey 2 bedroom house with 2no. car parking spaces	1	Accepted	1/11/2021
AWDM/0608/20	Hydrene 45A Underdown Road Southwick West Sussex BN42 4HN	Subdivision of existing dwelling to form 2no. 3 bed dwellings including construction of dormer windows to front (south) and rear (north) roofslopes; construction of 4 bed bungalow with rooms in the roof in garden to south of existing dwelling; plus 7parking spaces	2	Accepted	12/15/2020
AWDM/2007/21	51 Old Fort Road Shoreham-By-Sea West Sussex BN43 5RL	Demolition of existing chalet bungalow and construction of a pair of semi detached 3 storey, 3 bedroom houses (including lower ground floor below existing ground level.)	1	Accepted	11/8/2021
AWDM/1928/21	Ash Croft 22 Elm Grove Lancing West Sussex	Remove existing pitched roof, additional second floor to existing two storey building to create 2no. one bedroom flats with flat roof. Enlargement of existing bin store and cycle store and 2no additional parking spaces (22 Ashcroft and 24 Elmcroft)	1	Accepted	12/6/2021
AWDM/1807/21	229 Old Shoreham Road Southwick Brighton West Sussex BN42 4LR	Conversion of 4 bedroom detached house into 1no. 1 bedroom and 1no. 2 bedroom self contained flats.	1	Accepted	1/14/2022
AWDM/1527/21	St Peter's House 107A Gardner Road Southwick Brighton West Sussex BN41 1PN	Proposed two storey detached house with rear dormer	1	Accepted	12/12/2021

Application Reference	Address	Description	Net Dwellings	Decision	Date
AWDM/1492/21	1 Riverside Southwick West Sussex BN42 4AW	Proposed Change of Use of an office (Use Class B1a) to form 1no. residential unit (Use Class C3) at lower ground floor level.	1	Accepted	9/21/2021
AWDM/1469/21	Land West Of 9 Irene Avenue Lancing West Sussex	Erection of a new single storey detached dwelling with car port on east side and 2 parking spaces.	1	Accepted	12/10/2021
AWDM/1434/21	Garage Block 123 To 139 Wilmot Road Shoreham-By-Sea West Sussex	Demolition of existing garages and construction of a terrace of 4no. 2 bed dwellings and 1 no. 1 bed wheelchair accessible bungalow and associated works.	4	Accepted	9/7/2021
AWDM/1394/21	44 Brighton Road Lancing West Sussex BN15 8ET	Erection of a 2 bedroom dwelling in front garden, together with associated landscaping and parking.	1	Accepted	9/30/2021
AWDM/1327/21	The Schooner 146 Albion Street Southwick West Sussex BN42 4AU	Change of use from public house to a single dwelling	1	Accepted	12/8/2021
AWDM/1272/21	Land Between 38 And 40 And South Of 32 To 44 St Giles Close Shoreham-By-Sea West Sussex	Demolition of existing garage blocks and construction of 2no. 2 bed 2 storey dwellings and 2no. 1 bed single storey dwellings	4	Accepted	9/7/2021
AWDM/1247/21	Garage Compound 1 To 20 Gardner Road Southwick West Sussex	Demolition of existing garage blocks; erection of 2no. 3 bed semi-detached dwellings with associated works and car parking.	2	Accepted	9/7/2021
AWDM/1063/21	Garage Site Off Avon Close And West Of 19 Sylvan Road Sompting West Sussex	Demolition of garage blocks and construction of 6 dwellings (4 x 2 storey dwellings and 2 x single storey bungalows) with access off Sylvan Road and Avon Close	6	Accepted	11/12/2021
AWDM/1004/21	80 Brook Way Lancing West Sussex BN15 8DH	Construction of 1 no. 2 bed attached dwelling with 1 no. parking space and new vehicular access. Demolition of existing garage.	1	Accepted	10/28/2021
AWDM/0977/21	126 Upper Shoreham Road Shoreham-By-Sea West Sussex BN43 6TD	Demolition of existing house and the erection of 4 x 3 bed semi-detached houses with associated parking and bin store	4	Accepted	6/8/2022
AWDM/0797/21	127 South Street Lancing West Sussex BN15 8AS	Change of Use from Class B1 (Offices) to C3 dwelling; including second floor balcony with balustrade to rear (East), new front entrance and additional windows and internal layout	1	Accepted	1/7/2022
AWDM/0791/21	117 - 119 Sompting Road Lancing West Sussex BN15 9LG	Separation of existing single storey rear extension to facilitate use as a separate dwelling (resubmission of AWDM/0454/17)	1	Accepted	6/9/2021
AWDM/0554/21	Houseboat Valeur 22 Riverbank Shoreham-By-Sea West Sussex BN43 5YH	Creation of new four bedroom floating home and associated access and ancillary solar array, bike storage, plant room, shower and WC enclosure.	1	Accepted	12/13/2021
AWDM/0028/21	Land North Of 33 Leconfield Road Lancing West Sussex	Construction of 2no. two-bedroom attached dwellinghouses, with 3no. parking spaces and cycle storage.	2	Accepted	3/15/2021
AWDM/2052/20	13 South Street Lancing West Sussex BN15 8AH	Change of use of 13 and 15 South Street from commercial use to 1no. three-bedroom dwelling and 1no. four-bedroom dwelling, with new gates, parking and bike stores.	2	Accepted	1/29/2021
AWDM/2030/20	59 Halewick Lane Sompting Lancing West Sussex BN15 0ND	Demolition of existing bungalow and garage and redevelopment with a pair of semi-detached 3no. bedroom two storey dwellings with 1 car parking space each; bin and cycle stores (revised proposal - re-siting of proposed houses)	1	Accepted	2/25/2021

Application Reference	Address	Description	Net Dwellings	Decision	Date
AWDM/1541/20	106 Brighton Road Lancing West Sussex	Demolition of two existing properties of converted self-contained flats. Erection of 4 storey terrace of five dwellings (3no. 4 bedroom and 2 no. 3 bedroom) with balconies, roof terraces and integral garages	1	Accepted	6/9/2021
AWDM/1288/20	42 Brighton Road Lancing West Sussex BN15 8ET	Demolition of existing bungalow and construction of 2 detached 4 bedroom dwellings over 3 storeys each with detached garages and associated landscaping works.	1	Accepted	10/16/2020
AWDM/1027/20	52 Sompting Road Lancing West Sussex BN15 9JX	Proposed 1no. bedroom bungalow for relative in rear garden.	1	Accepted	9/2/2020
AWDM/0957/20	28 Ring Road Lancing West Sussex BN15 0QE	Outline planning application with all matters reserved for demolition of existing dwelling and erection of two detached dwellings. Re-submission of previously approved AWDM/0650/13.	1	Accepted	9/2/2020
AWDM/0877/20	The Old Town Hall 142 Albion Street Southwick West Sussex BN42 4AX	Conversion of existing offices to form 6no. flats (1 x one bedroom and 5no. x two bedroom); proposed hipped roof rear extension to 2nd floor with inset balcony; flat roofed rear extension over part of existing 1st floor terrace with new glazed balustrade; cantilevered balcony to ground floor rear elevation; alterations to ground floor rear windows to form juliet balconies; rooflights to front, PV panels to rear, 10no. parking spaces and covered cycle store building on land to east	6	Accepted	10/2/2020
AWDM/0799/20	11 North Road Lancing West Sussex BN15 9AH	Change of use at first floor level from commercial to flats, including first floor extension, to provide 2 flats (Use Class C3), roof light to existing roof and additional windows to north and west elevations. Separation at ground floor to form 3no. office units (Use Class E(g))	2	Accepted	9/29/2020
AWDM/0676/20	84 Southview Road Southwick Brighton West Sussex BN42 4TT	Construction of 4no bedroom chalet-style dwellinghouse with 2no. dormer windows and rooflights to west and 3no. rooflights to east, to the rear of 84 Southview Road.	4	Accepted	7/15/2020
AWDM/0608/20	Hydrene 45A Underdown Road Southwick West Sussex BN42 4HN	Subdivision of existing dwelling to form 2no. 3 bed dwellings including construction of dormer windows to front (south) and rear (north) roofslopes; construction of 4 bed bungalow with rooms in the roof in garden to south of existing dwelling; plus 7parking spaces	1	Accepted	12/15/2020
AWDM/0532/20	Land South Of The Old Rectory Kingston Lane Southwick West Sussex	Detached 5-bedroom house with roof dormers on south and east elevations and attached garage (amendment to AWDM/1771/17). Amendments include: retention of changes to fenestration, retention of rooflights and second floor window on west elevation, retention of first floor garage windows, retention of link addition to garage roof and creation of first floor art studio over garage, open canopy to front door on west elevation, revised first floor layout including relocation of bathroom, introduction of two en-suite bathrooms and staircase to second floor. Second floor to include 5th bedroom and playroom. No change to footprint or height of approved house.	1	Accepted	7/7/2020

Application Reference	Address	Description	Net Dwellings	Decision	Date
AWDM/0442/20	Land Between 41 And 45 Old Fort Road Shoreham-By-Sea West Sussex	Erection of detached two-storey flat roofed three bedroom house with 2no. car parking spaces at the front((Amendment to planning permission AWDM/1263/18). Amendments include 'squaring off' rear elevation, increased projection of front elevation and subsequent reduction in depth of front balcony, relocation of entrance door to west side, removal of rear parking spaces, removal of side projections, construction of extension to side of existing garage to form hobby room.	1	Accepted	5/7/2020
AWDM/1924/19	43 High Street Shoreham-By-Sea West Sussex BN43 5DD	Demolition of existing single storey rear extension and construction of 3.5 storey rear extension to provide extended ground floor retail floorspace, plus 2no. studio flats at first floor level, one flat including rear balcony. Conversion of second floor and roof space of existing building to provide a further 2no. one bedroom flats with dormer windows to rear, one flat including rear balcony at second floor level. New shopfront to include separate access to proposed flats. Storage for flats to be included at ground floor level. Restoration of front elevation of existing building including new sash windows. (Revisions - revised balcony design and introduction of photovoltaic panels onto roof of rear link addition)	2	Accepted	3/13/2020
AWDM/1802/19	6 Old Shoreham Road Lancing West Sussex BN15 0QT	Full Planning Application following on from approved application reference AWDM/0337/18 (Demolition of fire damaged dwelling and erection of a replacement 5-bedroom dwelling at 4 Old Shoreham Road, retention of existing dwelling at 6 Old Shoreham Road and erection of 2 no. 4-bedroom dwellings. Closure of existing site access from A27 roundabout and creation of a new access road from Old Shoreham access road and associated vehicle parking and landscaping) for the erection of 2no 4-bedroom semi-detached replacement dwellings instead of the consented 1no 5-bedroom detached dwelling at 4 Old Shoreham Road.	3	Accepted	5/14/2020
AWDM/1697/19	10 Brighton Road Lancing West Sussex BN15 8RH	Remodelling of existing annexe to form separate 2 bedroom dwelling including hip to gable roof extensions and raising of ridge height, new dormers to rear (one with juliet balcony), roof lights to front and raised terrace at ground floor at rear	1	Accepted	5/18/2020
AWDM/0998/19	The Joyful Whippet Steepdown Road Sompting West Sussex BN15 0LJ	Demolition of existing Public House and construction of a terrace of 4no. 4 bed dwellings, 2no. detached 3 bed chalet bungalows and associated parking	6	Accepted	6/11/2021

6.0 THE DELIVERY OF AFFORDABLE HOUSING

6.1 The AMR 2021 records the level of affordable housing completions and compares them against the total of number of dwellings provided.

6.2 The AMR makes the point that these figures are obtained from West Sussex County Council data on residential completions, and relate only to affordable housing delivered via the planning system. Other circumstances, such as street purchases by registered providers, are not accounted for here.

6.3 The 21.6% of all provision compares with the adopted policy 21 which requires 30% provision on all sites of 11 dwellings or over.

Table 9. AMR 2021 Delivery of affordable housing

Year	Affordable Housing	Total Number of Dwellings Built (gross)	% Affordable Housing
2011/2012	91	204	45
2012/2013	32	151	21
2013/2014	12	103	12
2014/2015	23	105	22
2015/2016	0	38	0
2016/2017	32	71	45
2017/2018	0	121	0
2018/2019	36	118	31
2019/2020	2	33	6
2020/21	26	229	11
Total	254	1173	21.6%

6.4 In order to attempt to pick up some of the additional affordable provision we have considered the changes to total stock by district and tenure (Live table 100) this highlights at average of 29 dpa for RSL's but a loss of 12 dpa from the Local authority stock. This is important as the above table from the AMR does not take into account loss of stock.

6.5 The level of provision over the last 10 years from the AMR averages 25 units however taking into account losses average 12 per year from the local authority stock the net level of provision of affordable housing was just 17 dpa.

Table 10. Extract from Live Table 100 Table 100: Number of Dwellings by Tenure and district, England: 2009

	Local Authority (incl. owned by other LAs)	Housing association	Other public sector	Private sector (R)[1]	Total (R)[1]
2009	2,660	831	0		27,489
2010	2,660	811	0	24,099	27,570
2011	2,658	865	0	24,130	27,653
2012	2,650	908	0	24,288	27,846
2013	2,644	942	0	24,411	27,997
2014	2,632	936	0	24,521	28,089
2015	2,609	996	0	24,581	28,186
2016	2,601	996	0	24,620	28,217
2017	2,576	1,008	0	24,697	28,281
2018	2,568	1,044	0	24,783	28,395
2019	2,552	1,073	0	24,883	28,508
2020	2,542	1,101	0	24,878	28,521
2021	2,534	1,089	0	25,107	28,730

	Local Authority (incl. owned by other LAs)	Housing association	Other public sector	Private sector (R)[1]	Total (R)[1]
2009					
2010	0	-20	0	0	81
2011	-2	54	0	31	83
2012	-8	43	0	158	193
2013	-6	34	0	123	151
2014	-12	-6	0	110	92
2015	-23	60	0	60	97
2016	-8	0	0	39	31
2017	-25	12	0	77	64
2018	-8	36	0	86	114
2019	-16	29	0	100	113
2020	-10	28	0	-5	13
10 yr. Average	-12	29	0	78	95

Source: ONS Live Table 100

6.6 These low levels of past provision can be compared with Table 5.13 "Estimated Need for Rented Affordable Housing – Adur & Worthing" of the SHMA 2020 which identifies an annual need which is almost 10 times higher than the past rate of provision at 235 dpa. It should be noted that the 235 dpa does not take into account the 74 affordable home ownership and that the total need is 309 dpa (SHMA 2020 Table 4.1).

6.7 It is worth noting that the 2012 which supported the adopted plan also identified a similar level of need at 328 dpa (SHMA 2020 table 5.14 Comparison of Affordable Housing Need Assessments).

6.8 In addition Table 35 of the Objectively Assessed Need for Housing: Adur District (August 2015) compared the 2015 results with the previous (2012) work. For consistency all figures are provided on an annual basis with the current need from 2012 being recalculated to cover a 16-year period. The analysis suggests a lower level of need in this report when compared with 2012 (233 vs. 330) but paragraph 5.52 explains that the biggest difference is due to the estimates of newly forming households falling into need. The Report goes onto explain:

"5.53 Whilst this might suggest that need has fallen, the reality is that differences are most likely to be due to detailed methodological issues. In particular it should be noted that the 2012 report used an income threshold of 25% for affordability calculations rather than the 30% favoured in this report. In the 2014 assessment, use of a 25% threshold increases the need to 288 per annum, still slightly below the 330 figure shown in the table below."

6.9 Comparing the increase in the net level of past provision over the last 10 years of 170 affordable units (table 10 above 29 dpa Housing Association minus 12 dpa for loss of LPA stock) with the any of the projected levels of need over the last decade provides a picture of significant failure to address the issue of affordability in the district. These range from 2,350 (2020 SHMA) to 3,280 (SMHA 2012) and would suggest a staggering level of under provision of between 2,180 and 3,110 affordable units. As above it should be noted that the lower 2020 SHMA should not be taken as a lowering of demand but simply that needs is being calculated differently.

6.10 In the past the area has only provided between 5% and 7% of the affordable housing need (170/3,280 or 2,350).

6.11 While both the larger allocations will provide affordable housing New Monks Farm (180 affordable units in total) and West of Sompting (144 affordable units in total) these allocations will take a number of years to deliver the affordable housing element and even combined they represent less than 2 years' worth of affordable housing need.

6.12 In conclusion the unmet affordable housing need in Adur is both critical and immediate.

7.0 CONCLUSION

7.1 The council do not have an up-to-date five-year land supply and as such the presumption in favour of sustainable development should be applied in the context if this appeal.

7.2 As the decision on this appeal will be made after the 14th December 2022 the calculation of the housing need as set Standard Method changes from the approach in the earlier 2020 SHMA. Not only have the inputs changed to increase the level of need (i.e., the projections and affordability ratio) but also the cap is now based on the higher of the two options in this case the 40% uplift on the 2014 household projections.

7.3 Taking the same approach as earlier decisions makers and applying the new housing need figure to the historic supply as published by the councils results in a **3.5 years supply**.

7.4 We have however attempted to update the supply and apply the test of deliverable in Annex 2 of the Framework and this reduces the supply to just **1.2 years.**

7.5 **For decisions made after the 14th December 2022 there is no five-year land supply and the presumption in favour of sustainable development should be applied.**

7.6 The level of affordable housing provision over the last 10 years (170 net) has been significantly low compared with the levels of need from the SHMA of between 2,350 (2020 SHMA) and 3,280 (SMHA 2012) the level of **under provision has been staggering being between 2,180 and 3,110 affordable units**.

7.7 In the past the area only between 5% and 7% of the affordable housing need (170/3,280 (SHMA 2012) or 2,350 (SHMA 2020)).

7.8 While both the larger allocations will provide affordable housing New Monks Farm (180 affordable units in total) and West of Sompting (144 affordable units in total) these allocations will take a number of years to deliver the affordable housing element and even combined they represent less than 2 years' worth of affordable housing need.

7.9 **In conclusion the unmet affordable housing need in Adur is both critical and immediate.**

BEDFORD

Planning / SDD / SPRU
bedford@dlpconsultants.co.uk

BRISTOL

Planning / SDD / SPRU
bristol@dlpconsultants.co.uk

EAST MIDLANDS

Planning/ SDD
nottingham@dlpconsultants.co.uk

LEEDS

Planning
leeds@dlpconsultants.co.uk

LONDON

Planning
london@dlpconsultants.co.uk

MILTON KEYNES

Planning
miltonkeynes@dlpconsultants.co.uk

RUGBY

Planning
rugby.enquiries@dlpconsultants.co.uk

SHEFFIELD

Planning/ SDD / SPRU
sheffield@dlpconsultants.co.uk

RTPI
Chartered Town Planner

COMPANY ESTABLISHED 1991

Appendix 3

Appendix 4

Economic Benefits Statement: Redevelopment of Land at Frosts Cars, Brighton Road, Shoreham

A Report by Hatch
February 2023

Shoreham Brighton Road Limited

Economic Benefits Statement: Redevelopment of Land at Frosts Cars, Brighton Road, Shoreham

February 2023

www.hatch.co.uk

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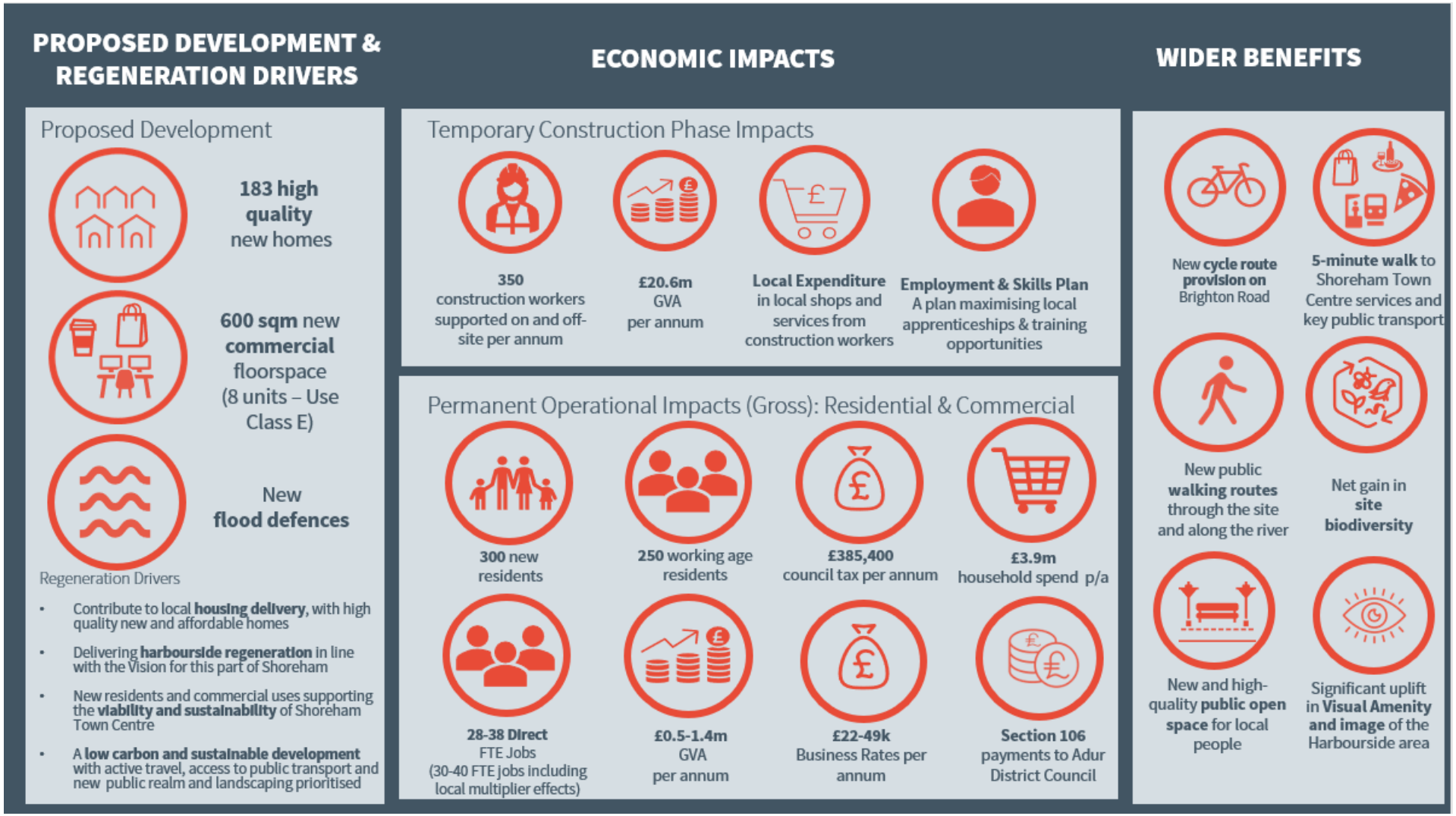
Executive Summary



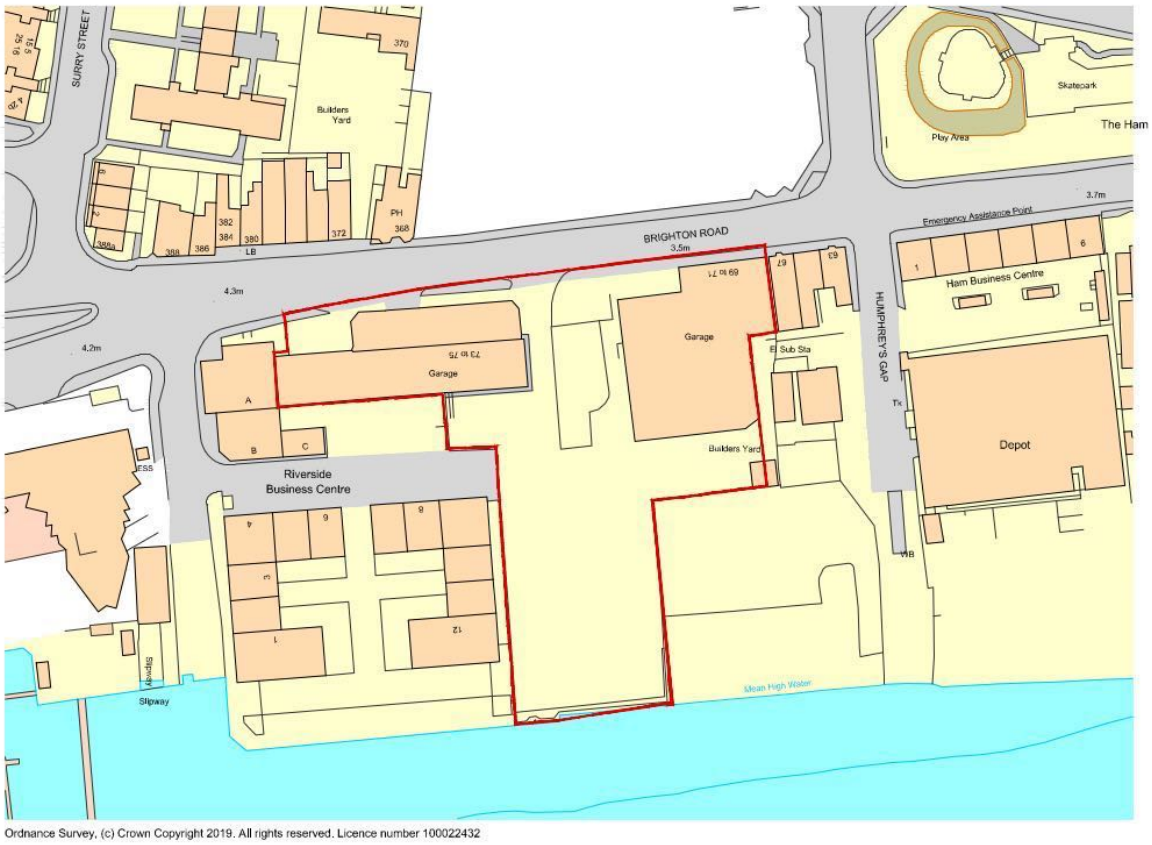
1. Scheme & Context

Scheme Overview

1.1 The proposed redevelopment of the Frosts Cars showroom site at 69-75 Brighton Road, Shoreham-by-Sea, is being led by Shoreham Brighton Road Limited. The proposed Development will provide 183 residential apartments, approximately 600 sqm of new commercial units, as well as a number of other elements including investment in new flood defences, walking and cycling routes, open space provision, and new landscaping and planting.

1.2 The proposed Development is in the south of the Adur local authority area at Shoreham Harbour, which forms part of the wider Shoreham Joint Area Action Plan (JAAP) regeneration area. The site's current use is as car dealership – sales and office buildings, car servicing and repair buildings, as well as land for parked cars.

Figure 1.1 Application Site and Location



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Source: Bryant + Moore Architects, October 2022

1.3 The site is well located approximately 5 minutes' walk to the east of Shoreham-by-Sea town centre and a similar walking time to Shoreham-by-Sea train station. The proposed Development aims to re-use the site to deliver new, modern, and high-quality homes that meet the needs of the local area and community in a sustainable location close to the town centre and key transport links, as well as providing new commercial space for business use.

1.4 In summary, the proposed Development comprises:

- 183 new housing units, consisting of a mix of 1 bed (no. 81 units) and 2 bed (no. 102 units) across four proposed development blocks.
- Approximately 600 sqm of new commercial floorspace (Class E uses) across the ground floor units of the blocks.
- The proposal also includes new flood defences, walking and cycling routes, open space provision and new landscaping and planting.

Figure 1.2 Application Proposals



Source: Waller Planning, Addendum to Planning and Design & Access Statements, July 2022

1.5 Hatch was appointed to provide an assessment of the socio-economic and regeneration benefits of the proposed Development.

1.6 The remainder of this statement includes the following:

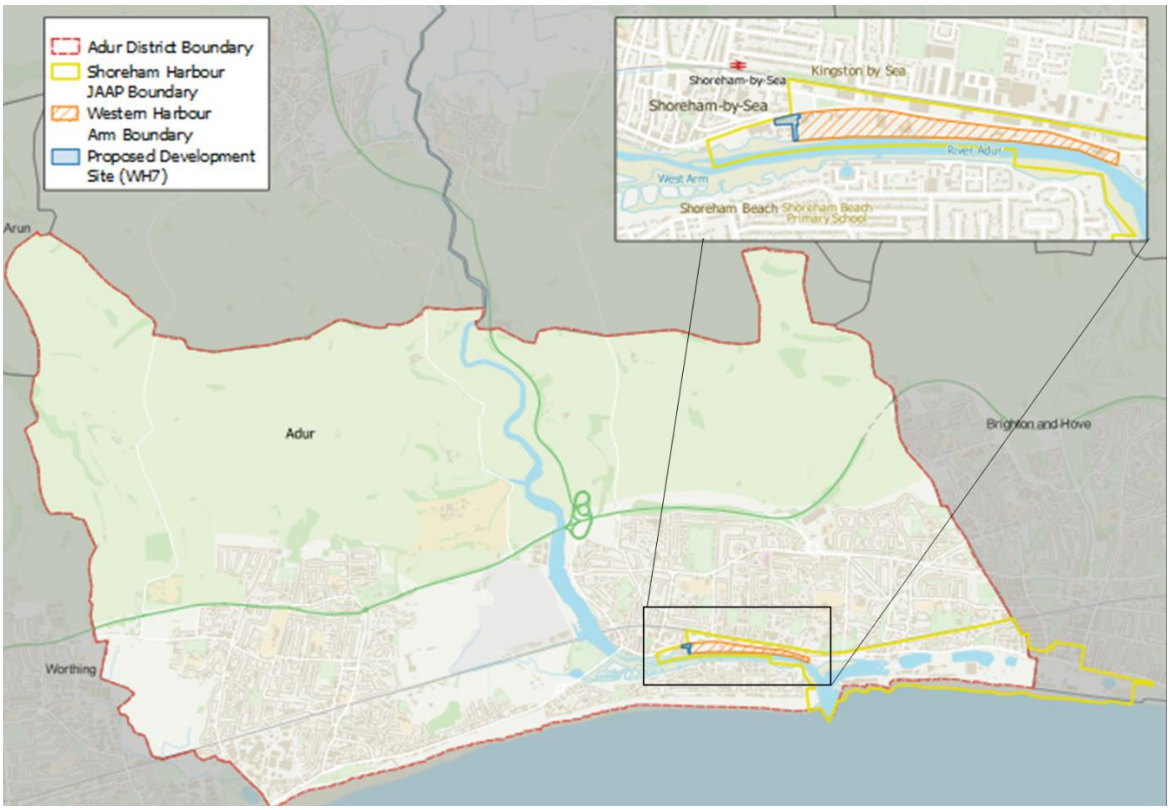
- An overview of the local socio-economic and regeneration context.
- An assessment of the socio-economics benefits of the proposed development including:
  - Construction benefits – temporary employment, GVA and other benefits
  - Operational benefits – demographic, household spending, employment, GVA and fiscal benefits; and
- An overview of the wider regeneration benefits the scheme delivers.

2. Socio-Economic Context

2.1 The proposed Development site is in the south of the Adur local authority area at Shoreham Harbour. It forms part of the Shoreham Joint Area Action Plan (JAAP) and is included within the CH7 Western Harbour Arm part of the JAAP area.

2.2 As the Supporting Planning Statement outlines, the Western Harbour Arm area contains a large area of commercial land which has now fallen vacant and under-utilised, with a recognition that this part of Shoreham Harbour can be put to more productive uses, including residential and mixed-use development.

Figure 2.1 Local Context Map



Source: Hatch, using OS Data

2.3 The proposed Development site is located around 5 minutes' walk to the east of Shoreham-by-Sea town centre. The town centre contains a range of local convenience shops, small supermarket and food shops, as well as food and beverage services (e.g. cafes, restaurants, pubs), as well as other local services including local healthcare services (e.g. GP, dentists, pharmacy).

2.4 The site is a similar distance from the Shoreham-by-Sea train station. This station is served by Thameslink, Gatwick Express and Southern trains. The site is located on Brighton Road, served by a key bus routes and services, including regular services to nearby Brighton. For the purpose of the socio-economic baseline, the Adur Local Authority district area will be used as the main statistical geography.

Population and Housing

2.5 In 2021 the resident population of Adur was just over 64,500. Since 2011 the population of the district has grown by 5%, or 3,400 additional residents. Population growth in the last decade in Adur has been lower than growth experienced at the regional and national levels. Over the last ten years the compound aggregate growth rate (CAGR) of population in the district was +0.54% compared to +0.72% in the South East and +0.64% nationally[1].

2.6 The demographic structure of the district is currently older than the wider South East region and national averages. The median age of Adur is 44 compared to a median age of 40 in the South East and in England. Adur also has a higher proportion of residents aged over 65 at one in four residents, compared to under one in five for the South East and England[2].

2.7 Over the last decade, the number of residents aged over 65 has increased by 13%, compared to 22% and 20% in the South East and England respectively, indicating that while the over 65 population is a substantial proportion of the population in Adur the growth rate of this demographic has been less pronounced than the change seen nationally and regionally[3].

2.8 The working age population in Adur has increased by 569 (2%) since 2011. However, as a proportion of the total population the working age demographic in Adur has fallen by 3 percentage points from 61% of the total population in 2011 to 58% in 2021[4].

2.9 Growth has been strong in the youngest cohort (0-15) with an increase of 9% between 2011 and 2021, outstripping a 5% growth rate for this age group at the national and regional levels[5].

Table 2.1 Population Demographics, 2021

Area	0-15		16-64		65+	
	No.	% of total	No.	% of total	No.	% of total
Adur	11,594	18%	37,714	58%	15,239	24%
South East	1,723485	19%	5,750319	62%	1,804259	19%
England	10,483,094	19%	35,605,651	63%	10,401,300	18%

Source: Census, 2021: Age by Five Year Age Bands

2.10 The district is home to 27,678 households[6]. According to the most recent Local Plan[7], Adur will require an annual growth of 325 dwellings built per annum up to 2032. These projections therefore suggest a requirement for just under 3,000 additional dwellings to be built over the remaining nine-year period.

2.11 The 2021 Census shows a higher rate of deprivation amongst households in Adur than at regional and national levels. 55% of households in Adur are classed as deprived in at least one dimension of deprivation compared to 48% in the South East and 52% nationally. 4% of households are

[1] Census 2021 and Census 2011

[2] Census 2021 : Age by Five Year Age Bands

[4] Census 2021: Age by Five Year Age Bands; Census 2011: Age by Five Year Age Bands

[5] Census 2021 and Census 2011

[6] Census 2021

[7] Adur Local Plan, 2017

classed as deprived in three or more dimension of deprivation compared to 3% at the South East level suggesting higher rates of multifaceted deprivation amongst Adur households[8].

2.12 Median domestic property prices in Adur are higher than national and regional averages at £366,250 compared to £350,000 in the South East and £260,000 nationally[9]. House prices have increased by over £160,000 in the last ten years (2012-2022) equating to a compound aggregate growth rate of +6%. This is higher than the compound aggregate growth rate seen nationally (+4%) and regionally (+5%).

2.13 House prices in Adur, relative to resident earnings (the house price affordability ratio), tend to be more expensive with house prices costing on average 12.4 times median annual resident earnings compared to 8.8 times in England and 10.7 times in the South East[10]. Housing affordability has reduced in Adur since 2019 from an affordability ratio of 10.5 to 12.4 in 2022 indicating housing in the district is more expensive relative to earnings now than it was in 2019[11].

Local Economy and Jobs

2.14 Latest data (September 2021- September 2022) indicates that, amongst the working age population in Adur, 28,900 (74.3%) are economically active, a lower rate than in the South East (80.4%) and England (78.7%)[12]. Of the remaining 10,000 16–64-year-olds in Adur who are not economically active, the majority are not seeking work at the moment and are made up of individuals who are either students, retired or long-term sick.

Table 2.2 Economically active and Inactive working age adult population in Adur, Sept 2021-Sept 2022

Economically Active		**Economically Inactive**			
Employed	Unemployed	Student	Long term sick	Retired	Other*
28,400	500	3,000	2,600	2,700	1,700
28,900		10,000			

Source: Annual Population Survey, ONS, 2022 *other includes undisclosed data on economic inactivity by other reasons including temporary sick, discouraged and looking after family/household

2.15 Based on data from the Business Register and Employment Survey (BRES), 2021 there are over 20,600[13] jobs in Adur, these are jobs held by both residents and individuals commuting into the district for work. Sectorally, the most significant jobs in the district are retail, manufacturing, education, and health collectively these four sectors account for 44% of employment in Adur.

[8] Census 2021

[9] Median house prices for administrative geographies, ONS, 2022

[10] House price to residence-based earnings ratio, ONS, 2022

[11] House price to residence-based earnings ratio, ONS, 2022

[12] Annual Population Survey, ONS, 2022

[13] Business Register and Employment Survey, ONS, 2021

Table 2.3 Employment by Sector, 2021

Industry	Adur	South East	England
Agriculture, forestry & fishing	1%	1%	1%
Mining, quarrying & utilities	1%	1%	1%
Manufacturing	11%	6%	7%
Construction	7%	6%	5%
Motor trades	3%	2%	2%
Wholesale	5%	4%	4%
Retail	12%	10%	9%
Transport & storage	3%	5%	5%
Accommodation & food services	6%	7%	7%
Information & communication	4%	5%	5%
Financial & insurance	3%	3%	4%
Property	1%	2%	2%
Professional, scientific & technical	7%	9%	9%
Business administration & support services	7%	9%	9%
Public administration & defence	2%	3%	4%
Education	11%	9%	9%
Health	11%	13%	13%
Arts, entertainment, and recreation	4%	5%	4%

Source: Business Register and Employment Survey, ONS, 2021

2.16 Between 2016 and 2021 the sectoral employment base changed in Adur, with growth in sectors such as construction (+250 jobs/+20%), education (+250 jobs/+13%) and health (+250 jobs/+13%) but contractions in arts, entertainment and recreation (-350 jobs/-28%), wholesale (-250 jobs/-20%) and business administration & support services (-250 jobs/-14%)[14].

2.17 Resident earnings in the district are lower than the regional and national earning rates with gross median weekly earnings in 2022 at £480.90 compared to £568.80 in the South East and £536.60[15] nationally. Over the past five years, weekly gross earnings for residents of Adur have risen by £78.20 (+19%) a change greater than that seen nationally (+18%) and regionally (+17%).

2.18 While earnings are determined by a range of factors, one key component of earnings is productivity. Adur has lower levels of productivity with output per hour worked at £30.70 of compared to the national rate of £37.70 output per worker[16].

2.19 In GVA terms, the district contributes £1.2bn in GVA to the UK economy with the sectors* of wholesale and retail and professional, scientific, and technical activities being the largest components of the district economy[17].

[14] Business Register and Employment Survey, ONS, 2021

[15] Annual Survey of Hours and Earnings, ONS, 2021

[16] Subregional productivity: labour productivity indices by local authority district, ONS, 2020

[17] Regional gross value added (balanced) by industry: local authorities by ITL1 region, ONS, 2020

*Due to distortion around land value real estate activities have been removed from this analysis

Regeneration Objectives

2.20 A number of existing key strategies and policy documents have been reviewed to understand the local regeneration context and objectives. These indicate the proposed Development will deliver against several local objectives, including:

- **Contributing towards delivering Local Plan (2017) housing objectives:** The proposed Development would make a significant contribution towards meeting local housing policies and local demand for housing. The Adur Local Plan seeks to bring forward the development of a range of dwellings, tenures and sizes, including the need for smaller units, including apartments and affordable units, within the Shoreham Harbour area.
- **Contributing towards the delivery of the Shoreham Harbour Joint Area Action Plan (JAAP, 2019):** The proposed Development sits within the Western Harbour Arm of the Shoreham Harbour regeneration area, where there is a focus to deliver a minimum of 1,100 dwellings. The overarching regeneration of Shoreham Harbour is a key ambition locally, with a clear focus on residential and mixed-use development, while ensuring that placemaking is at the heart of the new vision for the area.
- **Contributing towards the Economic Strategy Vision and Place and People objectives (2018-23):** The proposed Development will contribute towards the achievement of the Adur and Worthing Economic Strategy vision, including 'the Power of Place' and the 'Potential of our People' objectives. In particular, the delivery of the proposed new housing and employment space will provide more local choice and, for housing, play a role in tackling affordability. It will also ensure that mixed developments on key sites come forward. In addition, as a growing number of people want to live in the area, attracting talented, skilled, young working age residents will be key to supporting vibrant locations, as well as supporting the growth of the district's businesses and wider economy.

3. Socio-Economic Benefits

Construction Phase Benefits

3.1 The assessment of temporary construction benefits arising from the proposed development has been informed by an estimate of potential construction costs provided by the applicant[18]. These estimates are based upon their assessment of the costs associated with delivering the necessary site infrastructure, as well as the costs for delivering the proposed residential uses and commercial/employment uses at ground-floor level.

3.2 During the construction period, demand for temporary construction jobs will be generated creating opportunities for local and wider area residents and businesses, helping to deliver economic benefits.

3.3 To estimate the construction employment benefits, the estimated construction cost and build period (24 months) has been used, combined with guidance from the Homes and Community Agency (HCA)[19] which applies labour coefficients to measure the number of construction workers per £1m of construction investment per year. Due to the varied and temporary nature of construction projects, the construction jobs will not necessarily be Full Time Equivalent (FTE) jobs.

3.4 Based on these assumptions, the proposed scheme could support around **300 construction workers** per year over a 2-year build period. The jobs created through the proposed development will be a mixture of both on-site jobs, but also off-site jobs through pre-fabrication and supply chain employment through the various tiers of the construction supply chain. It should also be noted that this estimate is an average level of overall construction employment over the duration of the build period, and the level of employment supported could be higher at peak periods of construction activity.

3.5 To support the construction process, there is likely to be a requirement for some specialist construction companies to be used as part of the construction process. It is anticipated that these contractors may well be from outside of the district and wider South East area. However, there are also likely to be a wide range of sub-contracting work packages that would potentially be available to local contractors across the Sussex and the wider South East region (e.g. groundworks, civil engineering, brick/block work, plastering, electrical, plumbing) that could help to maximise the local employment impact from the scheme.

3.6 In addition to construction employment, the construction phase will also deliver further benefits, including:

- Based on the demand for temporary construction workers, it is estimated the proposed Development will generate **£20.6m** in GVA per annum[20].
- Whilst the construction activity is underway those working on the site are likely to **spend locally** on food, beverages and on other services/amenities. This is an indirect/wider local benefit for local businesses during the construction phase.

[18] Construction cost estimates were prepared by the applicant's cost consultants, MTP, in June 2021.

[19] HCA (2015) – now Homes England - Calculating Cost Per Job Best Practice Note 2015 (3rd Edition)

[20] Estimated based upon ONS data for GVA per worker within the construction sector in Sussex (2020)

Operational Phase Benefits

3.7 This section of the benefits statement covers the following:

- New Housing & Commercial Floorspace
- Demographic and Labour Market Benefits
- Household Expenditure Benefits
- Household Fiscal Benefits
- Employment, GVA & Fiscal Benefits

New Housing & Commercial Floorspace

3.8 The proposed Development will deliver **183 new housing units** within the Western Harbour Arm area of the Shoreham Harbour Joint Area Action Plan (JAAP) area. These will consist of a mix of 1 bed (no. 81 units, 44%) and 2 bed (no. 102, 56%) apartments across four proposed development blocks.

3.9 The blocks also include approximately **600 sqm of commercial floorspace** across the ground-floor units, with the proposed development including provision for 8 units. This space is designated for Class E uses, providing flexibility in potential end-uses and occupiers (for example, retail, food and beverage, offices).

3.10 The proposed Development will make a significant contribution towards meeting the demand for housing locally, as explained in the Planning Statement accompanying the scheme's planning application, with the inclusion of commercial floorspace at ground floor uses supporting the mixed-use regeneration ambitions for the Western Harbour Arm area of the Shoreham Harbour Joint Area Action Plan (JAAP).

Demographic and Labour Market Benefits

3.11 The proposed Development will provide new homes for residents in Shoreham and the district of Adur. It is estimated that the proposed scheme, once fully developed and occupied, will be home to around **300 residents**. This resident population estimate is based on the following average household sizes used by Adur and Worthing District Councils when assessing the potential demands placed on open spaces and services from new developments[21]:

- 1 bed: 1.3 residents per household
- 2 bed: 1.9 residents per household

3.12 The proposed Development will support the creation of a mixed community on the site through provision of a range of apartments, tenures, and price points.

3.13 In attracting new residents into the area, the proposed Development will contribute to the strengthening of the local labour market as well as helping to support growth amongst the working age population. Interestingly, research by the London School of Economics (LSE) on

[21] Adur and Worthing Councils Open Space Needs Calculator: Biodiversity, Environment, Green Infrastructure and Open Space (Adur) - Adur & Worthing Councils (adur-worthing.gov.uk)

apartment developments in London found that the majority of residents in new residential buildings were under the age of 40 and were one or two person households[22].

3.14 It is expected that the working age population of residents at the Site will be significantly higher than the district average[23], given the mix of housing types and demographic profile across the district). Based upon research and evidence used by the GLA in assessing the demographic composition of new apartment developments in Outer London, it is estimated that around **250 residents** will be of working age[24]. Given the nature of the proposed Development and the mix of units, it is expected that there will be higher than average rates of economic activity and employment amongst the resident working-age population[25].

Household Expenditure Benefits

3.15 Residents of new housing developments spend money in the local economy which supports local jobs and the sustainability of local businesses. As a result of the proposed Development there will be indirect spending benefits in the local economy.

3.16 The latest data shows that average weekly household spending in the South-East of England is approximately £411 per week[26]. Therefore, the proposed development of 183 new homes is estimated to generate spending of **£3.9 million** per year.

3.17 Given the proximity of the site to Shoreham town centre and local shops and services, it would be expected that a proportion of this spending would be captured locally, supporting local businesses and employment – including those businesses within the new commercial units in the proposed Development. Further expenditure would also be made in larger retail and service locations in the district (e.g. edge of centre locations such as Holmbush Shopping Centre), as well as outside of the local authority area in neighbouring local authorities.

3.18 Increased levels of household expenditure are critically important to supporting local centres as they continue to recover from the impact of the Covid-19 pandemic, as well as a challenging economic outlook due to rising costs and inflation. A growing resident base, near the town centre, will also be important in helping to counter the effects of an increasing trend for online retail, which also puts pressure on the vibrancy and vitality of local service centre.

Household Fiscal Benefits

3.19 The development of new housing also leads to fiscal benefits arising for Adur District Council through Council Tax payments and through the proposed Section 106 agreement between the developer and the Council.

[22] LSE Cities, Living in a denser London, March 2020: http://www.lse.ac.uk/cities/Assets/Documents/2020-LSE-Density-Report-digital.pdf?mc_cid=2afaab842d&mc_eid=035a7a27e9

[23] Adur Working Age Population 58.4%, Census 2021.

[24] Based upon an assumption of 85% of all residents being of working age.

[25] For reference, economic activity and employment rates in Adur are 74.3% and 73.2% respectively. Across the wider South East region rates are 80.4% and 78.0%, while nationally they are 78.4% and 75.5%.

[26] ONS Household Expenditure Survey, financial year ending 2019 to financial year ending 2021. This includes average household expenditure on convenience and comparison goods, leisure activities, household goods and services, transport etc

- Council Tax: Based on applying a Band D rating to the proposed new housing units, it is estimated the scheme, once developed and occupied, will generate annual Council Tax revenues in the order of **£385,400**[27].
- S106 Agreement: An agreement will likely form part of any planning approval which will include financial contributions. The proposed draft s106 agreement outlines the current level of overall contribution.

Employment, GVA and Fiscal Benefits

3.20 The proposed Development includes approximately 600 sqm of commercial floorspace across the ground-floor units (8 units in total). This space is designated for Class E uses, providing flexibility in potential end-uses and occupiers (e.g., retail, food and beverage, offices).

3.21 Given the flexibility in potential end-uses, an estimate of the potential number of full-time equivalent (FTE) jobs which could be supported at the Site has been made. This has drawn on best-practice guidance and average employment densities[28] associated with different types of end-uses, along with information provided by the consultant team[29].

3.22 The proposed commercial units, once fully developed and occupied, would support in the region of **28-38 FTE direct jobs** [30]. Taking in to consideration indirect employment effects arising from local business supply chain expenditure and local employee spend (i.e., local multiplier effects), the overall employment supported by the proposed Development would be in the region of **30-40 FTE jobs**[31].

3.23 In addition, this level of direct employment across potential end-uses would support in the region of **£0.5-£1.4m of GVA** (gross value added) per annum for the local economy[32].

3.24 Once developed and occupied, the occupying businesses will be required to pay annual business rates. Based upon a potential mix of end uses and using benchmark local rateable values for similar end-uses, it is estimated that approximately **£22,000-£49,000** of annual business rates would be generated[33]. Given the ability for local areas to now retain a proportion of their future growth in business rates, the proposed Development will contribute to enabling the local area to benefit from the growth it supports.

[27] Estimates based upon Band D 2022/23 rating of £2,105.73 for the Adur District areas of Shoreham-by-Sea, Southwick and Coombes

[28] HCA (2015) Employment Density Guide (3rd Edition)

[29] It is envisaged that one of the commercial units in Block 2 will be utilised as a resident concierge facility. This facility will be a 24hr facility and will provide resident services. It is estimated that this service will support around 2-3 FTE jobs will be supported.

[30] The estimated employment range is based upon benchmark employment densities for retail (15-20 sqm per 1 FTE job), food and beverage (15-20 sqm per 1 FTE job), and offices (12 sqm per 1 FTE job) - HCA (2015) Employment Density Guide (3rd Edition) based upon net-internal areas (NIA).

[31] A local indirect and induced composite multiplier of 1.1 has been applied. HCA (2014) Additionality Guide.

[32] This estimate is based upon ONS (2020) balanced GVA data and ONS BRES (2020) sector employment data for West Sussex in the retail (£45,700 GVA per FTE job), F&B (£21,800 GVA per FTE job) and office-related (£38,100 GVA per FTE jobs) sectors.

[33] This estimate is based upon VOA benchmark annual rateable value data for similar uses within the local area and applying the 2023/24 small business multiplier.

Wider Benefits

3.25 In addition to the socio-economic benefits of the proposed Development which are described above, there will be a number of wider benefits generated by the scheme which will support economic, social and environmental conditions within the local area. These include:

- **Site optimisation:** the redevelopment of the site from a lower density/lower quality car showroom to a high quality residential and mixed-use development will make more efficient use of the land, whilst also contributing to housing targets for the local area.
- **Improving opportunities for active travel and physical activity:** the provision of new cycle route provision on Brighton Road and new public walking routes increases the opportunity for physical activity and safer active travel locally. This will help to encourage active travel which in turn can have a positive impact on people's physical and mental wellbeing.
- **Supporting Shoreham town centre:** new residential development at the proposed Development, alongside other proposed residential developments in the harbour area, has the cumulative potential to increase footfall, expenditure and in turn improve the vitality and vibrancy of the local area, including the town centre.
- **Supporting local employment and skills opportunities:** as part of the S106 agreement an Employment and Skills plan will be prepared. This plan will set out provisions for how the Site owner will work with local learning, skills, and employment groups and/or colleges and/or training establishments to procure local labour and arrange apprenticeships and skills training during the construction phase.
- **Attracting a younger population:** as set out in the local context section, the latest demographic data indicates how the district has an ageing population. With significant new residential units across a range of sizes and price points, the proposed Development will have the potential to attract a younger population, including those of working age, to Shoreham.
- **Net gain in site biodiversity:** a net gain in biodiversity will be achieved through the creation of new habitats within the site, including through substantial new landscape planting.
- **New flood defences for Shoreham:** the proposed Development includes the provision of new flood defences. These defences will both protect residents within the site, and link to new defences on the land to the east, providing a comprehensive new flood defence for Shoreham.
- **New and high-quality public realm:** the proposed Development includes new areas of high-quality public realm and public open space, including improved access to the river frontage, for the benefit of local people.
- **Significant uplift in visual amenity:** the proposed Development will deliver a significant uplift in the visual amenity and image of the Shoreham Harbourside area, contributing to the broader residential-led regeneration aims for this area of Shoreham.

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Appendix 5

Biodiversity Net Gain Assessment

Brighton Road, Shoreham-by-Sea (Appeal Scheme)

The Ecology Partnership, Thorncroft Manor, Thorncroft Drive, Leatherhead, Surrey KT22 8JB
T +44 (0) 1372 364133 E info@ecologypartnership.com W ecologypartnership.com

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LIABILITIES:

Whilst every effort has been made to guarantee the accuracy of this report, it should be noted that living animals and plants are capable of migration/establishing and whilst such species may not have been located during the survey duration, their presence may be found on a site at a later date.

This report provides a snap shot of the species that were present at the time of the survey only and does not consider seasonal variation. Furthermore, where access is limited or the site supports habitats which are densely vegetated only dominant species maybe recorded.

The recommendations contained within this document are based on a reasonable timeframe between the completion of the survey and the commencement of any works. If there is any delay between the commencement of works that may conflict with timeframes laid out within this document, or have the potential to allow the ingress of protected species, a suitably qualified ecologist should be consulted.

It is the duty of care of the landowner/developer to act responsibly and comply with current environmental legislation if protected species are suspected or found prior to or during works.

1.0 Introduction

1.1 The Site is located between the A259 and the river Adur in the town of Shoreham-by-Sea (TQ22040507- site centre point). The site covers approximately 0.68ha and consisted of five commercial buildings with associated hardstanding, a small area of tall ruderals and a small area of ephemeral short perennials on a roof. The extent of the Site is shown in Figure 1 below.



Figure 1: Approximate location of the red line.

1.5 Biodiversity Net Gain (BNG) principles are aimed to support both the aspired green infrastructural proposals set to define the created landscape and support biodiversity and habitat enhancement, requirement (minimum 10%). BNG principles are set within the Environment Bill (2021).

1.6 Opportunities to create a more biodiverse ecological landscape would include the following holistic principles of BNG;

- Nurturing and enhancing biodiversity;

- Restoring on site habitats including declining habitats;
- Increase of biodiversity value through natural flood defence incorporating features such as SUDSs, reed beds and ponds.

2.0 Biodiversity Metric 3.1

2.1 Biodiversity Metric 3.1 was used to calculate biodiversity losses and gains for habitats within the Site. The Biodiversity Calculation Tool is included as a separate excel document (Appendix 5). This metric underpins the Environment Bill's provisions for mandatory BNG in England.

2.2 The Biodiversity Metric uses habitat as a proxy for wider biodiversity with different habitat types scoring different values according to their relative biodiversity value and dependent on the condition and location of the habitat, to calculate '**biodiversity units**'.

2.3 In order to inform the BNG assessment, a preliminary ecological appraisal (PEA) was undertaken by The Ecology Partnership in September 2020 (The Ecology Partnership, 2021) by Alexia Tamblyn MA (Oxon) MSc CEnv MCIEEM FRGS.

2.4 The condition assessment provides further scrutiny of the measured habitats (Appendix 2). The condition of habitats is dependent on several parameters and may include aspects of management, the impact of invasive species and nutrient enrichment, which would affect species abundance and specific characterisation of habitat value.

2.5 Area measurements for habitat creation are based on the appeal scheme proposals (Appendix 1).

2.6 Please see the separated Biodiversity Metric 3.1 Calculation Tool (excel document - Appendix 5) for the detailed habitat areas (pre- and post-development). Appendixes 3 and 4 illustrate these measured habitat areas.

2.7 The site lies within the Shoreham Harbour Joint Area Action Plan (JAAP). There are a number of policies with regards to the Shoreham Harbour area pertinent to ecology and specifically the need for biodiversity net gain. This is shown within Objective 7: Natural environment, biodiversity and green infrastructure which states:

"To add to the natural capital of the Shoreham Harbour Regeneration Area by delivering net gains to biodiversity and a multifunctional green infrastructure network."

2.8 The headline results from the Calculation Tool are shown in Figure 2 below.

On-site baseline	*Habitat units*	0.10
	Hedgerow units	0.00
	River units	0.00
On-site post-intervention (Including habitat retention, creation & enhancement)	*Habitat units*	1.06
	Hedgerow units	0.00
	River units	0.00
On-site net % change (Including habitat retention, creation & enhancement)	*Habitat units*	960.78%
	Hedgerow units	0.00%
	River units	0.00%
Off-site baseline	*Habitat units*	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	*Habitat units*	0.00
	Hedgerow units	0.00
	River units	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	*Habitat units*	0.96
	Hedgerow units	0.00
	River units	0.00
Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	*Habitat units*	960.78%
	Hedgerow units	0.00%
	River units	0.00%
Trading rules Satisfied?	Yes ✓	

Figure 2: Headline Results

3.0 Conclusions

3.1 The proposed development within the appeal scheme will result in a +960.78% net gain in habitat units as well as satisfying the trading summary.

3.2 It should be noted the biodiversity units calculated do not take into consideration enhancement features added such as bird nesting boxes, bee bricks/ towers or bat boxes/tubes, all of which could be installed across the site. It is therefore considered the biodiversity net gain could increase further through the inclusion of these additional measures.

Appendix 1. Appeal Scheme Proposals





NOTES

1:50 1 2.5
1:100 2 5
1:200 4 10
1:500 0 10 25
N

Revision	Amendment	Drawn by	Date
A	Fire safety amendments	AB	08/09/2022

Drawing Status: PLANNING

bryant + moore ARCHITECTS
19-25 Salisbury Square
Old Hatfield, Herts
AL9 5BT
Tel: 01707 251428
Email: mb@bryantandmoore.co.uk
Web: www.bryantandmoore.co.uk

Client: -

Address: 69-75 BRIGHTON ROAD
SHOREHAM-BY-SEA
BN43 6RE

Title: NEW BUILT MIXED-USE DEVELOPMENT

PROPOSED 6TH FLOOR PLAN

Scale	1:500@A3	Drawing No.	PL10
Project No.	19_400	Revision No.	A



NOTES

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1:200 4 10
1:500 0 10 25
N

Revision	Amendment	Drawn by	Date
A	Fire safety amendments	AB	08/09/2022

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19-25 Salisbury Square
Old Hatfield, Herts
AL9 5BT
Tel: 01707 261428
Email: mb@bryantandmoore.co.uk
Web: www.bryantandmoore.co.uk

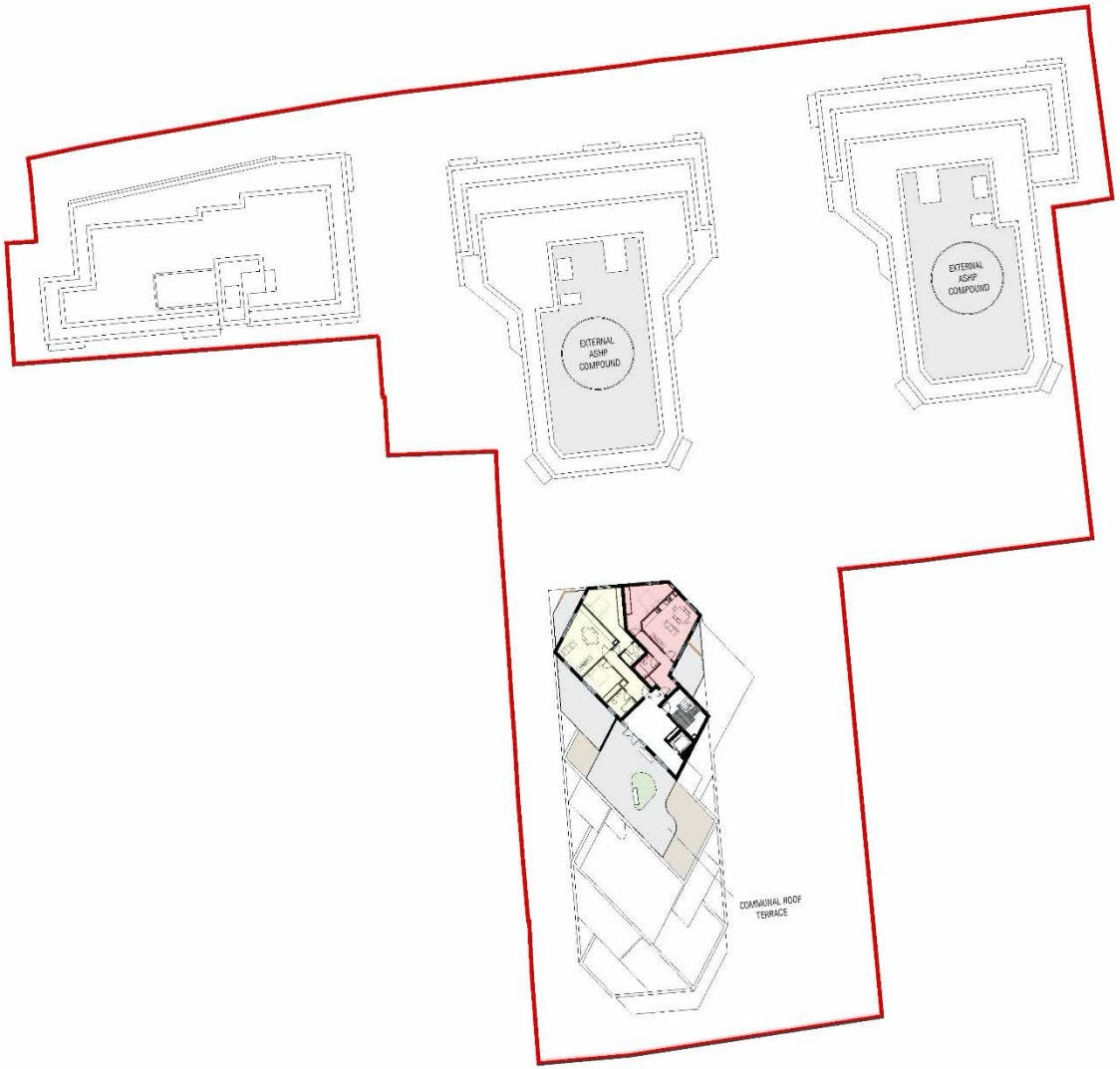
Client: -

Address: 69-75 BRIGHTON ROAD
SHOREHAM-BY-SEA
BN43 6RE

Title: NEW BUILT MIXED-USE DEVELOPMENT

PROPOSED 7TH FLOOR PLAN

Scale	1:500@A3	Drawing No.	PL11
Project No.	19_400	Revision No.	A



NOTES

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1:100 2 5
1:200 4 10
1:500 0 10 25
N

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19-25 Salisbury Square
Old Hatfield, Herts
AL9 5BT
Tel: 01707 251428
Email: mb@bryantandmoore.co.uk
Web: www.bryantandmoore.co.uk

Client: -

Address: 69-75 BRIGHTON ROAD
SHOREHAM-BY-SEA
BN43 6RE

Title: NEW BUILT MIXED-USE DEVELOPMENT

PROPOSED 8TH FLOOR PLAN

Scale	1:500@A3	Drawing No.	PL12
Project No.	19_400	Revision No.	A

Appendix 2. Site Habitat Baseline Condition Assessment Tables

Condition Sheet: URBAN - NON PRIORITY Habitat Type			
UKHab Habitat Type(s): Sparsely vegetated land - Ruderal/ephemeral; Urban – Allotments/Bioswale/Cemeteries and churchyards/Open mosaic habitats on previously developed land(OMH)/Rain garden/SUDs/bare ground/all green walls and roofs			
Condition Assessment Criteria		**Ephemeral (On Roof)**	**Tall Ruderals**
1	Vegetation structure is varied, providing opportunities for insects, birds and bats to live and breed. A single ecotone (i.e. scrub, grassland, herbs) should not account for more than 80% of the total habitat area.	N	N
2	There is a diverse range of flowering plant species, providing nectar sources for insects. These species may be either native, or non-native but beneficial to wildlife. NB - To achieve GOOD condition, criterion 2 must be satisfied by native species only (rather than non-natives beneficial to wildlife). Note that Biodiverse green roofs are exempt from this requirement, and can include non-native sedums, as set out in footnote 1.	N	N
3	Invasive non-native species (Schedule 9 of WCA) cover less than 5% of total vegetated area. NB - To achieve GOOD condition, criterion 3 must be satisfied by a complete absence of invasive non-native species (rather than <5% cover).	Y	Y
4a	OMH only: The site shows spatial variation, forming a mosaic of at least four early successional communities (a) to (h) PLUS bare substrate AND pools. (a) annuals; (b) mosses/liverworts; (c) lichens; (d) ruderals; (e) inundation species; (f) open grassland; (g) flower-rich grassland; (h) heathland.		
4b	SUDs/Bioswales only: The water table is at or near the surface throughout the year. This could be open water or saturation of soil at the surface.		
4c1	**Intensive green roofs** – have a minimum of 50% native and non-native wildflowers - 70% of the roof area is soil and vegetation (including water features)		
4c2	**Biodiverse green roofs** - have a varied depth of 80 - 150mm at least 50% is at 150mm and is planted and seeded with wildflowers and sedums or is pre-prepared with sedums and wildflowers. To achieve Good condition some additional habitat, such as sand piles, logs etc should be present.		
	Condition	**Poor**	**Poor**
Condition Assessment Result			

Good	Passes 3 of 3 core criteria; AND Meets the requirements for good condition within criteria 2 and 3	Passes 3 of 3 core criteria; AND Meets the requirements for good condition within criteria 2 and 3; AND Passes additional criterion 4
Moderate	Passes 2 of 3 core criteria; OR Passes 3 of 3 core criteria but does not meet the requirements for good condition within criteria 2 and 3	Passes 2 of 3 of 4 criteria; OR Passes 4 of 4 criteria but does not meet the requirements for good condition within criteria 2 and 3
Poor	Passes 0 or 1 of 3 core criteria	Passes 0 or 1 of 4 criteria

Appendix 3. Habitat Baseline



Appendix 4. Habitat Creation



Appendix 5. Biodiversity Metric 3.1

Please see separate Shoreham Appeal Scheme BNG excel document.

The Ecology Partnership

Thorncroft Manor

Thorncroft Drive

Leatherhead

KT22 8JB

Tel: 01372 364 133

www.ecologypartnership.com

Approved: Alexia Tamblyn MA (Oxon) MSc CEcol CEnv MCIEEM FRGS

Date: 30/01/2023

Appendix 6

Bus Services

Data sourced from bustimes.org 8th March 2023

Available from either the Duke of Wellington Bus Stop directly adjacent to the appeal site or Surry Street 200m walk from the appeal site:

Bus Route	Destinations	Frequency		
		Monday - Friday	Saturday	Sunday
2	Steyning – Shoreham by Sea – Portslade – Hove – Brighton – Woodingdean – Ovingdean – Rottingdean	Approximately every 20 minutes	Approximately every 20 minutes	Approximately every 30 minutes
60	Steyning – Upper Beading – Shoreham by Sea – Southwick – Hove – Brighton	Once a day	N/A	N/A
700	Brighton – Hove – Portslade by Sea – Shoreham by Sea – South Lancing – Worthing – Goring by Sea – East Preston – Rustington – Littlehampton	Approximately every 12 minutes	Approximately every 12 minutes	Approximately every 20 minutes
N700	Worthing – South Lancing – Shoreham by Sea – Portslade by Sea – Hove - Brighton	One service late at night – Friday only	Six services throughout the night	Five Services throughout the night

Shoreham Railway Station Bus Stop:

Bus Route	Destinations	Frequency		
		Monday - Friday	Saturday	Sunday
2	Steyning – Shoreham by Sea – Portslade – Hove – Brighton – Woodingdean – Ovingdean – Rottingdean	Approximately every 20 minutes	Approximately every 20 minutes	Approximately every 30 minutes
60	Steyning – Upper Beading – Shoreham by Sea – Southwick – Hove – Brighton	Once a day	N/A	N/A
9	Shoreham by Sea – Lancing – Worthing – Durrington –	Approximately every hour	Approximately every hour	N/A

	Angmering – Rustington – Littlehampton – Arundel			
19	Shoreham Beach – Shoreham by Sea Railway Station – Shoreham by Sea Holmebush Centre	Seven services throughout the day	Eight services throughout the day	N/A

Train Services

Railway Services from Shoreham-by-Sea station.

Destination	**Frequency**		
	Monday - Friday	**Saturday**	**Sunday**
Brighton	Every 10-20 minutes	Every 10-20 minutes	Every 20-30 minutes
London Victoria	Every 30 minutes	Every 30 minutes	Approximately every 30 minutes
Southampton Central	Every 30 minutes	Every 30 minutes	Every hour
Portsmouth & Southsea	Every 30 minutes	Every 30 minutes	Every 30 minutes
Littlehampton	Approximately every 15 minutes	Approximately every 15 minutes	Every hour

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