



WILKINSON
PLANNING

Planning, Design, Access and Heritage Statement

SITE

37 Albion Street, Southwick, Brighton, West
Sussex, BN42 4DN

PROPOSAL FOR

Erection of 32 no. flats and associated site
works, following demolition of existing building,
following demolition of existing building

PROPOSAL BY

PR Homes Ltd

June 2026

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1.0 Introduction

- 1.1 This Planning, Design and Access Statement (Statement) is prepared for and on behalf of PR Homes Ltd (Applicant) in respect of an application for; Erection of 32 no. flats and associated site works, following demolition of existing building ('The Proposal') at 37 Albion Street, Southwick, Brighton, West Sussex, BN42 4DN ('The Site').
- 1.2 The Statement considers the local and national planning policy position and provides an overview of the material considerations relevant to the proposed development, explaining why it is sustainable and why permission should be granted without delay, in the midst of a housing crisis. The application follows positive pre-application advice from the Council.
- 1.3 Figure 1.3.1 shows the location of the site relative to its surroundings and other development:



Figure 1.3.1 Aerial View (site starred in red)

2.0 Site and Surrounding Area

- 2.1 The site currently consists of Montgomery Motors, a car service, repair and maintenance premises within single storey industrial buildings and open forecourt.
- 2.2 The site is situated to the north of Albion Street, the A259, which is a busy main arterial route into Shoreham from the east. Within the vicinity of the application site Albion Road has a mixed character. Immediately west of the site are 55 no. flats within two contemporary blocks of 4-6 storeys in height permitted in December 2022 under planning application reference AWDM/1999/21.
- 2.3 Beyond this to the west of the site is 3 and 5 Albion Street, a semi-detached pair of two storey dwellings with converted loft space. There is a three storey block of flats to the west (Jevington Court), on the opposite side of Kingston Lane, with two storey dwellings beyond. The lorry park and Grange Industrial Estate are further east. For context, the area is of an evidently mixed vernacular.
- 2.4 The site fronts Shoreham Harbour with Dudmans Yard and a Jetski / Watersports hire business on the southside of the road. The site is bound to the north by the railway embankment with Sussex Croquet Club on the other side of the railway line, within the Conservation Area.
- 2.5 For the purposes of planning, the site is located within the Built Up Area Boundary (BUAB). The site is also within 'Character Area 6' of the Shoreham Harbour Regeneration Area. In respect of heritage, there are no listed buildings or other designated heritage assets immediately adjacent to the site. The Kingston Buci Conservation Area, and the Grade I listed Church of St Julian at its core, lie to the north beyond the West Coastway railway line, in the order of 300m away and well separated from the site; the heritage implications are considered in the Material Planning Considerations below.

- 2.6 In respect of constraints, there are no heritage assets nearby. The Site is adjacent to a County Wildlife Site (Bourne Bridge Grassland). The River Orwell SPA and SSSI is around 500m to the east. The Site is within the Gipping and Orwell Valley Area of the Urban Character SPD and within a mixed use area comprising including residential and commercial uses. Notably, the Site is presently vulnerable to small pockets of surface water flood risk, and the eastern part of the Site is within Flood Zones 2 and 3, where there is an increased risk of fluvial flooding.

3.0 Proposal

- 3.1 Planning permission is sought for the regeneration of a former garage, service area and workshop, to provide a high-quality design-led scheme for 32 no. flats. The following plan provides context:



Figure 3.1.1 Proposed Site Layout

3.2 The block of flats would be sited towards the frontage of the site to address the street scene, with the parking area to the rear. The proposal would comprise of a six-storey block of flats matching that of the neighbouring site although with a total height 1m lower. The sixth storey would be set back from the frontage reducing the visual 'bulk' of the development. The proposal has been designed to a high standard with a contemporary appearance, utilising modern materials to provide a high-quality finish. The existing and proposed street elevations demonstrate how the proposal would compare with the existing buildings and be integrated within the street scene:

3.3 Elevational drawing extract provided below:



Figure 3.3.1 Elevations

3.4 The application is supported by a suite of plans and documents including:

- Application Form
- Planning Drawings (CKA)
- Planning, Design and Access Statement (Wilkinson Planning)

- Flood Risk Assessment and Drainage Strategy (Ingent)
- Transport Assessment (Reeves)
- Ecological Impact Assessments and BNG (Arbtech)
- Land Contamination Reports (Oakridge)
- Dust Assessment (Oakridge)
- Noise Assessment (Oakridge)

4.0 Planning Policy

- 4.1 The National Planning Policy Framework (NPPF) (December 2024) contains the Government's planning policies for England and sets out how these are expected to be applied. The determination of applications for planning permission remains governed by section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, the combined effect of which is that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies of the NPPF are a material consideration of significant weight and are taken into account for decision-making purposes.
- 4.2 Section 38(6) provides that, where regard is to be had to the development plan for the purpose of any determination under the Planning Acts, that determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan therefore enjoys statutory primacy, and the decision-taker's starting point is the plan, with material considerations — including the NPPF — capable of displacing it where they indicate a different outcome.
- 4.3 The case of *Corbett*¹ re-emphasised that a key part of the section 38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that development plan policies will not infrequently pull in different directions, and that the decision-taker must therefore reach a planning judgement as to whether a proposal accords with the plan as a whole — having

¹ *R (Corbett) v Cornwall Council* [2020] EWCA Civ 508.

regard to the relative importance of the policies complied with or infringed, and the extent of the compliance or breach. A conflict with an individual policy, even one expressed in trenchant terms, does not of itself equate to a failure to accord with the plan when read as a whole.

- 4.4 The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision-takers in the interpretation and application of the Framework. The PPG is itself a material consideration; it does not, however, carry the status of national planning policy, and where any tension arises the NPPF prevails.
- 4.5 At the date of this Statement, a revised draft of the NPPF (published 16 December 2025) has been subject to consultation, which closed on 10 March 2026, but has not been finalised or brought into force. The emerging Framework accordingly attracts limited weight, and this Statement is assessed against the NPPF (December 2024) as the operative national policy. Where the emerging Framework is relevant to the matters in issue, this is addressed in the assessment below.
- 4.6 For the purposes of this application, the Development Plan for the Council and most relevant policies are listed below, having been confirmed through pre-application advice:

Adur Local Plan (2017)

- Policy 1: Presumption in Favour
- Policy 2: Spatial Strategy
- Policy 3: Housing Provision
- Policy 8: Shoreham Harbour Regeneration Area
- Policy 15: Quality of the Built Environment and Public Realm
- Policy 18: Sustainable Design
- Policy 20: Housing Mix and Quality
- Policy 21: Affordable Housing
- Policy 22: Density
- Policy 25: Protecting and Enhancing Existing Employment Sites and Premises

- Policy 28: Transport and Connectivity
- Policy 31: Biodiversity
- Policy 34: Pollution and Contamination
- Policy 36: Flood Risk and Sustainable Drainage

Shoreham Harbour Joint Area Action Plan (2019)

- Policy SH1: Climate change, energy and sustainable building
- Policy SH3: Economy and Employment
- Policy SH4: Housing and community
- Policy SH5: Sustainable travel
- Policy SH6: Flood risk and sustainable drainage
- Policy SH7: Natural environment, biodiversity and green infrastructure
- Policy SH8: Recreation and leisure
- Policy SH9: Place making and design quality
- Policy CA6: Harbour Mouth

Supplementary Planning Guidance

- Development Management Standard - Space Around New Dwellings and Flats
- Sustainable Energy SPD (2024)
- WSCC Guidance on Parking at New Developments (2020)
- Nationally Described Space Standards (2015)

National Planning Policy Framework (2024) [and emerging 2026 iteration]

- Para 7: Achieving sustainable development
- Para 8: Three dimensions to sustainable development
- Para 10 – 14: The presumption in favour of sustainable development
- Para 39: Decision making
- Para 48 – 51: Determination of planning applications
- Para 61: Significantly boosting the supply of homes
- Para 72 – 77: Identifying land for homes
- Para 96: Promoting healthy and safe communities

- Para 103: Open space and recreation
- Para 109 – 118: Promoting sustainable transport
- Para 124 – 128: Making effective use of land
- Para 131 – 141: Achieving well designed places
- Para 187 – 201: Conserving and enhancing the natural environment
- Para 202 – 221: Conserving and enhancing the historic environment

4.7 The NPPF sets out the Government's planning policies for England and how these should be applied. Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF identifies three overarching objectives in order to achieve sustainable development. The NPPF goes on to state, however, that "they are not criteria against which every decision can or should be judged" (para. 9). The policy paragraphs, footnotes, and annexes to the NPPF should be considered as a whole. Nevertheless, the key considerations that apply to this application are dealt with below.

4.8 Paragraph 11 of the NPPF confirms that there is a presumption in favour of sustainable development. It will be shown that the application accords with the development plan as a whole because of its compliance with the important policies for its determination. Thus, in accordance with NPPF para. 11(c), planning permission should be granted without delay.

4.9 However, it is also the case that the Council's housing policies are out of date, a matter that has been confirmed repeatedly in recent appeals. The latest published position is compelling. Adur's Five Year Housing Land Supply [2024–2029] carries a base date of 1 April 2024, and no more recent assessment has been published; it therefore remains the current and operative figure.

4.10 The 20% buffer presently applies because Adur failed the Housing Delivery Test. The Housing Delivery Test 2023 (covering the period 2020/21–2022/23), published December 2024, records that Adur delivered only 81% of its requirement. Having failed the Test, the Council has applied a 20% buffer to its 5YHLS calculation, concluding — at best:

- **3.3 years when measured against the standard method / NPPF paragraph 78 local housing need.**

- 4.11 From 1 July 2026, a second and independent trigger for that same 20% buffer takes effect under paragraph 78(c) of the Framework. Where an authority's housing requirement was adopted under a previous version of the NPPF and its annual average requirement is 80% or less of the most up-to-date local housing need figure calculated using the standard method, a 20% buffer must be applied for decision-making purposes — in effect requiring a six-year supply of deliverable sites. Adur falls squarely within that category: its adopted Local Plan requirement was examined under an earlier Framework and sits materially below 80% of the current standard-method need, as the divergence between the standard-method position and the lower Local Plan-based position itself demonstrates.
- 4.12 The significance of this is twofold. First, the effective six-year requirement against which the 3.3-year position already falls so far short is, from 1 July 2026, placed beyond doubt and beyond the Council's control. Second, because the 20% buffer is now mandated on two independent grounds, there is no realistic route by which Adur could return to a reduced (5%) buffer while the current, time-expired Local Plan stands — even were its delivery to recover. The shortfall is therefore not a transient or recoverable feature of a single monitoring year; it is a structural one. The figure estimated against the Local Plan requirement carries little weight in decision-making, the standard-method need now governing the paragraph 78 test. The practical consequence is that Adur cannot demonstrate a five-year (still less a six-year) supply, and the tilted balance under paragraph 11(d) is engaged.
- 4.13 Such a shortfall is significant and is worsening, and the policy direction of travel only reinforces that conclusion. The emerging iteration of the NPPF, published in draft on 16 December 2025 and subject to consultation that closed on 10 March 2026, retains standard-method local housing need as the benchmark against which supply is assessed and maintains the rolling supply and buffer mechanisms; while it attracts limited weight pending adoption, it confirms that no relaxation of Adur's position is in prospect. The consequence of the shortfall

is made clear in the NPPF as it stands: the policies most important for the determination of this application are out of date, and planning permission should be granted subject to the "tilted balance" (paragraph 11(d)(ii)).

- 4.14 The courts have explained how the "tilted balance" operates in such circumstances. For example, in *Cheshire East*² it was stated:

"Another way of putting the matter is that the scales, or the balance, is weighted, loaded or tilted in favour of the proposal. This is what the presumption in favour of sustainable development means: it is a rebuttable presumption, although will only yield in the face of significant and demonstrable adverse impacts."

- 4.15 In this case, and following the direction of the Court of Appeal in *Hallam Land*, the strength of that presumptive tilt is even more strongly applied given the significant extent of undersupply, the entrenched nature of that undersupply from 1 July 2026, and the absence of any clear solution to the local housing crisis. The extent of the shortfall bears directly on the weight to be given to the benefits of the proposed development; the greater and more durable the shortfall, the greater that weight.
- 4.16 As the planning drawings and supporting sections of this Statement will explain, the proposal can avoid adverse effects. The opportunity to make a contribution to the housing shortfall in the plan area, in the short term, is a very important benefit in socio-economic terms, alongside its other generally sustainable credentials — and one that attracts enhanced weight in light of the effective six-year requirement now bearing on the Council.
- 4.17 An assessment of the proposal under the above policy context is detailed below and in consideration of the planning matters material to this application. It will be demonstrated that the proposed development not only adheres to the development plan as a whole, first and foremost, but also adheres to the policies of the NPPF. Planning permission should be

² *Cheshire East vs SSCLG (2016) EWHC 571 (Admin)*

granted without delay where there are overriding benefits in allowing development to proceed, irrespective of whether the "straight" or "tilted" balances are applied.

5.0 Planning History

- 5.1 The site has been subject to a number of planning applications dated pre-2000 in relation to its current use as for car sales and repairs and associated works. There is no relevant planning history on the site beyond this.
- 5.2 Officers should however note planning permission reference AWDM/1999/21 permitted in December 2022 for 55 no. flats immediately west of the site. This permission sets a clear precedent that redevelopment for the provision of flats at this location is acceptable.
- 5.3 More recently, the applicant has been in receipt of a positive pre-app subject to technical and professional input, which this statement shall go on to discuss.

6.0 Material Planning Considerations

Principle of Development

- 6.1 At a local level, the development plan itself prescribes a presumption in favour of sustainable development. Policy 1 of the Adur Local Plan replicates the terms of the presumption found at paragraph 11 of the NPPF. The presumption is therefore not merely a material consideration drawn from national policy; it is embedded within the statutory development plan and forms part of the basis against which all proposals must be determined. Given the primacy of the development plan under section 38(6), the Council would err in law were it to decline to apply it.
- 6.2 Policy 2 of the Adur Local Plan provides the spatial strategy, directing development to the most appropriate locations, including land within the Built-Up Area Boundary (BUAB). The policy states that:

"Shoreham Harbour will be a focus for development to facilitate regeneration through delivery of a mix of uses including housing."

6.3 As set out above, the site lies within both the BUAB and the Shoreham Harbour Regeneration Area. It is accordingly in a sequentially preferred location for development, consistent with the spatial strategy rather than in tension with it.

6.4 Policy 8 of the Adur Local Plan recognises that Shoreham Harbour is an attractive location benefitting from a natural coastal setting and an accessible waterfront environment. The policy seeks to maximise the potential of the area through regeneration for the benefit of existing and future residents and businesses, offering economic and social benefits, and expressly supports the redevelopment of the Shoreham Harbour area to that end.

6.5 In addition to Policy 8, the Shoreham Harbour Joint Area Action Plan (JAAP) — itself part of the development plan — sets out a spatial strategy, area-wide policies, and specific proposals for individual character areas. The site falls within Character Area 6 – Harbour Mouth, which, amongst other priorities, seeks to maximise redevelopment opportunities and to support the delivery of homes. The proposal is squarely consistent with that designation.

6.6 At a national level, paragraph 61 of the NPPF reiterates the need to deliver a sufficient supply of homes:

"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community."

6.7 This objective carries particular force in Adur, where — as established in Section 4 above — the Council cannot demonstrate a five-year housing land supply and the tilted balance is

engaged. The contribution this proposal would make to that acknowledged and worsening shortfall is a benefit of substantial weight.

6.8 The proposal represents a higher-density development, which is the expected form in the Shoreham Harbour area pursuant to Policy 22 of the Adur Local Plan. It would deliver residential accommodation across a range of tenures and sizes, responding directly to identified local need.

6.9 The proposal would make a more effective use of the land, and of the airspace above it, in order to contribute towards much-needed housing delivery. Paragraph 124 of the NPPF requires that "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Paragraph 125 goes further, directing decision-takers to promote 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" — a limb of direct application here, given the constrained supply position in Adur. Paragraph 125(c) is more emphatic still, requiring that decisions:

"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused."

6.10 The site is previously-developed land within the settlement. The strengthened brownfield policy at paragraph 125(c) therefore applies directly, and the redevelopment of this under-utilised site for up to 32 no. dwellings attracts the substantial weight the Framework prescribes.

6.11 Paragraph 73 of the NPPF confirms that small and medium-sized sites can make an important contribution to meeting an area's housing requirement, and that authorities should support the development of suitable sites within existing settlements:

"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly."

- 6.12 The proposal is precisely the kind of deliverable, quickly built-out site within an existing settlement that this paragraph is intended to bring forward.
- 6.13 The site is occupied by a car repair premises, an established sui generis use. As such it does not fall within the B-class employment uses to which Policy 25 of the Adur Local Plan applies, and the redevelopment of the site for residential use raises no conflict with the development plan's employment-land policies.
- 6.14 This is, in short, a case in which considerable public benefits can be secured: a meaningful boost to the supply of smaller and generally more affordable homes, delivered on previously-developed land within the settlement, with complementary employment and small-scale retail provision. It is not a case in which substantial harm would arise (see the Flood Risk and Retail / Town Centre considerations below, and the associated Sequential Tests). Bearing in mind that the tilted balance is already engaged for the reasons given in Section 4, and that the scheme draws the substantial weight afforded to suitable brownfield development by paragraph 125(c), the principle of development on this site is clearly established and the planning balance falls firmly in favour of the proposal.

5YHLS

- 6.15 As set out at Section 4 above, Adur's operative Five Year Housing Land Supply (base date 1 April 2024) demonstrates only 3.3 years against standard-method need with the 20% buffer applied, a shortfall that becomes structurally entrenched from 1 July 2026. That analysis is not repeated here; two further points bear on the weight the shortfall attracts.
- 6.16 First, even were the Council to contend that a five-year supply is achievable, that position is not static. The Housing Delivery Test, which authorities must review annually, requires the

delivery of sustainable housing to continue in accordance with the Framework. This is a well-settled principle, consistently echoed by Inspectors, whether or not an authority can demonstrate a five-year supply.

- 6.17 Support is drawn from the recovered appeal at *Long Melford*³, determined by the Secretary of State on 1 April 2020. There, although the local authority could demonstrate a supply above five years, that was treated as a floor and not a ceiling. The Inspector concluded:

"Although the local authority can now demonstrate a supply of housing land above 5 years, this figure is a baseline and not a ceiling [...] In the light of the identified local need, and the Government's objective of significantly boosting the supply of homes (Framework paragraph 59), he considers that the housing delivery should carry significant weight."

- 6.18 The reference to Framework paragraph 59 reflects the boosting-supply objective under the 2019 NPPF then in force; that objective is now carried, undisturbed, at paragraph 61 of the December 2024 Framework.
- 6.19 Second, it follows that even were the Council to maintain a five-year supply, planning permission should still be granted in principle: sustainable sites should be permitted unless material considerations indicate otherwise, and the material considerations here weigh firmly in favour of the proposal.
- 6.20 This reflects the structure of the Framework itself. Paragraph 10 provides that "at the heart of the Framework is a presumption in favour of sustainable development", and the presumption at paragraph 11 applies whether or not the plan is up to date and whether or not a five-year supply exists — the only question being which limb of paragraph 11 is engaged.

Tilted Balance

³ APP/D3505/W/18/3214377

- 6.21 The mechanics of the tilted balance under paragraph 11(d)(ii), and its engagement on the facts of this case, are addressed at Section 4 above. This subsection addresses a discrete but related point: the status of the presumption where, as here, it is also embedded within the development plan. As set out at paragraph 6.1 above, Policy 1 of the Adur Local Plan replicates the presumption found at paragraph 11 of the NPPF, so it applies not merely as a material consideration drawn from national policy but as a development plan consideration carrying statutory primacy.
- 6.22 The significance of such a policy was considered in *Basingstoke and Deane*⁴. The Basingstoke and Deane Local Plan contains a presumption policy, SD1, which is directly comparable to Policy 1 of the Adur Local Plan.
- 6.23 Determining the underlying appeal, the Inspector found that, notwithstanding conflict with certain policies, the proposal accorded with the development plan as a whole:

"Looking at the development plan as a whole, the proposal would accord with those policies I have identified above together with Policy SD1. On the other hand, it would conflict with the spatial strategy (Policies SS1, SS6 and HO2) and the landscape policies (Policies EM1 and NE1). Given that the spatial strategy is out-of-date, and that the degree of landscape harm is only of moderate weight, my overall conclusion is that the proposal is in accordance with the development plan as a whole."

- 6.24 The Council challenged that decision, contending that the Inspector should not have taken the out-of-datedness of the spatial distribution policies into account when deciding whether the proposal conformed with the plan as a whole.
- 6.25 The Court dismissed the challenge:

⁴ *Basingstoke and Deane Borough Council v Secretary of State for Levelling Up, Housing and Communities* [2024] EWHC 1916 (Admin)

"96. In deciding whether the proposal accorded with the development plan as a whole, it was logical and consistent with the application of policy SD1 in this case for the Inspector to take into account the out-of-datedness of the spatial strategy (see last sentence of DL 145). Indeed, to have ignored that factor would have been internally inconsistent and would have failed to apply the development plan as a whole."

- 6.26 The Court further held that the same conclusion would have followed irrespective of policy SD1:

"98. I do not consider that the dismissal of this claim depends upon the fact that the BDLP includes policy SD1. Some local plans do not contain a policy replicating the NPPF's presumption in favour of sustainable development. In the present case, even if policy SD1 is disregarded for the sake of argument, I see no error of law in DL 145. In my judgment, the Inspector would still have been entitled to take into account the out-of-datedness of the spatial strategy of the development plan when deciding whether the proposal was in accordance with that plan as a whole."

- 6.27 It follows that the presumption embedded within Policy 1 of the Adur Local Plan cannot be disregarded, and that the out-of-datedness of the housing supply policies is properly taken into account in the plan-as-a-whole judgement. The judgment is directly relevant to the application of both the presumption in favour of sustainable development and the tilted balance in the present case.

Sustainability

- 6.28 Paragraph 8 of the NPPF identifies the three overarching objectives — economic, social and environmental — that sustainable development should seek to deliver, while paragraph 9 makes clear these are not to be applied as discrete tests.
- 6.29 *Economically*, the redevelopment of this previously-developed site would generate construction-sector employment and expenditure during the build, followed by sustained

support for local trade, services and facilities in Southwick and the wider Shoreham Harbour Regeneration Area through the spending of future residents. The completed development would contribute to Council Tax revenues and, through the delivery of 32 dwellings, support the local and regional economy. The replacement of a low-intensity, single-use commercial site with 2,774.9 sq m (GIA) of residential floorspace represents a substantial intensification of an underused brownfield site.

- 6.30 *Socially*, the proposal would deliver 32 high-quality homes across a range of sizes — five one-bedroom, 23 two-bedroom and four three-bedroom units — directly addressing the acknowledged and worsening housing shortfall in Adur established in Section 4. The internal layouts provide well-proportioned, functional accommodation conducive to day-to-day living, arranged so as not to materially harm the residential amenity of neighbouring occupiers. The scheme would bring activity and natural surveillance to a currently inactive street frontage, supporting a stronger and more populated community within the regeneration area.
- 6.31 *Environmentally*, the site is highly sustainably located, within walking distance of services, bus stops on the frontage and Southwick railway station, such that future residents need not be reliant on the private car. The proposal incorporates tangible low-carbon measures evident on the submitted drawings: air-source heat pumps serving the building, four electric-vehicle charging spaces within the parking area, and secure cycle parking for 18 cycles. New tree and shrub planting (Wild Cherry and Rowan, with an ornamental shrub mix) would deliver a modest landscape and biodiversity gain on a site that is presently almost entirely hardstanding. The development would be constructed to current Building Regulations standards, embedding measures to reduce energy demand and carbon emissions.
- 6.32 The proposal accordingly performs positively against all three dimensions of sustainable development at paragraph 8 of the NPPF, and is considered economically, socially and environmentally sustainable.

Design and Layout

- 6.33 Policy 15 of the Adur Local Plan, Policy SH9 of the JAAP and paragraphs 131, 135 and 139 of the NPPF require development to be of high-quality design, to respond to and reinforce local character, and to be appropriate in scale and form to its context.
- 6.34 The proposed six-storey block would be sited to the Albion Street frontage to address and animate the street scene, with the car parking, cycle store, refuse store and landscaped areas arranged to the rear. The building has been designed to rise to a height comparable to — and marginally below the main parapet of — the consented residential development at 17–27 Albion Street immediately to the west, with the top (sixth) storey set back from the frontage to reduce its apparent bulk, as shown on the proposed elevations. This set-back is reflected in the floor plans, the fifth floor accommodating only two set-back units. The elevational treatment is contemporary, employing buff brickwork, anthracite-grey cladding and RAL 5011 powder-coated metalwork, balconies and rainwater goods to provide a high-quality, durable finish. The existing and proposed elevations demonstrate how the proposal would integrate into the street scene.
- 6.35 The surrounding townscape is of mixed and, in places, poor quality. The proposal would deliver a marked uplift on the existing low-grade commercial building it replaces, and would complete the emerging built form and rhythm established by the consented scheme next door, contributing positively to the regeneration of the Harbour Mouth character area.
- 6.36 It is considered that the proposal represents a high-quality development of acceptable design, bulk, massing and scale, in accordance with local and national policy in this regard.

Highways Access, Parking and Safety

- 6.37 Policy 28 of the Adur Local Plan, Policy SH5 of the JAAP and paragraphs 114, 115 and 116 of the NPPF seek to ensure that development promotes sustainable transport, provides appropriate parking, and does not give rise to unacceptable highway impacts.
- 6.38 Paragraph 116 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the

residual cumulative impacts on the road network, following mitigation, would be severe. The courts have confirmed that "severe" sets a high threshold calling for the exercise of planning judgement, and that a refusal must be justified by a genuinely severe residual cumulative impact: see *Hawkhurst*⁵.

- 6.39 The site benefits from established vehicular access from Albion Street (A259), with 45m × 2.4m visibility splays achievable in both directions at the 30mph limit, as shown on the proposed site layout. The eastern crossover would be reinstated as footway and the retained western access upgraded, with the frontage footway resurfaced, securing safe and suitable access for all users. Critically, the supporting Transport Statement demonstrates that the proposal would generate materially fewer vehicle movements than the lawful use of the site: the existing vehicle repair use generates in the order of 137 daily two-way movements (and that figure excludes the MOT and car-sales activity), against approximately 97 for the proposed 32 flats — a net reduction. There would accordingly be no adverse impact on highway safety or capacity.
- 6.40 Policy 8 identifies that a Transport Strategy for Shoreham Harbour has been produced to mitigate highway impacts and promote sustainable travel, and that development in this location should contribute to its delivery. Policy SH5 of the JAAP similarly requires new development in the regeneration area to demonstrate how it will reduce car-based travel and to contribute towards sustainable transport infrastructure.
- 6.41 The proposal supports those objectives directly. It is in a highly accessible location, with bus stops on the site frontage served by the 700 service at up to ten-minute frequencies, additional services nearby, and Southwick railway station approximately 600m to the east offering frequent Southern services. It is well connected by the existing footway network and by National Cycle Route 2, and provides secure cycle parking for 18 cycles, meeting the West Sussex County Council standard.

⁵ *R (Hawkhurst Parish Council) v Tunbridge Wells Borough Council* [2020] EWHC 3019 (Admin)

- 6.42 As to car parking, the site lies within Parking Behaviour Zone 4 of the WSCC Guidance on Parking at New Developments (2020), against which the indicative maximum provision would be approximately 36 spaces. The proposal provides 22 spaces (drawing no. 3471_05B), a ratio of 0.69 per dwelling. While below the indicative WSCC maximum, this level of provision is well supported by the site's highly sustainable, low-car location: Census-derived data interrogated in the Transport Statement indicates that just under half of comparable local households have no car, and the likely on-site car ownership is materially lower than the WSCC indicative figure.
- 6.43 This level of provision is, moreover, reinforced by local precedent. The proposal's ratio of 0.69 exceeds the provision accepted by the Council at both neighbouring developments — 0.56 at the adjacent 55-unit scheme (AWDM/1999/21) and 0.36 at AWDM/1450/21. In approving the neighbouring scheme the Council expressly accepted the sustainability of this location, noting the frequent bus and rail services, the bus stops directly in front of the site, well-maintained footways on both sides of Albion Street, and policy-compliant cycle parking, and a sustainable transport contribution towards A259 cycle-route improvements was secured by section 106 in accordance with the Shoreham Harbour Transport Strategy. West Sussex Highways raised no objection. The present proposal, offering a more generous parking ratio than either precedent in the same highly accessible location, sits comfortably within that established position.
- 6.44 Taken together — the established and improved access, the demonstrable net reduction in vehicle movements against the lawful use, the highly sustainable location, the cycle provision, and a parking ratio exceeding accepted local precedent — the proposal gives rise to no unacceptable impact on highway safety and no severe residual cumulative impact on the network. It accords with local and national highways policy in this regard.

Viability and Affordable Housing

- 6.45 The Applicant recognises the affordable housing requirement under Policy 21 of the Adur Local Plan. Policy 21 expressly provides a viability route, stating that where developers cannot meet the affordable housing requirement, the Council must be satisfied "by robust financial

viability evidence (through an open book approach) that the target cannot be met", with an independent assessment provided at the developer's cost.

6.46 The Applicant's position is that the scheme is deliverable subject to the affordable housing requirement being addressed through that viability mechanism, having regard to the following:

- *Deliverability*: The Applicant is committed to bringing the site forward and delivering the public benefits identified in this Statement.
- *Housing need*: The need for housing is acute, both in the District and nationally. As established at Section 4 above, Adur cannot demonstrate a five-year supply, the shortfall is structural and worsening, and — as the *Long Melford* decision confirms — the five-year requirement is a floor and not a ceiling against which delivery should continue to be boosted under paragraph 61 of the NPPF.
- *Regeneration*: The site lies within the Shoreham Harbour Regeneration Area, which the Council has identified as a priority for redevelopment and which this proposal would help deliver.
- *Viability*: Significant increases in build costs, including materials and labour, have materially affected the economics of housing delivery, which the viability evidence will address.

6.47 A robust, open-book Viability Report accompanies the application, prepared in accordance with Policy 21 and subject to independent assessment at the Applicant's cost, to evidence the extent to which the affordable housing requirement can be met. That evidence would enable the Council to undertake the balancing exercise required by Policy 21 and to reach a legally sound decision, weighing the significant benefits of the scheme against any reduction in affordable housing provision.

Loss of Employment

6.48 The existing use of the site is the sui generis use of car sales and vehicle repair. Its redevelopment for housing would bring about the loss of that commercial use, and the

matter is addressed here for completeness, the principle of residential development having been established above.

- 6.49 Policy 25 of the Adur Local Plan seeks to protect and enhance existing employment sites and premises. The application site is not, however, a designated or strategically allocated employment site, nor does it lie within an area identified for employment protection; it is a single, modest commercial premises occupying a previously-developed plot on the Albion Street frontage. Its loss would represent no strategic loss of employment land or floorspace within the District, and no material erosion of the District's employment provision.
- 6.50 Of greater significance, the site lies within the Shoreham Harbour Regeneration Area and JAAP Character Area 6 (Harbour Mouth), where the development plan positively plans for the transition of such low-intensity commercial and harbour-fringe sites to residential-led, mixed-use regeneration (Policy 8 of the Adur Local Plan and Policies CA6 and SH4 of the JAAP). In this location the loss of the existing commercial use is not merely acceptable but actively anticipated and supported by the development plan's own strategy for the area. Redeveloping the site for housing gives effect to that strategy rather than offending it.
- 6.51 It would be neither necessary nor reasonable to require a marketing or viability exercise to justify the loss. The employment supported by a single car sales and repair premises is modest; the use is sui generis rather than a strategic employment use; and the development plan positively directs the site towards residential-led regeneration. Comparable automotive and commercial services are, in any event, available within the wider area, such that the community would not be deprived of a service for which no reasonable alternative exists. The loss is not, in any meaningful sense, a loss of community provision.
- 6.52 The proposal would, moreover, deliver its own economic and employment benefits, consistent with the economic objective of sustainable development at paragraph 8 of the NPPF. The construction of 32 dwellings would generate direct construction employment and supporting supply-chain activity before and during the build, while future residents would sustain local trade, services and facilities within Southwick and the regeneration area

thereafter. On the basis of the Home Builders Federation housing calculator, the delivery of 32 dwellings would support in the order of 96 jobs — a figure that comfortably exceeds any employment realistically generated by the existing use. The net effect on employment and economic activity is therefore positive, not adverse.

- 6.53 Finally, the existing use makes a limited and, in townscape terms, a negative contribution to this part of the Albion Street frontage — a low-grade commercial site, largely hardstanding, on a prominent gateway within a regeneration area. Its replacement with a high-quality residential building would remove that detractor and deliver the regeneration the development plan seeks. The social, environmental and economic benefits of the proposal plainly outweigh the loss of the existing commercial use.
- 6.54 For these reasons, the loss of the existing employment use accords with Policy 25 of the Adur Local Plan, with the regeneration strategy for Shoreham Harbour, and with the economic objective of the NPPF. No material harm arises from the departure from commercial use that would weigh against the grant of permission.

Housing Mix and Density

- 6.55 Policy 20 of the Adur Local Plan requires new housing to provide an appropriate mix of dwelling types, sizes and tenures, having regard to identified local need, the characteristics and location of the site, and viability. Policy 22 addresses density, requiring the efficient use of land at densities appropriate to a site's accessibility and character; within the Built-Up Area Boundary and the Shoreham Harbour Regeneration Area, higher-density development is positively expected. The Nationally Described Space Standards and the Council's "Space Around New Dwellings and Flats" standard are also relevant.
- 6.56 In this case, the mix and density of housing proposed are acceptable for the following reasons:

- 6.57 First, the proposal provides a mix of 32 flats — five one-bedroom, 23 two-bedroom and four three-bedroom units — delivering predominantly smaller homes for which a need is identified in the Council's housing needs evidence base.
- 6.58 Secondly, a flatted form is the appropriate and expected response to this constrained urban brownfield site within the Built-Up Area Boundary and the Shoreham Harbour Regeneration Area, where the development plan plans positively for higher-density, residential-led regeneration. It also reflects the established built context, in particular the adjacent consented development at 17–27 Albion Street (AWDM/1999/21), comprising 55 flats in 4–6 storey blocks.
- 6.59 Thirdly, the resulting density — in the order of 230 dwellings per hectare on a site of approximately 0.14 hectares — is high, but it is precisely the efficient, high-density use of accessible previously-developed land that Policy 22 and the regeneration strategy seek, and which the adjacent scheme has already established as acceptable in this location.
- 6.60 Fourthly, all units are designed to meet the Nationally Described Space Standards and the Council's space standards, securing a good standard of accommodation.
- 6.61 Fifthly, the affordable housing position is addressed under Affordable Housing and Viability above. The requirement of Policy 21 is engaged and is the subject of the open-book Viability Report, rather than being excluded by reason of the flatted form.
- 6.62 Sixthly, the mix and density fall to be considered in the context of the acute and worsening housing shortfall in Adur (a 3.3-year supply), which adds weight to the delivery of these homes.
- 6.63 On that basis, the proposal accords with Policies 20 and 22 of the Adur Local Plan. Even were any conflict with those policies considered to arise, it would carry limited weight in the context of a scheme delivering much-needed housing on accessible brownfield land within the regeneration area.

Landscape

- 6.64 Policy 15 (Quality of the Built Environment and Public Realm) and Policy 30 (Green Infrastructure) of the Adur Local Plan, Policy SH7 of the Shoreham Harbour JAAP, and the design and green-infrastructure provisions of the NPPF seek to secure high-quality landscaping, public realm and green infrastructure as an integral part of new development.
- 6.65 The Site is presently almost entirely hardstanding, with no soft landscaping. The proposal would introduce new soft landscaping and tree planting — including Wild Cherry and Rowan trees and an ornamental shrub mix within the parking court and to the frontage — representing a clear net improvement in green infrastructure on a wholly developed Site, with consequent benefits for biodiversity and the street scene.
- 6.66 Of particular relevance in this location, Policy SH7 of the JAAP seeks the enhancement of green infrastructure through a green corridor along the A259, and the Council's pre-application advice sought a frontage set back sufficiently from the A259 to accommodate that corridor and the future cycle route, together with substantial tree planting to provide an immediate impact in the streetscape.
- 6.67 The delivery of a high-quality hard and soft landscaping scheme is an entirely realistic prospect and, to the extent further detail is required, can be secured by condition. The proposal accordingly accords with Policies 15 and 30 of the Adur Local Plan, Policy SH7 of the JAAP and the relevant provisions of the NPPF.

Flood Risk and Drainage

- 6.68 Policy 36 of the Adur Local Plan and Policy SH6 of the Shoreham Harbour Joint Area Action Plan, together with Section 14 of the NPPF, seek to ensure that development is directed away from areas at the highest risk of flooding, that it is safe for its lifetime without increasing flood risk elsewhere, and that sustainable drainage systems are provided on major development, taking account of all sources of flood risk. The application is supported by a Flood Risk Assessment and Surface Water Drainage Strategy prepared by Ingent Consulting Engineers (May 2026).

6.69 The starting point is the sequential, risk-based approach. The Environment Agency's mapping and the Ingent FRA confirm that the Site lies wholly within Flood Zone 1 — land with the lowest, less than 1 in 1,000 annual probability of flooding from rivers or the sea. The Site is therefore in the sequentially preferred location for development, and neither the Sequential Test nor the Exception Test is required for a site within Flood Zone 1.

6.70 Consistent with the requirement to consider all sources of flooding, the FRA assesses the residual risks and finds none that would preclude development:

- Fluvial and tidal: the River Adur lies approximately 50m to the south, and the Environment Agency mapping identifies no material risk to the Site from rivers or the sea.
- Surface water: a small area of surface water flood risk is identified in the north-eastern corner, arising off Victoria Road and through the neighbouring site; this is dealt with in full within the proposed drainage system.
- Groundwater: not considered significant, having regard to the existing topographic falls across the Site, although groundwater is likely subject to tidal influence given the proximity to Shoreham Harbour.
- Sewers, highway drains and infrastructure: the existing private drainage will be removed or made redundant, eliminating any risk of failure of the existing on-site network.

6.71 Finished floor levels would be set a minimum of 150mm above surrounding ground level, with exceedance flows for rainfall events exceeding the 1 in 100-year event routed away from the building, so that surface water would not threaten life or property.

6.72 As to surface water drainage, the FRA follows the discharge hierarchy in the West Sussex County Council (Lead Local Flood Authority) guidance. Infiltration is not viable: the underlying Head deposits and chalk, the risk of chalk dissolution, and the tidally-influenced groundwater make soakaways unsuitable, as confirmed by infiltration testing on the adjacent site (a non-

compliant rate of 9.54×10^{-7} m/s). No suitable watercourse is available. Surface water would therefore be managed through permeable paving, with roof and hardstanding runoff captured within a lined Type 3 sub-base providing approximately 103 m³ of attenuation storage, before discharging to the Southern Water surface water sewer via a Hydro-Brake flow-control device.

- 6.73 Critically, that device would restrict the discharge to just 1 litre per second for all events up to and including the 1 in 100-year rainfall event plus a 45% climate change allowance (using FEH 2022 rainfall data). This represents a very substantial betterment over the existing position: the Site, presently wholly hardstanding, discharges surface water at an unrestricted rate of the order of 66.9 l/s in the 1 in 100-year event. The proposal would additionally reduce the impermeable area, from approximately 1,306.8 m² to 1,150.5 m². The development would accordingly reduce, rather than increase, surface water flood risk elsewhere.
- 6.74 The four pillars of SuDS are addressed: water quantity, through attenuation within the permeable sub-base; water quality, through treatment within the permeable paving sub-base prior to discharge; biodiversity, through new soft landscaping where presently there is none; and amenity, the constrained Site precluding above-ground SuDS features but no existing amenity being lost. Foul drainage would connect to the existing Southern Water foul sewer in Albion Street, the drainage principles mirroring those accepted on the adjacent consented scheme. The requisite connection agreements with Southern Water (under section 106 of the Water Industry Act 1991) would be secured at the detailed design stage.
- 6.75 On that basis, the level of flood risk to and from the proposed development is acceptable, the surface water drainage strategy is expected to meet the requirements of the Lead Local Flood Authority, and the proposal accords with Policy 36 of the Adur Local Plan, Policy SH6 of the JAAP and the flood-risk and drainage provisions of the NPPF. The detailed drainage design can be secured by condition.

Ecology and Biodiversity Net Gain (BNG)

- 6.76 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017, together with the Wildlife and Countryside Act 1981 (as amended) and section 40 of the Natural Environment and Rural Communities Act 2006, requires competent authorities to have regard to the conservation of designated sites, protected and priority species and habitats in the exercise of their functions. Policy 31 of the Adur Local Plan, Policy SH7 of the JAAP and paragraphs 187 and 193 of the NPPF reflect those duties, seeking to protect and enhance the natural environment with a specific emphasis on biodiversity.
- 6.77 The application is supported by a Preliminary Ecological Appraisal and Roost Assessment, and a subsequent Bat Emergence and Re-entry Survey (Arbtech). The Site comprises two commercial buildings and sealed surfaces of low ecological value. The assessments confirm that there are no confirmed bat roosts (the principal building being of low suitability and the outbuilding negligible), and that the development may proceed without further survey or European Protected Species licensing, subject only to a wildlife-sensitive lighting strategy that can be secured by condition. There would be no adverse impact upon protected or priority species.
- 6.78 The mandatory 10% biodiversity net gain introduced by the Environment Act 2021 (in force from 12 February 2024) is acknowledged. However, the Site is previously-developed land of negligible existing habitat value, and the Council confirmed at pre-application stage that the development is unlikely to be required to meet the statutory BNG requirement; the ecologist's assessment supports that position.
- 6.79 Notwithstanding, and consistent with the Council's advice, the scheme would deliver tangible biodiversity enhancement on a Site that is presently almost entirely hardstanding, through new tree and shrub planting and the incorporation of bird and bat boxes and swift bricks. The detail of those measures can be secured by condition.
- 6.80 The application accordingly accords with Policy 31 of the Adur Local Plan, Policy SH7 of the JAAP and the relevant provisions of the NPPF. The Site presents no ecological constraint to

development, and the Applicant acknowledges its continuing duty under the Habitats Regulations 2017.

Heritage

- 6.81 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision-taker, in considering whether to grant permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest. Section 72 imposes an equivalent duty in respect of the character and appearance of conservation areas. The courts have confirmed that these duties require any harm to the significance of a designated heritage asset to be given considerable importance and weight, amounting to a strong but rebuttable presumption against the grant of permission (*see Barnwell Manor Wind Energy Ltd*⁶). As Lindblom J explained in *Forge Field Society*⁷, to "preserve" the setting of a listed building, or the character and appearance of a conservation area, means to cause no harm to it. That is precisely this case: the proposal causes no harm whatever, the statutory presumption is simply not engaged, and the duty is comfortably satisfied.
- 6.82 Chapter 16 of the NPPF gives effect to those duties. Paragraphs 207 and 208 require the significance of any affected heritage asset, including any contribution made by its setting, to be identified and assessed; paragraph 210 recognises the desirability of new development making a positive contribution to local character and distinctiveness; paragraph 212 directs that great weight be given to the conservation of a designated asset, irrespective of the level of any harm; and paragraph 219 provides that, where a proposal preserves those elements of the setting that make a positive contribution to an asset, it should be treated favourably. Policy 15 of the Adur Local Plan and Policy SH9 of the JAAP carry these principles into the development plan.
- 6.83 The Applicant's position is stated plainly at the outset: the proposal would have no discernible impact on the significance of the Kingston Buci Conservation Area, and still less on the Grade I

⁶ *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] EWCA Civ 137)

⁷ *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin)

listed Church of St Julian. There is no harm — not substantial harm, not less than substantial harm, not harm at the lowest end of the spectrum. The reasons follow.

- 6.84 The application site contains no designated heritage asset, and no listed building is physically affected by the proposal. There are no heritage assets immediately adjacent to the site. The nearest designated assets lie within, or comprise, the Kingston Buci Conservation Area, which is situated on the northern side of the West Coastway railway line. The Grade I listed Church of St Julian sits at the historic core of that Conservation Area, but is located a very considerable distance from the site — in the order of 300m to the north — and is wholly separated from it by the intervening railway, embankment and built development. There is no line of sight, and no functional or historic association, between the site and the church; any suggestion that a development on this side of the railway could affect the significance of a Grade I church 300m away, behind the embankment and the existing and consented built form, is untenable.
- 6.85 The significance of the Conservation Area is set out in the Council's adopted Kingston Buci Conservation Area Character Appraisal and Management Strategy (2022). The Conservation Area is a small and compact designation whose significance derives from a historic ecclesiastical and manorial core: the 11th-century Church of St Julian, the manor house (16th-century in origin but outwardly 18th-century, with a "Georgian" south front), the Old Rectory, and the associated former farmstead now occupied by Shoreham College, together with the remnant undeveloped manorial land to the south and east of the manor house. The 19th-century croquet and lawn tennis club to the east of Kingston Lane is also included within the Conservation Area, for the contribution it makes to its setting. The area takes its name from the de Boucey family, who held the manor in the 14th century. The significance of the Conservation Area is, in consequence, wholly inward-looking, drawn from the historic relationship between its church, manor, rectory and former agricultural land on the northern side of the railway. The site plays no part in that relationship and never has.
- 6.86 Whether the site forms part of the setting of the Conservation Area, and whether it makes any contribution to its significance, is a matter of planning judgement informed by the way in

which the heritage asset is experienced (*see Catesby Estates Ltd*⁸). Applied properly, that test admits of only one answer: the site makes no contribution to the significance of the Conservation Area, and is not meaningfully part of its setting at all. It lies on the opposite, southern side of the railway line, within the harbour-fringe and historically industrial context of Albion Street and Shoreham Harbour, and has no historic, functional or visual relationship with the ecclesiastical and manorial core from which the Conservation Area derives its interest. The West Coastway railway line and its embankment form a hard, continuous and permanent physical and visual barrier between the site and the Conservation Area, severing any experiential connection between them entirely. The site's present use as a low-grade commercial car-repair premises makes no positive contribution to the character, appearance or setting of the Conservation Area; if anything, the existing building is a detractor in this prominent gateway location, and its removal is a heritage benefit rather than a harm.

6.87 The proposal would replace that detracting building with a high-quality residential building of six storeys. It would sit within an established and substantially modern context on the southern side of the railway, immediately adjacent to the consented six-storey residential development at 17–27 Albion Street (AWDM/1999/21) — built form of directly comparable height and scale that the Council has itself already found acceptable in this very location. The railway corridor and embankment would continue to separate the proposal from the Conservation Area completely, and the inward-looking significance of the designation — focused on the church, manor, rectory and former farmstead more than 300m to the north — would be left entirely undisturbed. The proposal would not interrupt, erode or alter any view, historic relationship or aspect of setting that contributes to that significance. Insofar as the upper storeys might be glimpsed in occasional views from the southern fringe of the Conservation Area, they would be read against precisely the same existing and consented modern harbour-front built form, and would make no perceptible difference to how the Conservation Area is understood or experienced.

6.88 For these reasons the proposal preserves — indeed leaves wholly unaffected — the setting and significance of the Kingston Buci Conservation Area and the Grade I listed Church of St

⁸ *Catesby Estates Ltd v Steer* [2018] EWCA Civ 1697

Julian, and no harm of any kind, at any level, is caused (Barnwell Manor; Forge Field). No statutory consultee, including Historic England, has identified harm to either asset; and the views of Historic England, as the Government's statutory heritage adviser, attract great weight (*see Visao*⁹). The statutory duty under section 72 of the 1990 Act is fully discharged, and, the heritage assessment being contained within this Planning, Design, Access and Heritage Statement, the proposal accords with paragraphs 207 to 219 of the NPPF, Policy 15 of the Adur Local Plan and Policy SH9 of the JAAP. As there is no harm, the public-benefits balance under the NPPF is not engaged; but had any harm been identified — and none has — it would have been at the very lowest conceivable level and would have been decisively and overwhelmingly outweighed by the substantial public benefits of the scheme set out in the Planning Balance below.

Residential Amenity

- 6.89 Policy 18 of the Adur Local Plan, the Council's "Space Around New Dwellings and Flats" development management standard, the Nationally Described Space Standards (2015) and paragraph 135(f) of the NPPF seek to secure a good standard of amenity for existing and future occupiers.
- 6.90 As to future occupiers, all 32 units are designed to meet the Nationally Described Space Standards, with private amenity space provided by way of balconies. The constrained acoustic and air-quality environment arising from the A259, the railway and the harbour uses opposite is addressed through the design: mechanical ventilation with heat recovery and enhanced glazing (as set out in the Noise Impact Assessment), which also manage overheating risk without reliance on opening windows.
- 6.91 As to neighbouring amenity, the nearest residential receptors are the dwellings on Victoria Road to the north, beyond the railway embankment, and the consented flats to the west. The separation across the railway corridor, together with the orientation and fenestration of the building, would maintain acceptable levels of privacy and outlook.

⁹ *Visao Ltd v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 276 (Admin)

6.92 Subject to those matters, the proposal would provide an acceptable standard of amenity for future occupiers and would not cause unacceptable harm to the amenity of neighbouring occupiers, in accordance with Policy 18 of the Adur Local Plan and the NPPF.

Land Contamination

6.93 Policy 34 of the Adur Local Plan and Section 15 of the NPPF (paragraphs 196 and 197) require land contamination to be considered and addressed at the planning stage, with responsibility for securing safe development resting with the developer and/or landowner.

6.94 Consistent with the Site's industrial use, and as identified by the Council at pre-application stage, the Site is potentially contaminated land. The application is supported by Phase I and Phase II Land Contamination Assessments (Oakridge). The intrusive investigation identified hydrocarbons, polycyclic aromatic hydrocarbons, metals, an isolated asbestos fragment and a moderate ground-gas / radon potential, with a low risk to controlled waters.

6.95 The assessments conclude that the Site is suitable for the proposed residential development subject to a precautionary remediation strategy — including a clean cover system to soft-landscaped areas, ground-gas and radon protection measures, verification and a watching brief — which can be secured through the standard suite of contaminated-land planning conditions. Following remediation, the land would not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

6.96 The redevelopment therefore secures a positive environmental outcome by remediating a contaminated brownfield site, in accordance with Policy 34 of the Adur Local Plan and paragraphs 196 and 197 of the NPPF.

Delivery and Construction

6.97 The deliverability of a development is an important factor in the assessment of its sustainability and of its contribution to the supply of housing land in the District. The NPPF defines deliverable sites as those that are available now, offer a suitable location for

development now, and are achievable with a realistic prospect that housing will be delivered within five years.

- 6.98 The NPPG identifies suitability, availability and achievability as the key concepts. The Site satisfies each. It is available previously-developed land within the Applicant's control. It is suitable, lying within the Built-Up Area Boundary and the Shoreham Harbour Regeneration Area, where housing-led redevelopment is positively planned for and where the acceptability of comparable flatted development is established by the adjacent AWDM/1999/21 consent. It is achievable, the Applicant (PR Homes Direct Ltd) being a committed developer ready to bring the Site forward.
- 6.99 There is accordingly a realistic prospect of early delivery. Given the acute and worsening housing shortfall in Adur addressed earlier in this Statement, the contribution of 32 dwellings to supply in the short term is a benefit of substantial weight. Any necessary infrastructure contributions can be secured under Policy 29 of the Adur Local Plan and through CIL and/or a section 106 agreement, having regard to the views of West Sussex County Council.

7.0 Planning Balance

- 7.1 The proposal seeks planning permission for the regeneration of a vacant, contaminated and underused brownfield site within the Shoreham Harbour Regeneration Area, delivering 32 no. much-needed homes in a highly sustainable, accessible location, while remediating the land and improving a prominent gateway frontage on the A259.
- 7.2 The starting point is section 38(6) and the development plan read as a whole. As re-emphasised in *Corbett*, the statutory duty requires a judgement as to whether the proposal accords with the plan as a whole, having regard to the relative importance of the policies complied with or infringed and the extent of the compliance or breach; conflict with an individual policy does not of itself equate to a failure to accord with the plan overall.

- 7.3 The proposal accords with the policies most important for its determination — the principle of brownfield, regeneration-area housing (Policies 1, 2, 8 and 22; JAAP Policy CA6), design (Policy 15; JAAP SH9), ecology (Policy 31; JAAP SH7), contamination (Policy 34), transport (Policy 28; JAAP SH5) and sustainable design and energy (Policies 18 and 19; JAAP SH1). It is in accordance with the development plan when read as a whole and should be permitted without delay.
- 7.4 In any event, the Council being unable to demonstrate a five-year housing land supply, the tilted balance at paragraph 11(d)(ii) of the NPPF is engaged. As Jay J explained in *Cheshire East*, the balance is "tilted in favour of the proposal" and will yield only in the face of significant and demonstrable adverse impacts.
- 7.5 The matters weighing against the proposal, addressed candidly, are: the loss of the existing sui generis commercial use (to which limited weight attaches, for the reasons given above); any less than substantial harm to the setting of the Kingston Buci Conservation Area; the affordable-housing position (subject to the open-book Viability Report); and a car-parking provision below the WSCC indicative maximum (mitigated by the Site's sustainable location and accepted local precedent).
- 7.6 None of those matters, individually or cumulatively, would significantly and demonstrably outweigh the benefits of the proposal, which are summarised below:

Benefit	Weight
Regeneration of a vacant, contaminated brownfield site within the Shoreham Harbour Regeneration Area (NPPF para 125(c))	Substantial
Social – delivery of 32 homes during an acute and worsening housing shortfall (3.3-year supply)	Substantial
Social – smaller homes meeting identified need, in a location highly accessible to services, bus and rail	Significant

Benefit	Weight
Economic – construction employment and supply-chain expenditure (c.96 jobs, HBF calculator); resident spending power; Council Tax / New Homes Bonus	Significant
Environmental – remediation of contaminated land and removal of a non-conforming commercial use adjacent to housing	Significant
Environmental – high energy efficiency (air-source heat pumps, PV), EV charging, biodiversity enhancement and new frontage landscaping	Significant

Figure 7.6.1 Public Benefits

- 7.7 Paragraph 125(c) of the NPPF directs that proposals for the use of suitable brownfield land within settlements should be approved unless substantial harm would be caused. No such substantial harm arises here. Taking account of all the considerations set out in this Statement, the proposal represents sustainable development that accords with the development plan read as a whole and, in any event, falls to be approved under the tilted balance.
- 7.8 It is therefore respectfully requested that planning permission be granted.