APPENDIX 2

ADDENDUM

Application Number:	**AWDM/1193/25**	**Recommendations:** **1) S.73A Minor Amendments with variation of planning conditions - Approve** **2) S106 Obligation Amendments - Partial Approval**
Site:	**Land At Former 5 Brighton Road, Shoreham-By-Sea**	
Proposal:	**Application to vary condition 2 (approved plans) Condition 21 (District Heat Network) of previously approved AWDM/1962/22 and Variation of S106 Agreement.: Amendment: Basement removal, reallocation of Floor Area between V4 and V1 Town Houses. Different sustainable and energy efficient solution has been produced.**	
Applicant:	Cayuga 011 LLP	Ward: Southwick Green
Agent:	ECE Planning Limited	
Case Officer:	Stephen Cantwell	

Highway Contribution

WSCC Highway Authority:
Has reaffirmed that it accepts the principle of a reduction to the £109,000 contribution for the A259 Cycle Scheme based on the provision of the land. However further discussion is needed about the actual land valuation, which the applicant suggests equates to £130,000.

With regards to the bus shelter WSCC's view is this should be provided subject sufficient space etc. It is a priority in this location so that people waiting for a bus are protected from adverse weather The NPPF para 117 is explicitly clear for the requirement for high quality bus services it quotes:

"give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use"

18th March: We are of the view that the land value costs would appear to be in the right ball park, however [in order to offset] the land costs then the applicant will also need to include the costs of upgrading the route in the future to the segregated provision. This would include:
- providing a cycle-lane compliant site access,
- further relocation of the lighting columns and
- the surfacing works.

[**Planning Officer Comment**: These comments indicate that some reduction may be possible, once the cost of works listed above have been agreed with the Highway Authority. Therefore under Part 2c of the recommendation on page 54 of the agenda, officers recommend that delegated authority be granted to the Head of Planning Services for agreement of the final contribution with the Highway Authority]

Adur District Engineer:
Confirms that whilst the 2m wide footpath is a little tight for a shelter, it is possible. It has provided a cost for the shelter to the applicant.

Representations:

Two letters of objection have been received as follows:

1) AREA

Adur Residents Environmental Action strongly object to the variation of the S106 agreements for this development particularly as it relates to the 3 obligations.

The basis of the developer's request to remove the 3 S106 agreements rests on the lack of viability.

1. These obligations to provide the river wall, the cycle way along the river's edge , the provision of land for the A259 cycle way, the eradication of contaminated soil were all known to the applicant before he submitted the application. They were not unforeseen and should have been costed into the viability. He obviously failed to access the viability accurately and failed to take into account an accurate assessment of rising costs. The benefits to the local community, by not providing affordable housing should not be ignored. Local residents will not be able to afford the market value of the homes. Given the lack of land in Adur for building new homes the affordable housing should be provided on this site.

AFFORDABLE HOUSING – In our original objection to this development we highlighted the lack of affordable housing. We return to this same objection. The Appeal called for the provision of on- site affordable housing and the developer should stand by the decision of the Inspector to include affordable housing. After all, it was the developer who launched the appeal against the Council's refusal of planning permission and now he wants to dismiss the Inspector's decision as well.

In 2025 the Minister for Housing and Planning stated that the "applicant should provide a robust justification for any changes proposed for planning applications associated with the permission. Where developments submit a Section 73 application that seeks to reduce affordable housing provision based on a new viability assessment, the decision maker should have a regard to the harm such a reduction causes and give this appropriate weight in the overall balance."

The Inspector attached significant importance to the provision of affordable housing. She stated (para 32): 'by delivering affordable homes on-site, these benefits would be integral to the implementation of Appeal B. In the event that there was a failure to deliver these units on-site, the [s.106 Undertaking] provides an alternative by means of a financial contribution of £427,500. Neither provision equated to the 30%/14no. of affordable dwellings. The Inspector concluded (paras 58-61), that the provision of five affordable homes on site or the provision of the greater contribution of £427,500 alongside the other public benefits of the development, carried significant weight in the balance and outweighed the heritage harm.

VIABILITY

CROWDPROPERTY.com states:Medium sized housing developers should aim for a profit margin of 5-15 %

wwwtheaccess group.com (Alex Boury) Poor pre-construction planning results in design changes, delays and rework eating into profits

statista - small and medium enterprises in the construction industry averaged 14% profit. (2024)

LOCAL ROADS AND A27 IMPROVEMENTS - Congestion on the A259 is constant and catastrophic if there is an accident or roadworks on either the A27 or A259. Improvements to the A259 as set out in 2014 by consultants Parsons Brinckerhoff have largely not been initiated. This development is situated at a point

where there is a bend, parked cars and the road narrows. S106 money is required for road improvements at this point particularly for pedestrian access and crossings as well as at the Ropetackle roundabout. Much has already been spent on improvements to the A27 Lancing/Shoreham.

OPEN SPACE – This development has an area labelled a play area in the South East corner of the development. There appears to be no provision of play equipment and we could find no information on the actual size of the area. This is a corner exposed to the prevailing winds and appears to provide no protection from the sun. The suggestion made by the developer that children could use the access area for the garages as a play area is totally unacceptable. Aside from the danger of traffic there is the risk of air pollution which will be trapped between the blocks. As the houses and flats have no gardens it is vital that S106 funding be provided for play equipment and sun and wind protection. The S106 money is also necessary for improvements to Kingston Beach, once again providing some shade and other amenities such as a toilet block. These are health issues which will be exasperated by climate change.

There is no way Cayuga developers should be allowed to wiggle out of their S106 obligations to the community by pleading lack of viability. The contribution from Homes England is using taxpayers' money for a development that was never thought to be viable or desired by local residents or by Adur Council. If a developer does not undertake a thorough viability assessment they should not be bailed out by the taxpayers via Homes England.

Therefore, Adur Residents Environmental Action maintain that the variation to the S106 agreement should not be allowed.

Barb O'Kelly

Adur Residents Environmental Action

2) ***N Feldberg:***
Same comments as AREA

Planning Conditions

The applicant has pointed out that some matters under planning conditions have already been approved, as follows:

Condition 4 - Construction Management plan and Hours of Work
Condition 5 - Phasing
Condition 8 - Enabling Works
Condition 6 - remediation & Groundwater
Condition 7 - Riverwall Works
Condition 9 - Drainage
Condition 10 - Drainage Maintenance
Condition 11 - Piling
Condition 13 - Access
Condition 14 - Sustainable Drainage
Condition 17 - Commercial Space Sound Insulation

As such the wording of these conditions can be amended to require adherence to approved details.

Recommendation As stated on page 54 of the agenda, but amend part 1) to to read: '*and including rewording of the conditions listed in the report addendum to reflect detailed approvals already issued*'
Also to amend part 2c) to read: …/contd.

2c) ***To delegate authority to the Head of Planning Services to approve a reduction of the Highway contribution subject to the agreement of the Highway Authority*****.**