

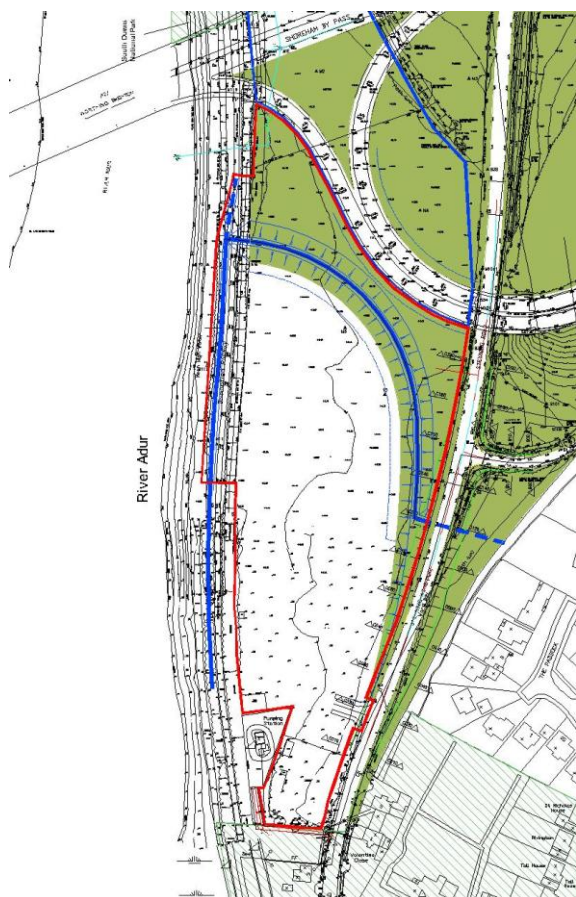
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ADUR LOCAL PLAN INQUIRY:

RESPONSE TO HOMEWORK

ON BEHALF OF THE OWNERS (Cobbetts Developments Ltd and its Directors) OF:
Land between the River Adur & the Steyning Road (A283), Shoreham-by-Sea, West Sussex.

Hereafter referred to as the '**Steyning Road site**' (formerly referred to as 'The Gateway site').



DAY 1: ITEMS 1 and 3

1.00 In light of the housing shortfall and the lack of a timetable regarding LSS3 would the Council agree that consideration should be given to an early review?

1.01 Adur acknowledge that they will not meet their OAN for housing and yet there remain perfectly viable sites such as the Steyning Road omission site, which could provide about 50 houses in the short term.

1.02 Adur Planning Officers have repeatedly stated in various meetings and discussions we have had with them, and recorded, that they are waiting to be pushed into allocating any of the omission sites by the Examination Inspector. Such statements are a clear indication that the omission sites have not been properly considered during the preparation of the plan and that the Council's supporting evidence to an extent post rationalizes a predetermined political position that contradicts some of its earlier studies.

1.03 Without an immediate review and inclusion of the available omission sites, the Council's current position fails to meet the most basic NPPF requirements, as follows:-

- Paragraph 1 – It does not provide a framework that reflects the needs and priorities of the community, because it does not meet the OAN for housing whilst further viable sites are readily available.
- Paragraph 157 – It does not plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the NPPF. Despite early independent assessments of prospective site allocations suggesting that the Steyning Road site was the least constrained of all those in the District, the Council has since worked tirelessly to reverse that assessment, to the point where their evidence is so biased against the site that it no longer bears any meaningful relation to reality.
- Paragraph 173 – It does not ensure viability and deliverability. The Steyning Road site is immediately viable and deliverable upon completion of the realigned TWS contained within the current outline planning application.

2.00 DAY 1: ITEM 4

Can the Council provide a schedule of updates in relation to ongoing work on Omission sites regarding flood risk and details of consultation responses for the current planning application AWDM/1953/16 for residential development at Steyning Road site?

2.01 Flood Risk:

The Environment Agency (EA) has raised no objection to the outline planning application AWDM/1953/16 at Steyning Road, Shoreham-By-Sea, subject to certain conditions being complied with, which the indicative design takes into consideration. The outline planning application includes a detailed Flood Risk Assessment and design solution, which is a matter of public record. After the formal 'No Objection' consultation response to the planning application, the EA provides further flood risk advice to LPA and developer on a range of issues, including surface water. On this they advise that a pumped solution is an option they would not generally support. However, it is the same solution that we understand has been agreed in principle for the other low lying allocation sites, such as New Monks Farm, which is subject to the same site constraint on flood risk.

West Sussex County Council (WSSCC) has raised no objection in principle to the proposal, subject to certain conditions being complied with.

Adur District Council's Engineer has reiterated the advice raised by the Environment Agency without appreciating that it is a solution that has and will be used elsewhere in the District. Furthermore, the issues of sustainability, robustness and resilience all have technical solutions, for which more detail can be provided and will be provided in order to discharge conditions or deal with reserved matters, should planning approval be granted.

The suggestion that modern pumping equipment is unreliable or ineffective in certain

weathers is absurd and erroneous, as manufacturers of such equipment will attest. However, please note the following:-

- That water only freezes on its exposed surface and any can only freeze if it lies around, which any drainage system will be designed to remove.
- That below ground temperatures remains inherently higher than external air temperatures.
- That below ground pumping equipment is designed to withstand temperature fluctuation and deal with extreme cold.
- That snow will melt if surface water or rain comes into contact with it.

2.02 **Landscape:**

The South Downs National Park Authority (SDNPA) has raised some concerns about the proposed development, which we believe are unjustified and ill-founded. We have previously agreed with the planning authority, in meetings we have recorded, that the view from Mill Hill described by the Park Authority as a key with the Tollbridge as a backdrop 'were no longer considered significant, whilst views from Mill Hill into the airfield remained important.'

However, the SDNPA consultation goes on to state that 'it is considered that 4 stories would be too high and would be visually dominant in this location; a maximum of three stories located on the east side of the site with smaller buildings to the north and west would, together with the above, reduce the impact of the development in this exposed river valley, and on the setting of the National Park; the combination of a significant landscape buffer and appropriately located building heights would also help to lessen the impact of the development on the users of the Downs Link cycle path and other footpaths along the riverside.

Furthermore, the SDNPA's South Downs Integrated Landscape Character Assessment 2011 states the following:-

- Urban development, beyond the designated area apparent in views from this landscape
- Roads often mark the boundary of the flat floodplain and valley sides; railways occasionally on embankments within the floodplain.
- The Adur Floodplain's tranquil character is affected by the proximity of urban development (at Steyning and Upper Beeding), a major chalk quarry and cement works (Shoreham Cement Works), major roads (including the A283 and A27), and transmission lines. Many of these are located in adjacent character areas, but affect the perception of the landscape of the floodplain.
- Most notable in terms of access today are the public rights of way along the top of the artificial flood banks that border the river, extending from the Low Weald to Shoreham. A Sustrans cycle route (no. 79) runs along the eastern bank of the River Adur. The South Downs Way National Trail crosses the Adur and follows the 'Downs Link' (a dismantled railway that now links the North Downs and South Downs) to Steyning.

The SDNPA recognises that the environment and its designation have been subject to change, which can be both positive and negative when justified. It also needs to recognise that change will continue and it is worth noting the most significant changes over the last 50 years, as follows:-

- The closure of the Horsham to Shoreham railway line that ran along the side of our site
- The construction of the A27 Adur Flyover dual carriageway and its lit junction with the A283 Steyning Road
- The development of every available site between the urban fringe of Shoreham and the A27 Shoreham by-pass, except the Steyning Road & Mill Hill omission sites
- The Steyning & Upper Beeding A283 by-pass
- The closure of the Shoreham Cement Works

Ultimately, after extensive and careful study, which was fully consulted on, the Steyning Road

site was not included in the South Downs National Park, which replaced the earlier AONB designation for the very same reasons we have put forward: The site has low landscape value, is isolated from the Adur river valley and does not make a significant contribution to the South Downs National Park's landscape or setting.

2.04 **Landscape:**

West Sussex County Council (WSSCC) has raised some concerns about the proposed development, which we believe are unjustified and ill-founded. They have challenged the conclusions of our consultant's Landscape and Visual Impact Appraisal to such an extreme degree that we append our consultant's response, below. (See Appendix A: Allen Scott Landscape Consultation Response)

2.05 **Local Environment**

Natural England has no objection. They state: 'this application is in close proximity to Adur Estuary Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application, as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

2.06 **Site Access**

West Sussex County Council has no objection, but has asked for a Stage 1 safety Audit.

3.00 **DAY 1: ITEM 5**

Can the Council review its position on whether all omission sites should be included in the Green Gaps policy? Provide a detailed note on the justification for this approach.

3.01 We support the proposed amendment to Policy 14 Local Green Gap, which removes the Steyning Road omission site from the Lancing/Shoreham Gap. However, we object to the amendment to Policy 13 Adur's Countryside & Coast and its associated enhanced adverse commentary on the Steyning Road site, which contradicts earlier independent assessments and is supported by the recent opinions contained within consultation responses to our outline planning application with little hard evidence to support them. Such photographs, facts and figures that have been put forward by the Council continue to be misleading or factually erroneous.

3.02 We recently presented a powerpoint presentation to the Adur District Major Projects Board and the Chairman of the Adur District Planning Committee, which sets out the main site constraints, including flood risk and noise, and addressed the various landscape concerns which have been raised. The powerpoint includes factual evidence regarding the following:-

- The realignment of the flood defense to protect the whole site
- Noise as it affects the site, predominantly from the A27
- Building heights to maintain flood resilience with no habitable ground floor areas
- Marked up landscape views showing how views of and between historic landmarks such as the Listed Tollbridge, Airport Terminal, Lancing College Chapel and St Nicholas Church will remain unaffected
- Sets out the sequence of views experienced entering and leaving Shoreham
- Demonstrates the site's isolation from the Lancing Shoreham Gap and the wider downs landscape
- Sets out the real basis upon which the site and its potential should be judged

(A pdf copy of the PowerPoint has been sent separately by 'dropbox' due to file size)

During the question and answer session, the presentation appeared to have been well received as a good explanation for the proposal's need to deal with site constraints, whilst offering some reassurance and mitigation of landscape views and impact through restraint on height through the use of flat roofs, which could be green roofs, and a carefully selected palette of materials. However, we were asked by the Chairman of the Planning Committee,

who is also the Local Ward Councilor, why we were not proposing eight detached houses of a million pounds instead of so many smaller houses, which he considered incompatible with the surrounding area. Our answer was that we did not believe there was a need for large luxury houses in Adur and that such a proposal would not serve the community, which was short of affordable housing.

3.03 The Council continues to claim that the development of the small Steyning Road site would have an irremediable impact on the landscape setting of the area. Yet the Council claims that the even greater adverse landscape impacts, as identified in independent assessments and reports during the plan preparation, associated with its largest site allocations of New Monks Farm and the Shoreham Airfield can be mitigated. However, Urban Fringe Study 2006, the South East Coastal Design Review Panel and the SDNP consultation on our outline planning application, to name but three, have all indicated that there is an opportunity to develop this site for residential purposes.

4.00 DAY 2: ITEM 1

Can the Council prepare a note with Mr Thornton agreeing the extent of the Adur Tidal Walls scheme (height of new flood bank and whether landscaping conditions have been discharged). In addition, to try and agree whether there are factual errors in the Council's Landscape Study in relation to the site.

4.01 The Council has provided sectional drawings of the ATWS. The raising of the embankments further helps to screen the site from many of the identified viewpoints. The Council and their landscape consultants have only drawn attention to the possibility of enhanced views into the site from immediately adjacent along the raised embankment. However, much of the existing mature hedgerow that grows up from the base of the embankment (landside) will remain. This hedgerow will exceed the height of the proposed new embankment to a level that will still mostly screen views across our site. Where the hedgerow has been removed, as part of the works, the planning application provides a comprehensive planting scheme to replace this. In any event, views along this stretch of the embankment are more naturally focused to the west, out across the open expanse of the airfield towards the historic buildings of the air terminal and Lancing College chapel. The important visual link between the wooden bridge and St Nicolas church, whilst seen in the context of any new development at the site, will not be interrupted.

4.02 Landscaping conditions associated with the current TWS planning approval have not yet been discharged. Our understanding from meetings with the EA (which we have recorded) is that the hedgerow along the base of the riverside embankment will not be disturbed. In fact the original alignment was slightly altered to accommodate this. The hedgerow has been removed where access to the embankment is required, as it has along the top of the embankment. However, it should be noted that the hedgerow growing from the base of the embankment grows to a height that will still exceed the head height of walkers and cyclists traveling along the top of the new embankment, thus screening their views into our site.

4.03 Virtually no attempt has been made by the Council to reach any agreement over factual errors within the Landscape Study Update. They have referred to an email sent over a year ago in February 2016 from Ben Daines to which William Thornton has made a recent updated response to (correspondence appended to Council's homework responses) but no further communication from the Council has been made to address any of the concerns highlighted.

4.04 The Council has made one concession regarding the Sheils Flynn Landscape Study Update 2016, accepting that the TWS will change the landscape of the site, described within the report as "open pastures". Clearly a 22 meter wide civil engineering structure through the middle of the site will dramatically change this perceived interpretation. Much has been made of these "open pastures" and the visual continuity they provide along this stretch of the river:

"The visual continuity provided by the river channel and the pastures alongside as the river passes beneath the bridge structures contributes to the distinctive and dynamic qualities of

this landscape". (3.2 Predicted landscape effects, Landscape Study Update p15)

This is just one example of the absurd hyperbole used within this report to try to elevate the landscape qualities of the site, which was described by the UFS 2006 as "*downgraded...currently of low landscape quality*" and scored as being "medium low" in landscape visual sensitivity by the Landscape & Ecology Report 2012, also by Sheils Flynn. The Council have dogmatically persisted with their overvalued and unjustified concern regarding landscape, which is completely at odds with the fact that the site was quite rightly downgraded from an AONB when the SDNP was formed and therefore not considered worthy of inclusion within its boundary. We strongly contend that the TWS raising of the A283 road alongside and new flood defence bund through the middle of this site can only further downgrade any perceived landscape value. The reality is that it will have the effect of increasing its sense of enclosure and enhance screening of any development.

5.00 **SUMMARY**

5.01 The Council has failed to reach common ground with Cobbetts Developments Ltd on matters of landscape sensitivity of our site, including the adverse impact of the TWS as approved across the middle of our site, the impact of the elevated A27 flyover, the sites isolation from the Adur valley or Lancing/Shoreham Gap. Instead, the head of planning has submitted his summary reasons for proposing to refuse our outline planning application based entirely upon the indicative supporting information offered to show how the site might be developed in order to deal with the two main constraints of flood risk and noise.

These two constraints dictate that accommodation must be over three floors, which under flat roofs would be no worse than two storey under pitched roofs, and that the buildings are arranged on the site to defend against noise from surrounding roads, particularly the elevated A27 Adur flyover. The existing road noise blights existing properties in the area, yet the Council has sought no solution to this within the Local Plan. Our proposal will reduce the noise affecting many of these properties and the road speeds along the A283 site frontage, which contributes to the noise.

However, there is an alternative solution, which has been suggested by the Council's Environmental Health Officer in their consultation response to our outline planning application that we considered but did not put forward because it was outside our immediate control, which would be to install acoustic barriers along the side of the A27 Adur flyover. This would free the site from noise constraint, allowing other design solutions to be brought forward. Therefore, our outline planning application should not be determined on the basis of an indicative design solution to the technical challenges of the site, but rather on the basis of the actual application before the council for change of use, site access and the realignment of the flood defense, which the EA are happy with.

5.02 Officers at the Council have made it quite clear to us that they are waiting to be pushed into allocating our site by the outcome of the Local Plan Inquiry Hearing. This leaves the decision on whether our site can and should make a useful contribution to the housing shortfall to the Examining Inspector. Such an approach shows that the Council is unwilling to take the difficult decisions required. Furthermore, the Council appears to be inviting the Examining Inspector to determine our outline planning application by virtue of the degree to which it is relying its criticism of submission's supporting documentation, including indicative design solution, when there are potentially other solutions which could be explored if the Council was willing to work with us to find solutions it would be more comfortable with.

6.00 **CONCLUSION**

6.01 Based on the evidence of hearings, including the strong steer from the Examining Inspector, and the poor initial response from the Council, notwithstanding its stated fallback position, we believe the Council should be directed to remove the Steyning Road site from the Lancing/Shoreham Gap at the earliest opportunity.

6.02 Based on the evidence of hearings, including the strong steer from the Examining Inspector,

and the poor response from the Council, we believe that the Council should be directed to allocate the Steyning Road site for housing at the earliest opportunity, for the following reasons:-

- The need to safeguard developable land in an otherwise highly constrained District.
- The need to safeguard the cost effective delivery of the whole site, by allowing us to enter into effective negotiation with the EA over the realignment of the TWS towards the northern edge, before further ongoing work is completed on site.

6.03 If the Examining Inspector has been swayed by any of the exaggerated and entrenched commentary from the Council's Landscape Consultants or elicited consultation responses to our planning application from the SDNP and WSCC regarding landscape, which only became available a long time after the, we believe that the public hearings should be reconvened to allow the evidence to be examined further.

APPENDIX A

Allen Scott Response to WSCC Consultation

Having worked proactively with you we find the WSCC response very disappointing in that it does not reflect consultations with yourselves or acknowledge the efforts of our architectural design team to provide a positive solution that responds to the site and its surroundings. As explained in the DAS the South Coast Design Review Panel feedback was taken into account with a solution that is perforate and permeable, responds to the noise issues and is a design response that creates appropriate views towards the site from the surrounding area and a hierarchy of built form within the overall building design. These are reflected in the assessments.

Whilst we acknowledge that the site and surroundings have sensitivities, and that judgement on these and the design approach may vary, we believe WSCC's response has swung so far in the other direction as to be questionable and at some odds with previous consultations. Following our meeting on 23rd September 2016 Mr Appleton confirmed that:

- *Views of the site from Mill Hill were no longer considered significant, whilst views from Mill Hill into the airfield remained important.*
- *Views between St Nicholas Church & Lancing College remained significant, but it was acknowledged that both were elevated in relation to the Steyning Road site.*
- *Views between St Nicholas Church and the Toll Bridge and Airport Buildings, beyond, were not considered relevant to the site.*
- *The proposed northerly embankment alignment was accepted as a softer looking landscape solution, consistent with feedback from the Major Projects Board and the South Coast Design Review panel.*
- *The bell mouth splay of soft landscaping formed by the new embankment alignment, to the west, and the Downs escarpment, to the east, goes a long way to softening the transition between the built and urban environment, as you approach and leave Shoreham town.*
- *The heights of buildings on the site remains sensitive and two storeys with rooms in the roof or two & a half storeys was preferred rather than a full three storeys.*
- *The increased developable site area of 1.64ha should allow a proposal at a rate of about 35 units per hectare to be adequately accommodated within the greater landscape.*

On the matter of technicality raised on the viewpoints sensitivities, we believe the assessment of sensitivity is as stated broadly in accordance with the Guidelines. The LVIA is 'informal' in that it is prepared for the planning application and is not part of an EIA for which the Guidelines are primarily aimed and is not required here. The LVIA makes it clear how the sensitivities are arrived at and defines the definitions of impact, relying on descriptive text rather than comparative tables.

Regardless of the approach we are pleased to note that WSCC confirm they broadly agree anyway with the values given for the sensitivity of the various receptors assessed in the LVIA.

It follows then that the divergence in opinion is largely in the measure of change the proposals represent, the relatively limited amount of which are in part reflected in the points previously discussed with you above. The baseline and predicted change is described within the LVIA and we are not clear on what basis WSCC has defined their own assessment of magnitude of change but note many of the impacts have been elevated to 'major adverse'. The definition of a 'major adverse' impact is provided in the assessment but is '*large and detrimental change, likely or apparent exceeding of accepted (often legal) threshold etc*' and is the most significant possible.

Looking at some examples in WSCC's 'challenge' we are concerned that this approach to

elevating most of the impacts to this threshold is not a measured one or wholly supportable. For instance the site is outside of the Old Shoreham Conservation Area (CA) and any adverse impact on the character cannot therefore be a direct physical one or influence the whole CA just the periphery of one edge. Similarly we accept that the proposals are seen within various views from public footpaths and the Downs Link but these views are assessed in their context. They are within an urban edge, there is further proposed development on the airfield, the A27 structures are dominant and most views are panoramic and are naturally focussed on the river. To maintain a position that these long and linear views (and the general experience of walking along the paths), are changed beyond an accepted or legal threshold by a carefully conceived housing scheme along part of one edge is surely disproportionate and we urge you to reconsider.