



ADUR DISTRICT  
COUNCIL



**ADUR DISTRICT COUNCIL, BRIGHTON & HOVE CITY COUNCIL,  
WEST SUSSEX COUNTY COUNCIL**

## Representation Form

Town and Country Planning (Local Planning) (England) Regulations 2012

### **Proposed Submission Shoreham Harbour Joint Area Action Plan**

Return Address:


[consultation@shorehamharbour.com](mailto:consultation@shorehamharbour.com)

Or:

Shoreham Harbour Regeneration, c/o Adur District Council, Town Hall, Chapel Road, Worthing, BN11 1BR

**Please return to Shoreham Harbour Regeneration by midnight on 22 December 2017**

**Late representations will not be considered.**

 **Use of your information** Respondent details and representations will be forwarded to the Secretary of State for Communities and Local Government for consideration when the Joint Area Action Plan is submitted for examination. All documents will be held by Adur District Council, Brighton & Hove City Council and West Sussex County Council. Representations will be published including on the councils' websites. Personal contact details (address, email and phone number) will be removed from published copies of representations. Your information will be handled in accordance with Data Protection Act 1998.

Contact details will be added to the Shoreham Harbour Regeneration consultees database to keep you informed on the progress of the Adur Local Plan and other related documents.

Please tick if you do **not** want to be informed.

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This form has two parts:

- i. Part A - Respondent Details. You only need to fill this in once.
- ii. Part B - Your representation(s). Please fill in a separate sheet for each representation you make.

It is recommended that you read the Guidance Notes provided for an explanation of terms used in this form.

**Part A – Personal Information**  
You only need to complete this section once

**Personal Details**

First name	<input type="text" value="Peter"/>	
Last name	<input type="text" value="Reeves (Chairman KAWHRA)"/>	
Organisation (where applicable)	<input type="text" value="REDACTED"/>	
Address line 1	<input type="text" value="REDACTED"/>	
Address line 2	<input type="text" value="REDACTED"/>	
Address line 3	<input type="text" value="REDACTED"/>	
Post Code	<input type="text" value="REDACTED"/>	Telephone <input type="text" value="REDACTED"/>
Email address	<input type="text" value="REDACTED"/>	

**Agent's Details (if applicable)**

First name	<input type="text"/>	
Last name	<input type="text"/>	
Organisation	<input type="text"/>	
Job Title	<input type="text"/>	
Address line 1	<input type="text"/>	
Address line 2	<input type="text"/>	
Address line 3	<input type="text"/>	
Post Code	<input type="text"/>	Telephone <input type="text"/>
Email address	<input type="text"/>	

## Part B – Representation

Please use separate sheets for each representation

### 1. Which part of the Joint Area Action Plan does this representation relate to?

Policy No.  Paragraph No.

Map  Other section (please specify)

### 2. Do you consider the Joint Area Action Plan to be: (tick as appropriate)

- 2.1 Legally Compliant Yes  No
- 2.2 Sound Yes  No

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.  
If you have ticked no to 2.2, please continue to Q3.  
If you have ticked yes to 2.1 and 2.2 please go to Q7.

### 3. Do you consider the Joint Area Action Plan to be unsound because it is not: (tick as appropriate)

- 3.1 Positively Prepared
- 3.2 Justified
- 3.3 Effective
- 3.4 Consistent with National Policy

**4. If you consider the Joint Area Action Plan to be unsound or not legally compliant, please explain why in the box below:**

KAWHRA AND ALDRINGTON BASIN

1. The Kingsway and West Hove Residents Association (KAWHRA) represents people living in the Hove residential neighbourhood of some 700 homes lying between Boundary Road, New Church Road, Roman Road and Kingsway. KAWHRA was set up five years ago with a written constitution, elected committee, regular public meetings, extensive email consultations with residents and our ward councillors. Following consultation with local residents this representation has been approved by the KAWHRA committee.
2. Our attractive area comprises mainly two storey 1920s houses set along the north side of Kingsway and along the tree lined streets to their north. The area adjoins Aldrington Basin, which lies some 6m below the level of Kingsway in West Hove. Overall, residents support policy CA2 i.e. safeguarding Aldrington Basin's importance as a strategic area for port and employment uses; proposed access and improvements in the Basin for traffic, pedestrians and cyclists. KAWHRA welcomes the clarification of the dwelling numbers in CA2(2) in view of the likely confusion arising from the previous combination in JAAP 2016 of the numbers in the Basin and in South Portslade
3. However the steep bank between the Basin and Kingsway enables buildings to be built on land in Basin Road North that have a second access onto Kingsway from their upper storeys. Such buildings thus become a part of the Kingsway street scene, and by virtue of their height and mass may potentially affect the residential amenity of homes along Kingsway which lie only 27m to their north.
4. Therefore since 2012 residents of west Hove have been actively engaged in both planning policy consultations and in planning applications relating to development of the north rim of Aldrington Basin (Site AB4). They do not oppose further development along the south side of Kingsway, but are concerned that it respects its context in west Hove and its relationship to the amenity of their homes. Therefore they welcomed the policy approach contained in the 2012 Development brief, and in the 2012 and 2014 draft JAAPs.
5. However residents are now strongly concerned at what they consider to be the emasculating of these policies in the Submission JAAP 2017. We consider that the Submission version of the JAAP is not soundly prepared in respect of major changes made to policies for site AB4: in paragraph 4.2.34 page 77, and in policy CA2 (7) page 78.
6. KAWHRA's representation is based on local residents' widespread concern

since 2012 about the height of development proposed on the south side of Kingsway (site AB4). Through KAWHRA the local community have been closely involved in the evolution of the accepted four storey height policies in the various policy documents. However in 2016 the landowner/developer of a part of Site AB4 submitted representations to the Draft JAAP 2016 seeking to get the four storey height specification removed from the plan. When these were published they were reported to a KAWHRA meeting in April 2017 attended by over 150 local residents, who expressed strong support for the retention of this height policy. After the publication of the proposed submission JAAP policy CA2 on the committee agendas in September 2017 KAWHRA advised members of the removal of the height specification from policy CA2 and residents sent us emails supporting our intention to submit representations on the Submission JAAP.

POLICIES BASED ON SUBSTANTIAL AND UP TO DATE EVIDENCE HAVE BEEN WRITTEN OUT OF THIS VERSION OF JAAP:

7. In respect of guidance for the height of new development on the northern edge of Aldrington Basin (site AB4), which above Kingsway level would be effectively in West Hove, the submission version differs significantly from both previous versions of JAAP and the preceding development brief.
8. The Development Brief 2012, the draft JAAP 2014 and draft JAAP 2016 all set a framework for development to rise up to four storeys above the south side of Kingsway. This was based on independent urban design analysis commissioned by the councils for Aldrington Basin and its surroundings. Subsequently substantial analysis and evidence relating to building height impact was provided by two planning applications on a part of Site AB4.
9. Site AB4 is a long narrow site lying between Basin Road North and Kingsway. This shape restricts the site layout options to an east-west line of buildings sandwiched between the Basin Road North and Kingsway carriageways. No significant setback of buildings from Kingsway is possible. Therefore the resulting line of buildings lying to the south of the existing houses along the north side of Kingsway will inevitably impact on daylight and sunlight available to these homes.
10. Throughout the past 5 years the council therefore has amassed a large amount of information about the potentially adverse impact of taller buildings both on the townscape of this part of Hove and on the amenity of adjacent homes in west Hove.
11. All previous documents were founded on professional detailed urban design analysis commissioned by the joint authorities as the basis for the Development Brief 2012 and for the eventual JAAP. The Brief and draft JAAPs 2014 and 2016 were also formulated on the basis of extensive public

engagement between 2012 and 2016. As a result of these processes the Brief and both the draft JAAPs all specified a four storey height for new development above the south side of Kingsway on site AB4 in policy and in supporting diagrams and text.

12. The oppressive and damaging impact on daylight and sunlight in homes on the north side of Kingsway by taller buildings on the south side proposed in a planning application for a part of Site AB4 resulted in the refusal of that application. When approving a lesser number of taller buildings in a subsequent application in 2014 the council acknowledged their adverse impact on residential amenity but justified it on the basis of factors relevant to that specific proposal at that particular time.
13. Nevertheless in recognition of the overall impact on west Hove of taller buildings the 2016 JAAP retained the four storey policy for Site AB4 overall.
14. However in the version of the submission draft, presented to the individual committees of both councils in September 2017, the height of the development in site AB4 was no longer specified in policy CA2. The officers' list of significant changes in the main report did not inform the committees about this significant change, let alone the reason for it.
15. In the version of the JAAP that was before both the Adur and City committees the reference to four storeys remained in the supporting text paragraph 4.2.34.
16. In that version other unexplained significant changes to the policy now known as CA2 Site AB4 had also been made. The draft versions JAAPs and the previous Development Brief all required the protection of a more domestic scale and character in this part of A259, required generous views from Kingsway to Aldrington Basin to be provided between buildings , and required developers to demonstrate compatibility of new housing with employment uses in the Basin (to safeguard employment priorities). These have all gone from the 2017 submission plan.
17. Then at the Brighton and Hove committee meeting on the 21st September the minutes show that the planning officer advised the committee to remove the reference to four storeys contained in paragraph 4.2.34 from the version of the plan before that committee because "*the developer had challenged the soundness of the restriction on building heights. In addition to this the policy was not considered to comply with the adopted City Plan Part One which seeks full and effective use of all sites*".
18. Development of Site AB4 will make a significant impact on the west Hove

residential neighbourhood. For over 5 years local residents have been actively engaged in the evolution of policies for development of the site that respect its Hove context and were content with the resulting policies. However the previous specific safeguards for ensuring the compatibility of development in one small part of Aldrington Basin that would impinge into the sensitive west Hove residential neighbourhood have been excluded from the Submission JAAP 2017 without adequate reappraisal, justification or consultation with residents.

19. We consider that for these reasons the changes to the JAAP are unsound.

POLICIES IN THIS VERSION OF THE JAAP ARE NO LONGER SOUND IN RELATION TO THE NATIONAL PLANNING POLICY FRAMEWORK

20. In relation to development on the north rim of Aldrington Basin that has a second frontage onto Kingsway Hove we consider that the form of policy CA2 (7) and paragraph 4.2.34, as now submitted is unsound in relation to the National Planning Policy Framework paragraphs 155, 157 and 158.

21. The council has abandoned its previous guidance on the form and scale of development in Aldrington Basin that would rise above the southern side of Kingsway Hove into the context of the adjoining residential neighbourhood with neither consultation nor explanation.

22. BHCC has abandoned any regard for its previous meaningful engagement with local residents.

23. It has similarly disregarded without justification substantial up to date and relevant studies and evidence gathered between 2012 and 2016.

24. Also the committee was not advised about important relevant policies in the City Plan part one that related specifically to restricting the height of development on this part of Kingsway.

COMPLIANCE WITH THE ADOPTED CITY PLAN

25. The JAAP has emerged in parallel with the adopted City Plan part One and the policy for the development on the south side of Kingsway contained in the 2016 draft JAAP is entirely consistent with the adopted city plan. Kingsway in west Hove is within the part of Hove where the adopted City Plan Policy CP12 expects low-to-medium rise development i.e. below 18m in height (approximately 6 storeys). It is **not** within the area of Kingsway identified by the adopted City Plan policy CP12 and supporting paragraph 4.146 as having potential for taller developments, which the City Plan defines as “18m or more in height (approximately 6 storeys)” and “This is a linear corridor along the stretch of Kingsway that directly overlooks Hove’s Western Lawns as far west as Wish Road”. That area lies nearly a kilometre to the east of the JAAP’s Site

AB4.

26. Although the adopted City Plan identifies Shoreham Harbour as a potential for taller developments (6 storeys and over) it must be recognised that in the Hove and Portslade parts of the City Shoreham Harbour is a very large area, and that Aldrington Basin is only a small part of the harbour in the city. Furthermore Site AB4 is only a small part of Aldrington Basin. The urban design analysis carried out for the Brief and the two draft JAAP specifically established that four storeys above Kingsway was the appropriate height for development on Shoreham Harbour site AB4. Therefore the appropriate form for development that makes “*full and effective use*” of site AB4 does not need to be revisited.

#### INCONSISTENCY WITHIN THE JAAP 2017

27. Ironically the policy is now inconsistent with the 2017 Submission JAAP’s Area Priorities for Aldrington Basin “To secure improvements to legibility, permeability and connectivity through high quality building design, townscape and public realm; **respecting and complementing the character of surrounding areas.**”
28. Furthermore as a result of the changes to the policy for Aldrington Basin Site AB4 the overall Submission JAAP is now internally inconsistent because policy guidance on major housing/mixed use development in two other JAAP Character Areas, in Brighton and Hove and in Shoreham, still give detailed guidance for the heights of new development. These are the [South Portslade and North Quayside Character Area \(Policy CA3 subparagraphs 6 and 7\)](#), and the [Western Harbour Arm Character Area \(Policy CA7 subparagraph 6\)](#).
29. Therefore there can be no justification for suddenly deleting similar sound guidance for the height of new development from the policies for development of a sensitive site in the Aldrington Basin Character Area. Hove residents expect the Joint Action Area Plan to set a planning policy framework to guide development and investment decisions in the Aldrington Basin Character Area, on the same basis as for the other Character Areas within the JAAP boundary.

#### CONCLUSIONS ABOUT CA2 (7)

30. When considering the submission version of the JAAP in September 2017 the committee did not heed the views of our ward councillors who are on the committee and their proposal to retain a reference to four storeys. We believe therefore that the committee’s majority decision was unsound to not include the four storey height of development on the south side of Kingsway in policy CA2 (7) and to remove the height from paragraph 4.2.34.
31. The owners/developers have opposed the four storey development height throughout the evolution of the development brief and then the draft JAAPs. In our view their pressure has now resulted in the officers advising the



committee to submit a version of the JAAP which no longer includes important and well- evidenced component of the policy and supporting text for development of site AB4 text relating to its context in the adjacent part of west Hove.

32. This part of the Joint Area Action Plan has now become inconsistent with the policy approach for other Character Areas of Shoreham Harbour.

**33. We therefore consider that the four storey height policy above Kingsway for site AB4 should be reinstated into the 2017 Submission JAAP and that proper place to debate the issue of a height policy for development on the south side of Kingsway, site AB4, is through an independent Planning Inspector's examination of the Shoreham Harbour Joint Area Action Plan.**

#### ANCILLARY ISSUES RELATING TO CA2 (7)

34. The height policy for site AB4 is the key issue for residents whenever development on site AB4 is considered. However we have raised concerns about other issues in the past. These are listed below.

#### C3 uses at Kingsway level:

35. We have never seen any evidence for the council's opposition to including C3 uses in the list for uses at the Kingsway level, in addition to C3 uses on the upper floors. Kingsway is not part of any commercial area and all along A1, A2 and B1 uses in existing buildings in west Hove have been steadily declining over many years as buildings have been redeveloped or converted to residential use. This includes offices currently under conversion at present to flats on site AB4.

36. Not only would flats at Kingsway level be more compatible with their west Hove residential neighbourhood, but they would make a useful contribution to the city's housing supply. There appears to be no reason not to include C3 in the list of uses for the Kingsway level of site AB4 in policy CA2.3 (d), with appropriate amendment also of paragraph 4.2.33.

#### Landscaping of site AB4 at Kingsway level:

37. The previous versions of the JAAP sought appropriate landscaping of site AB4 to provide an attractive streetscene along Kingsway. The submission plan makes much of the green corridor along Kingsway, but no longer seeks any green elements in AB4 to link the parts of the green corridor together. There has been no justification for this.

#### Setback of buildings

38. The Brief and previous JAAP versions provided for development to be appropriately set back from Kingsway. While a significant set- back is not possible, most of the existing buildings have a small set back from the back edge of the footway. This avoids the appearance of an oppressive wall of buildings along the footway.

**39. We therefore consider that, in addition to the reinstatement of the four storey height policy for development above Kingsway, the above ancillary amendments should also be made to policy CA2.**

**5. Please explain in the box below what change(s) you consider**

necessary to make the Joint Area Action Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

1. We consider that the wording from the draft versions of the JAAP should be restored added back into policy CA2 (7) for Aldrington Basin by reinserting: **“Building heights of up to four storeys above Kingsway and six storeys above Basin Road North are considered acceptable subject to high quality design and being suitably orientated to accommodate generous views between new buildings. Development shall not exceed the height of the nearby Vega apartment building and care needs to be taken to consider sunlight impacts on other sites.”**
2. We consider that the wording for paragraph 4.2.34 that the committee agreed in September 2017 to delete from the submission draft should be reinstated in the JAAP as shown in bold below i.e.:  
“ ~ The following principles for development form are proposed:  
For new employment floorspace at the Basin level, flexible employment uses are proposed arranged as two to three storey buildings on under-used plots.  
~ **Mixed employment and residential uses with a dual frontage onto Kingsway (residential/mixed commercial activities of up to four storeys above Kingsway) and Basin Road North (employment uses)’**”
3. We suggest that in CA2.3 (d) **class C3 uses** are added to the list of uses proposed for the Kingsway level on site AB4.
4. We suggest that the integrity of the green corridor proposed in paragraphs 4.2.25 to 4.2.27 would be improved by adding to CA2 (7): **“The opportunity should be taken to improve the integrity of the green corridor along Kingsway by incorporating significant and appropriate plants between buildings”.**
5. We suggest that the 2016 JAAP policy should be reinstated to CA2(7): **“Development should be appropriately set back from Kingsway, providing a more domestic scale and attractive character along the A259 and contributing towards improving the street scene”.**

**6. If your representation concerns soundness or legal compliance and is seeking a change, do you consider it necessary to attend and give**

**evidence at the hearing part of the examination? (tick as appropriate)**

**No**, I wish to communicate through written representations

**Yes**, I wish to speak to the Inspector at the hearing sessions

**Please note:** The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination.

**7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.**

These policy issues have been discussed by local residents in great detail with the council and landowners/developers for over 5 years. The council has changed its policy position without adequate justification. Residents therefore need to explain this matter to the Inspector through the hearing part of the examination.

**8. Please tick if you DO NOT wish to be informed of the following:**

- When the Shoreham Harbour Joint Area Action Plan has been submitted for independent examination
- Consultation on any further changes to the Shoreham Harbour Joint Area Action Plan
- The date of the Examination in Public
- Publication of the Inspector's report
- Adoption of the Shoreham Harbour Joint Area Action Plan

**What happens next?**

Representations made to the councils will be passed to the Inspector for consideration.

Once this has happened, the Inspector will commence the examination and give notice of the start of the hearing sessions.

Interested parties will be informed of the start date of the hearing sessions and the matters to be considered.

**Thank you for making representations.**