

## Shoreham Harbour Joint Area Action Plan Examination

### Matters Statement 7: Place making and design quality, character areas and site allocations (Policies SH9, SH4, SH8, CA1-7)

***Issue: Whether the Plan will be effective in enabling the regeneration of the Harbour and neighbouring communities, with high quality development, for the benefit of existing and future residents, businesses, port-users and visitors?***

Please see the Matters Statement Explanatory Note (SHJAAP/MS/EX) for clarification of acronyms, abbreviations and other terms used in this statement.

48. Would the Councils' proposed modifications MM8 and MIN71 ensure that all character areas are appropriately identified and priorities expressed within the plan? Does the Plan clearly identify what will and will not be permitted and where, with a clear indication of how a decision maker should react to a proposal? Do the policies of the Plan provide sufficient detail on form, scale, access and quantum of development in each character area? (NPPF p157)

#### ***Councils' response:***

- 48.1 Yes. The Councils consider that the Plan clearly identifies what will and will not be permitted and where, and gives a clear indication of how a decision maker should react to proposals. The policies of the Plan provide sufficient detail on form, scale, access and quantum of development in each character area, without being overly prescriptive. The Plan therefore accords with the requirements of paragraph 157 of the NPPF 2012.

#### Proposed modifications

- 48.2 Proposed modification MM8 and MIN71 address a printing error that occurred at the publication of the plan. Hard copies of the JAAP printed in November 2017 contained a formatting error. This occurred during the conversion of documents for printing. Map 11 obscured the page containing the Area Priorities for CA6: Harbour Mouth, and paragraphs 4.61 to 4.64.

- 48.3 This error noticed early in the consultation period. The Councils ensured that electronic versions published on the websites were correct, and distributed the missing text to the council offices and libraries where the Plan was available to view. Nevertheless, some printed copies containing this error may be in circulation. Therefore the partnership published (both in printed and electronic copies) the Proposed Submission JAAP (labelled as Submission May 2018). The text is identical to the versions printed in November 2017, with the addition of the previously obscured sections.
- 48.4 Although swift action was taken to ensure that consultees had access to the full plan at Publication, the Councils consider it appropriate to acknowledge the omission of this text. Inclusion of this text ensures that all character areas are appropriately identified and priorities expressed within the plan. The obscured text had previously been included in the Revised Draft version of the JAAP (ECD01/01) which was published for consultation in 2016.
- 48.5 The plan includes four allocations for new development. These are composed of a number of individual sites. Policies CA2, CA3, CA5 and CA7 clearly identify the development types and uses that will be permitted within each of these allocations, along with an appropriate level of detail on form, scale, access and quantum of development in each character area

#### CA2: Aldrington Basin

- 48.6 Sites AB1, AB2 and AB3 are allocated for port related uses and/or compatible employment floorspace (use classes B1, B2 and B8). Site AB1 (North Basin Quay) occupies a prominent location at the eastern entrance to Shoreham Harbour, and between Hove Lagoon and the Canal. There is an opportunity for ancillary leisure, retail, and/or food and drink uses at this location as these uses would relate well to the leisure facilities at the Lagoon, and improve the connection between these and the harbour.
- 48.7 Site AB2 (Aldrington Marina) is a small site situated between Maritime House and Hove Enterprise Centre. The site is now vacant. It is owned by SPA which is preparing a planning application for an extension to Hove Enterprise Centre onto this site. The Councils suggest a minor modification to bullet point 2 of paragraph 4.2.30 to address this:

Aldrington Marina (Site AB2 - see Map 7) is on the southern side of Basin Road North, between Maritime House and Hove Enterprise Centre. ~~The site is currently let as storage space.~~ Development for high quality, modern employment floor space will be encouraged.

- 48.8 Site AB3 (Ferry Wharf) is safeguarded in the waste and minerals plans, unless similar wharf capacity can be provided elsewhere. Redevelopment of the site for port compatible employment uses would enable the connection of the port access roads.
- 48.9 Site AB4 (Kingsway/Basin Road North) is allocated for mixed uses in Policy CA2(3). There is a considerable difference in height between the two frontages of this site. At the Basin Road North (lower) level, employment floorspace is proposed (use classes B1 and B2) in keeping with the allocated and protected sites opposite. At the Kingsway (upper) level, ancillary retail and other compatible uses are proposed (use classes A1, A2, B1), in keeping with the existing retail on parts of this site, and opposite. Residential development (use class C3) is proposed on upper storeys.
- 48.10 Shoreham Harbour is identified in Policy CP12 of the B&HCP(1) as an area with the potential for taller developments, defined as 18 metres or more in height (approximately 6 storeys). JAAP Policy CA2 : *Aldrington Basin*, Clause 6 (Sites AB1, AB2 and AB3) provides a clear steer towards building heights that are likely to be acceptable on these sites, whilst also retaining the flexibility to support taller proposals in line with Policy CP12, as long as impacts on neighbouring sites are carefully considered. This is considered to be an appropriate and effective approach.
- 48.11 With regard to Clause 7 (Site AB4), the 2014 Consultation Draft JAAP (ECD02/01) and 2016 Revised Draft Consultation JAAP (ECD01/01) contained a policy restriction on the height of new development, stating that development height must not exceed that of the nearby VEGA building. A representation (REP/JAAP/PS/13) has been received requesting a return to this policy position. However this would be an inflexible approach inconsistent with the approach in the adopted B&HCP(1), and would not meet the 'positively prepared' soundness test. Furthermore it is unclear how the previous wording would be applied if alterations were made to the VEGA building during the Plan period (for instance, if it were to be demolished or have additional stories added). Clause 7 requires building heights to be justified with regard to analysis of the local urban design context, orientation, sunlight and daylight impacts and apply high quality design principles. The criteria set out in Clause 7 are considered sufficiently robust to ensure that the height of new development will respond appropriately to the local context, avoiding unacceptable negative impacts.

## South Portslade

- 48.12 Policy CA3(4) sets out the use classes that are considered appropriate for individual sites within this allocation. On mixed used sites it is generally expected that employment space (use classes B1) will occupy lower storeys, with residential (use class C3) on upper storeys. The majority of sites are most suitable for high density residential development. The northern portion of site SP6, and site SP7 may be suitable for terraced mews/townhouses in keeping with adjacent existing residential areas.
- 48.13 Clauses 6 and 7 describe the building heights that are considered appropriate. For sites SP1 to SP5 and the southern part of site SP6, building heights up to six storeys are considered appropriate. For the northern part of SP6 and site SP7 building heights up to three storeys are considered appropriate due to surrounding development. Most of the sites are relatively small. As set out in clause 8, comprehensive redevelopment may offer potential for greater building heights.
- 48.14 The Councils have identified a typographical error in Policy CA3(4)(f). The proposed use classes should be amended as follows:

SP6 – Church Road/Wellington Road/ St Peter’s Road: The southern portion of the site is allocated for new employment development (use classes B1, B2 and B3). Employment uses must be compatible with adjacent residential development.  
As part of a comprehensive redevelopment, residential development is acceptable on the northern portion of the site, fronting onto St Peter’s Road.

## Southwick Waterfront

- 48.15 Policy CA5 allocates Southwick Waterfront for employment (use classes B1 and B2). As set out in paragraph 4.5.26 these are expected to be smaller scale business units. The majority of the site is owned by SPA. Application AWD/0098/18 for 14 commercial units was approved in April 2018, and commenced in July 2018.

## Western Harbour Arm Waterfront

- 48.16 In terms of area, the Western Harbour Arm Waterfront is, by far, the largest allocation in the Plan. It is therefore expected to deliver a larger quantum of development than the other allocations. The size, and location of the allocation give the opportunity to create a new and distinct neighbourhood between Shoreham-by-Sea town centre and Kingston Beach, and the established communities to the east.

48.17 The allocation is comprised of several contiguous sites between Brighton Road (A259) and the River Adur. As set out in Policy CA7(2) the allocation is for mixed employment and residential uses (use classes B1a and C3). Ancillary retail, food and drink and leisure uses are also encouraged.

48.18 Residential development is expected to be predominantly flatted development, although some sites may also be able to accommodate terraced housing. At the eastern part of the allocation (sites WH1 to WH3) the depth of sites between Brighton Road (A259) and the River Adur is far narrower, than in the western part of the allocation (sites WH4 to WH7). As set out in Policy CA7(5), new development is expected to achieve a minimum density of 100 dwellings per hectare. Deeper sites may allow for greater densities and heights. The policy is not intended to be overly prescriptive. However, paragraphs 4.7.66 to 4.7.73 provide guidance on the development form and typology. The specific issue of building heights is addressed in response to Question 49.

#### Development outside allocations

48.19 Applications for development outside the allocations will be determined according to the policies in this Plan and the ALP/B&HCP(1) (as appropriate).

#### Conclusion

48.20 The Councils consider that the Plan clearly identifies what will and will not be permitted and where, and gives a clear indication of how a decision maker should react to proposals. The policies of the Plan provide sufficient detail on form, scale, access and quantum of development in each character area, without being overly prescriptive. The Plan therefore accords with the requirements of paragraph 157 of the NPPF 2012.

49. Would Policy CA7 be effective in managing the scale and height of development within the Western Harbour Arm character area?

#### ***Councils' response:***

49.1 The Councils consider that Policy CA7 will be effective in managing the scale and height of development. As described in paragraph 4.7.69 the Western Harbour Arm Waterfront will be a high density neighbourhood. The Shoreham Harbour Capacity and Viability Study (CD10/02) found that building heights of 4 to 6 storeys would allow for high density and relate to the street environment.

49.2 This was tested through the preparation of the Western Harbour Arm Development Brief. Principle W25 found that heights up to 5 storeys were generally acceptable. However, the brief encouraged a variation in building heights. It listed a range of criteria by which proposals for taller buildings would be addressed.

- Scale and height
- Architectural detailing
- Materials
- Public realm and open space
- Public transport accessibility
- Social and community provision
- Views into and out of the area, including assessment of glimpse views, local views and long views in relation to the waterfront, local landmarks (e.g. maintaining the dominance of St. Mary de Haura on the skyline), the South Downs National Park and Conservation Areas and historic assets as appropriate
- Microclimatic impacts including wind, daylight and sunlight effects and air pollution.

These criteria are included in Policy CA7(7).

49.3 The new neighbourhood will be the transition between Shoreham-by-Sea town centre, and the established employment, port operational and residential areas to the east. As a result, the frontages to the allocation along both Brighton Road (A259) and the waterfront of the River Adur are highly significant. In order to keep an appropriate scale of development in relation to these frontages, the Councils consider that building heights up to 5 storeys are generally acceptable. However, as set out in Policy CA7(6), there is potential for taller buildings away from these frontages.

49.4 The Councils are mindful that building heights can be a contentious issue. The urban form of the new neighbourhood at the Western Harbour Arm Waterfront is significantly different from the historic town centre of Shoreham-by-Sea and the areas of Kingston-by-Sea and Southwick to the east. During consultation on the 2016 Revised Draft JAAP (ECD01/01) the Councils received 5 representations on this issue (ECD01/04):

- Representation 205 welcomed the recognition of impacts on views from the South Downs.
- Representations 113 and 311 objected to the proposed building heights on the grounds that the policy was too permissive.
- Representations 111 and 302 objected to the proposed building heights on the grounds that the policy was too restrictive.

- 49.5 In order to address these objections and ensure that the policy is justified and effective, the Councils commissioned the Western Harbour Arm Tall Buildings Capacity Study (CD09/01). This found that there is capacity to accommodate tall buildings across areas of the site in such a way that they would not have a significant adverse effect on the townscape, landscape or historic assets. The study found that taller buildings could be accommodated in the centre of the allocation (the western part of site WH3, site WH4 and the eastern part of WH5, without significant impact. It identified a number of constraints for appropriate building heights. These are:
- Impacts on the setting and prominence of Kingston Buci lighthouse (this affects sites WH1 and WH2).
  - Impacts on the setting and prominence of St Mary de Haura Church.
  - Protection of several identified views from Shoreham Beach across the allocation to the South Downs (this affects sites WH2, WH3, WH4 and WH5).
- 49.6 These findings are explained in Paragraphs 4.7.69 to 4.7.71 of the Plan. They form the basis of Policy CA7(6), (7) and (8).
- 49.7 The Councils do not consider these policies to be unduly permissive or restrictive. Rather they provide a justified, evidence based policy position. There is a clear description of heights considered to be generally acceptable in different locations, and criteria to address when considering applications for taller buildings. Policy CA7 will therefore be effective in managing the scale and height of development.

50. Are the location and significance of heritage assets appropriately identified within the Plan? How would the Plan assist prospective developers and decision makers in assessing the impact of proposals on the setting and significance of heritage assets?

***Councils' response:***

- 50.1 Yes. The Councils consider that the location and significance of heritage assets appropriately identified within the Plan. There are a number of historic buildings and conservation areas in or adjacent to the Shoreham Harbour Regeneration Area. These are identified on Map 5: Planning Constraints; and in paragraphs 2.4.3 to 2.4.4, 3.9.5, 4.6.2 to 4.6.4, 4.6.10, 4.7.11 to 4.7.13, and 4.7.70.
- 50.2 Policy SH9(1) requires development schemes to be sensitive to historic features. Policy SH9(5) includes the requirement for suitable scale and massing in relation to townscape and historic environment. Policy CA6(2) commits the Councils to working with stakeholders and the community to support the conservation of Shoreham Fort.

- 50.3 The response to Question 49 outlines how the impact on St Mary de Haura Church and Kingston Buci lighthouse has been addressed in relation to building heights at the Western Harbour Arm. The setting of the historic town centre and St Mary de Haura church is also addressed in Policy 11 of the ALP. There is a considerable distance between the historic town centre and the Western Harbour Arm Waterfront allocation. The Western Harbour Arm Tall Buildings Capacity Study (CD09/01) includes numerous wireline illustrations that demonstrate that the prominence of the church is retained in long views, and that it is not visible within the immediate setting of the church. Nevertheless Policy CA7(8) requires development to protect views of the church.
- 50.4 Development at site WH1 and WH2 has the potential to impact on the prominence and setting of Kingston Buci lighthouse. Policy CA7(6) states that this must be considered if development over 3 storeys is proposed. However it is important to note that this is not intended to restrict the height of development on these sites, but to ensure that impacts are addressed appropriately, in accordance with Policy 17 of the ALP and paragraph Section 12 of the NPPF 2012.

51. Is the mix of development uses proposed appropriate and deliverable? Do the policies of the Plan provide sufficient flexibility in the mix of development proposed, to support delivery, respond to changing circumstances and address issues of viability?

***Councils' response:***

- 51.1 Yes. The Councils consider that the mix of development uses proposed is appropriate and deliverable. The basis for allocating sites for specific uses and quanta of development has been set out Matters Statements 3 and 4. These reflect the requirements for the area identified in the ALP and B&HCP(1). The development proposed in the Plan is based on an extensive evidence base on the need for housing and employment space, and on the land available to deliver this. The Councils therefore consider that the Plan proposes an appropriate mix of uses that will contribute to meeting the wider needs of the local planning authority areas and wider sub-region.
- 51.2 The Councils consider that the proposals are deliverable. Indeed, development of a number of sites has already commenced (at Aldrington Basin, Southwick Waterfront and Western Harbour Arm); has been granted permission (at Western Harbour Arm and Aldrington Basin); or, is subject to pre-application discussions between developers and the Councils (at South Portslade, and Western Harbour Arm).

51.3 The viability and deliverability of the proposals in the Plan has been considered in the Whole Plan Viability and Deliverability Study (CD10/01). The Councils recognise that viability will be a challenge for a number of sites, especially where there are high abnormal costs, such as land remediation and/or flood defences. This is addressed in Matters Statement 8.

52. Policy SH9(4) requires contribution for public art, where appropriate. What criteria would be used to assess whether this would be appropriate? What mechanism is proposed to secure this requirement? If it is intended to use planning obligations, are the Councils confident that this would meet the relevant tests for obligations under Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010?

***Councils' response:***

52.1 The intention of the policy is to ensure the delivery of public art within the regeneration area. The process for securing this will be specific to each Council

Adur

52.2 Policy 15 of the ALP states that major development should incorporate public art<sup>1</sup> where appropriate. As such, for developments in the Adur part of the Shoreham Harbour Regeneration Area, this policy will only be applied to developments that meet these criteria. Public art is defined in the Adur and Worthing Public Art Strategy (ADD REF). The strategy also identifies Shoreham Harbour as an area of new development with potential for public art.

52.3 The ALP policy seeks public art to be delivered as an integral part of major development schemes. The precise form, scale etc. would be determined on a case-by-case basis, through the negotiation process with the developer, taking into account the nature and location of the development, as well as viability issues. The ALP policy does not anticipate collecting financial contributions towards public art, and therefore it is not anticipated that the pooling restrictions within the CIL Regulations 2010 should become an issue.

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<sup>1</sup> Defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 as 10 or more dwellinghouses, or sites of 0.5 hectares or more where it is not known if the development will have 10 or more dwellinghouses; the provision of a building or buildings where the floorspace to be created is 1,000 sqm or more, or development on sites of 1 hectare or more).

## Brighton & Hove

- 52.4 Policies CP7 and CP13 of the B&HCP(1) include the requirement for direct provision of a public art element appropriate to the scale of the development. This is defined to include public realm and environmental improvements. Paragraph 4.157 notes the importance of public art:

*"The artistic tradition of Brighton & Hove is an important part of its identity. The provision of public art can create and enhance local distinctiveness in the public realm and help develop a desirable sense of place as well as improving legibility. Public art schemes will provide important opportunities to involve the local community and all will offer work opportunities to artists, many of whom will be local. Public art may take many forms and, in relation to the public realm, can include construction details, landscape schemes, sculpture, water features, street furniture and lighting effects."*

- 52.5 The provision of public art is therefore necessary and directly related to development and meet the test for securing planning obligations under the CIL regulations. No contributions for public art components are pooled.

### Modification

- 52.6 The Councils consider that Policy SH9 does not reflect the policies of the ALP and B&HCP, and may not be consistent with the CIL Regulations. In order to address this, the following main modification is proposed to Policy SH9(4):

Where appropriate, **major development will be expected to incorporate an integral public art element** ~~contribution will be sought for the provision of public art,~~ in accordance with the scale of development proposed **and in agreement with the council.**

- 52.7 In order to demonstrate the justification for this policy, an additional main modification is proposed to the background text (after paragraph 3.9.3):

Public art can play an important role in creating and enhancing local distinctiveness. It provides an opportunity to involve local communities in place making, and to offer work opportunities to artists, including from the local area. Where appropriate, the partnership and councils will expect to be involved in the selection process. Public art can include architectural details, public realm elements, landscaping schemes, sculpture, water features, street furniture and lighting effects. It should be directly related to its setting, and therefore be an integral element of a proposal.

52.8 The Councils consider that these modifications will make the policy effective and consistent with national policy.

53. Policy SH9(5) refers to standards for amenity space. How have these standards been defined? Has appropriate account been taken of the need for effective delivery of development?

***Councils' response:***

53.1 Policy SH5 requires development to embrace principles of good urban design, including high standards of private amenity space. This does not refer to a specific defined standard, and is not intended to be prescriptive. Rather, the policy should be read as requiring the design of new development to include appropriate provision of high quality amenity space.