

Ref: SDWLP-49

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*In the first instance, strategic policy-making authorities will need to revisit their assessment, for example to carry out a further call for sites, **or changing assumptions about the development potential of particular sites to ensure these make the most efficient use of land. This may include applying a range of densities that reflect the accessibility and potential of different areas, especially for sites in town and city centres, and other locations that are well served by public transport.***

Paragraph: 025 Reference ID: 3-025-20190722

Revision date: 22 07 2019

- 3.16. Whilst the Council did extend its call for sites it has sought not to make any significant changes in its assumptions regarding the development potential of allocated sites. As a result, the indicative capacity figures put forward are underplaying development potential.
- 3.17. One of the purposes of the Draft Local Plan is to give *“local communities, developers and investors greater certainty about the types of proposals for development that are likely to be approved”*. In addition, the Worthing Vision by 2036 - V3 confirms that *“Limited land resources will have been developed in the most efficient way to meet the widest range of identified needs”*. Finally, Strategic Objective SO17 states *“Make efficient use of previously developed land to maximise housing delivery on sustainable sites in recognition of the environmental and physical constraints to development posed by the sea and the South Downs”*.
- 3.18. Reading the above in isolation suggests that the Draft Local Plan has every intention of meeting the requirements of the Framework (and NPPG) in terms of meeting needs and maximising development potential on brownfield land. However, these very clear statements of intent are not reflective in the approach taken to the proposed capacity figures. It is unclear as to how these figures have been derived as there is no specific evidence base supporting policy.
- 3.19. Previous versions of the Council's SHLAA and/or Core Strategy 2011 assumed certain capacity figures for sites. When comparing these assumed capacity figures against approval/delivery rates it is clear that the minimum housing targets (and the 'capacity figures' identified within policy) are not representative of the housing delivery potential of these sites.
- 3.20. The figures below provide the Council's assumed capacity figures against the approved planning position (both approved and resolution to grant subject to S106) for a range of key allocations / Areas of Change sites.

Former Aquarena: This site was identified as an Area of Change within the Core Strategy 2011. The last SHLAA from 2016 suggested a capacity of 100 dwellings. Planning permission (Ref: AWDM/1633/16) was granted for 141 dwellings representing a 41% increase on Council assumed capacity.

Union Place: This site was last assessed within the SHLAA from 2019 suggesting a capacity of 128 dwellings. Subsequently, a resolution to grant outline planning permission (Ref: AWDM/0461/20) has been given for 169 dwellings (albeit on a slightly larger site). Notwithstanding its current planning status, the Draft Local Plan still only suggests a capacity of 150 dwellings for this larger site

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9.9. In order to be found sound we would suggest that this policy is amended as follows:

Major development within areas identified as heat network opportunity clusters, will be required to connect to district heating networks where:

- i) they exist **at the time of permission being granted***
- ii) **where the heat network route lies adjacent to the site***
- iii) **where otherwise it is feasible and viable to do so.** ~~or will be expected to maximise opportunities for the development of a future district heating network.~~*

Alternatively, where a heat network route is planned but has not been delivered, sites adjacent to the planned heat network routes should be required to be heat network ready to enable a future connection.

9.10. We would also request that the policy is amended to set out that it is the Council which is the body delivering the heat network as this currently lacks clarity.

9.11. Details with regarding the expectations for connection should also be clarified and a plan included within the Local Plan to demonstrate the network route. It would not be reasonable for instance to expect a development to connect to a heat network where the nearest point of connection is not contiguous to the site boundary (or at least within a very close proximity since there may be more cost effective / less carbon intensive ways of meeting energy reduction requirements without the burden of connection). On this point, if the Council are expecting the developer to connect to a heat network that is some distance from a site then the Whole Plan Viability Assessment work must be amended to include such a cost since this could potentially be a significant amount (as high as £3,000 per metre of pipeline).

9.12. The background text to DM17 on p159 of the Draft Local Plan states:

all buildings must use a centralised communal low temperature wet heating system rather than individual gas boilers or electric heating.

9.13. If this is to remain within the Local Plan then we would request clarity as to what is meant by 'a low temperature wet heating system'. If the heating network is to be run at 'Ambient Loop' temperatures then significant capital expenditure will be required to install associated plant within homes. There is also a higher electrical load as part of this type of system and higher replacement costs to residents.

9.14. It is our understanding that water would be delivered at 60-65 °C via any district heating system that the Council implements. We trust that the definition of low temperature is that the system runs on low temperature emitters like more efficient radiators however the wording on this element isn't clear and needs further expansion.

10. Conclusions

- 10.1. These representations have been produced by ECE Planning on behalf of **St William Homes LLP** in response to Worthing Borough Council's consultation on 'Worthing Borough Council - Submission Draft Local Plan 2020 - 2036'. St William Homes is the site owner and developer for the **Gas Works site, Lyndhurst Road, Worthing** (allocation A9 within the Draft Local Plan).
- 10.2. As set out within these representations, there are numerous concerns with the current policy wording. In this concluding section we summarise suggested new policy wording for those policies that as currently drafted fail to meet the tests of soundness as set out within preceding chapters.
- 10.3. In providing these representations, our clients wish to be proactive seeking to aid Worthing Borough Council in addressing the pressing development needs of the area in the most sustainable manner possible. As elaborated further, we support the strategic thrust of policy to direct development on brownfield sites and to maximise development opportunities. However we feel that the current approach to housing delivery is unambitious given the severe housing shortfall facing the area.
- 10.4. The wording for Policy A9 and other policies must be reconsidered and amended to enable the Council to meet their stated aims of focusing development on brownfield land and maximising delivery of housing on such sites. In so doing, policies relating to density, height and housing mix require amendment to ensure the detail supporting the Council's strategic approach to development is sound.
- 10.5. The following paragraphs set out policies referred to within these representations alongside suggested policy wording amendment starting with Policy A9.

Policy A9 – Lyndhurst Road

- 10.6. Policy A9 – Lyndhurst Rd to be amended to read as follows with suggested amendments in red and bold.

Development Requirements - any future development proposals should:

- a) provide a high quality residential development **with a target capacity of 200 dwellings.**
- b) undertake detailed investigations of the contamination to assess the level of remediation required;
- c) deliver a surface water drainage scheme that ensures that surface water is not discharged through contaminated soils;
- d) undertake an assessment of the archaeological remains;
- e) undertake an extensive phase 1 habitat survey and desktop study and provide mitigation as appropriate;
- f) address provision for suitable access/egress on Park Road and Lyndhurst Road;
- g) enhance permeability and provide an attractive and accessible pedestrian link from the site to the High Street and town centre – this should include consideration of an improved footway / cycleway along the northern boundary

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h) consider opportunities for height to ensure any scheme maximises the use of this sustainably located brownfield site.

i) provide a level of affordable housing provision of between 0%-20% (subject to consideration of a viability assessment which shall be submitted alongside any future planning application).

j) provide for a mix of dwellings with a greater proportion of smaller sized one and two bedroom properties.

10.7. **Policy SS2 – Development Sites**

10.8. Site Allocations to be amended to read **2,269** which would increase the overall housing target to **4,188**.

10.9. **Policy SS1 – Spatial Strategy**

10.10. Policy SS1 to be amended as follows (highlighted bold and red):

d) The strategy for different parts of the Borough is as follows:

*i) Land within the Built Up Area Boundary - development will be permitted subject to compliance with other policies in the Local Plan. Development should make efficient use of previously developed land **but the density of development should be appropriate for its proposed use and also relate well to the surrounding uses and the character of the area.** Within the existing urban fabric nine key regeneration sites are allocated for development.*

10.11. **Policy DM1 Housing Mix**

10.12. Policy DM1 to be amended as follows:

*a) In order to deliver sustainable, mixed and balanced communities, the Council will expect all applications for new housing to consider the most up to-date evidence of housing needs and demands. **The Council will consider alternative housing mix for sites where higher densities are proposed such as for sustainably located brownfield sites (particularly for flatted developments).***

10.13. **Policy DM2 Density & Policy DM5 Design**

10.14. Policy DM2 Density to be amended as follows

*c) Higher densities, in excess of 100 dwellings per hectare should be achieved in most mixed-use developments, flatted developments and developments located in the town centre and in areas close to public transport interchanges and local services. **For sustainably located site allocations within the town centre densities in excess of 150 dwellings per hectare shall be considered a minimum for emerging schemes.***

10.15. Policy DM2 and DM5 to be amended as follows to include a clause which states:

The Council will support applications for tall and very tall buildings on sites that can appropriately accommodate buildings of height to maximise the use of sustainably located brownfield sites.

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10.16. **Policy DM3 Affordable Housing**

10.17. Policy DM3 Affordable Housing to be amended as follows:

*b) Affordable housing should be delivered on-site. In exceptional circumstances a financial contribution may be accepted by the Council in order to provide affordable housing off-site where the other sites may be more appropriate to provide affordable housing than the site of the proposed development **or where it is demonstrated that onsite provision would make the scheme unviable.***

10.18. **DM7 Open Space, Recreation & Leisure**

10.19. Policy DM7 Open Space, Recreation & Leisure to be amended as follows:

*a) Schemes of 10+ dwellings will be required to provide open space on site in accordance with the Council's adopted standards **(as set out within The Open Space Study (2020) applying occupancy levels based on the size of dwellings proposed)**. Where it is not possible to provide open space on site, contributions will be sought to provide or improve open space off-site within the ward or nearby ward to which the development is located **unless surplus provision exists locally.***

10.20. **DM16 Sustainable design and DM17 Energy**

10.21. Removal of parts b) and c) of DM16 and parts a) of DM17.

10.22. In addition, Policy DM17 to be amended as follows:

Major development within areas identified as heat network opportunity clusters, will be required to connect to district heating networks where:

*iv) they exist **at the time of permission being granted***

*v) **where the heat network route lies adjacent to the site***

*vi) **where otherwise it is feasible and viable to do so.** ~~or will be expected to maximise opportunities for the development of a future district heating network.~~*

Alternatively, where a heat network route is planned but has not been delivered, sites adjacent to the planned heat network routes should be required to be heat network ready to enable a future connection.

10.23. **DM 20 Flood Risk and Sustainable Drainage**

10.24. Either removal of the drainage element of this policy or should the policy be retained then each criterion under part d should be amended with a **where practicable and viable** clause.

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Summary

- 10.25. We feel that the Draft Local Plan can be made sound through minor amendments as set out within these representations and we trust that the Council will consider such amendments in the period leading to the Examination of the Local Plan.
- 10.26. We wish to be kept informed on all matters relating to the Local Plan and would equally wish to attend the Examination in public in due course. If you have any further queries or require further information please contact me on 01903 248777.

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Appendix A – St William CIL Examination Representations

St William Homes LLP ('St William') is pleased to provide representations in response to the Worthing Borough Council draft Community Infrastructure Levy (CIL) Charging Schedule in accordance with the Community Infrastructure Levy Regulations (2010) (as amended).

Established in 2014, St William is a joint venture between the Berkeley Group and National Grid and was formed to transform redundant gasworks sites in to new places for people to live, work and spend time. The partnership combines National Grid's extensive portfolio of surplus brownfield sites across London and the South East with the Berkeley Group's design expertise and proven track record of delivery to create high-quality residential and mixed use developments. The JV has the potential to deliver over 20,000 new homes.

Former gasworks sites are technically complex and require significant investment and time to prepare them to be released for redevelopment when compared to other brownfield sites. A key benefit of the JV is that it enables housing to be delivered earlier as St William is able to progress planning while National Grid undertake infrastructure rationalisation, remediation and pre-development works.

In addition to the challenges faced and abnormal costs associated with the development and regeneration of former gasworks sites, they can also have ongoing operational requirements requiring physical infrastructure and easements which can considerably reduce the developable site area. The further challenge for any developer on these typically complex sites is the quantum of upfront costs and amount of developer risk required to make the sites adequate for residential delivery.

St William has an interest in the former National Grid site located at Lyndhurst Road, Worthing. The site is 2.8 acres in size and is very accessible, located within the Town Centre boundary of the Worthing Core Strategy (2011) and is circa 950m to Mainline train station. The Site is allocated for residential development within the adopted Worthing Core Strategy (2011) and this allocation was taken forward in Worthing's draft Local Plan 'Preferred Options' document (2018) where the site is allocated for a residential led scheme.

Generally when considering CIL rates, site viability, policy requirements and other planning benefits, the costs and risks associated with the redevelopment of a former Gasworks need to be considered carefully and weighed into the 'planning balance'.

Where such viability challenges are faced, it is essential that developers and Local Authorities work together to ensure that these sites, often located in central locations are regenerated and used in the most efficient manner to deliver needed housing.

St William is very keen to work positively with the Council so that this site can be bought forward within the short to mid-term and contribute to Worthing Borough Council's 5 year housing supply whilst providing needed regeneration of a centrally located site. With this in mind, we would like to work in partnership with the council throughout the charge setting processes, to ensure that development in the Borough is viable, deliverable and contributes to the growth envisaged by the Council.

Given the sites unique characteristics of being a former gasworks, it will be crucial for the proposed CIL charges to strike the appropriate balance between the need for infrastructure and the viability of development as required by the CIL Guidance which states that:

Representations submitted by St William Homes
August 2020

“Charging authorities should set a rate which does not threaten the ability to develop viably the sites and scale of development identified in the relevant Plan (the Local Plan in England, Local Development Plan in Wales, and the London Plan in London).” (25-008-20140612)

In considering the viability of these sites Councils need to ensure that all development costs are taken into account in accordance with CIL Guidance:

“A charging authority should take development costs into account when setting its levy rate or rates, particularly those likely to be incurred on strategic sites or brownfield land. A realistic understanding of costs is essential to the proper assessment of viability in an area. (25-020-20140612)”

The Guidance also requires Councils to consider those sites (such as brownfield sites) where the impact of the levy is likely to be most significant when setting CIL rates.

With this in mind, whilst St William generally supports the proposed CIL fee of £25 per sqm for flatted residential development as it is a decrease from the current adopted CIL rate; however, there are remaining concerns with the sites overall viability challenges and we wish to highlight that a balance will need to be struck at the application stage between CIL, planning benefits and other policy requirements to help minimise the impact upon development viability so that the site can be bought forward. On this basis, St William welcome further discussion with the Council.

St William trust that their comments will be duly considered as the Charging Schedule is progressed and would like to work in partnership with the Council as the draft schedule is taken forward to adoption. With this in mind, we would like to be notified of further updates to the revised CIL draft charging schedule and reserve the right to be heard and attend at the Examination in Public.