



ADUR DISTRICT COUNCIL

12 April 2018

Adur Planning Committee

Date: 23 April 2018

Time: 7:00pm

Venue: Queen Elizabeth II Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chairman), Stephen Chipp (Vice-Chair), Les Alden, George Barton, Brian Coomber, Emily Hilditch, Robin Monk and Geoff Patmore.

NOTE:

Anyone wishing to speak at this meeting, on a planning application before the Committee, should register by telephone (01903 221006) or e-mail heather.kingston@adur-worthing.gov.uk before noon on Friday 20 April 2018.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage if such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting. Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

3. Confirmation of Minutes

To approve the minutes of the Planning Committee meeting held on 26 March 2018, which have been emailed to Members.

4. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent.

5. Planning Application

To consider a report by the Director for the Economy, attached as Item 5.

6. Public Question Time

To receive any questions from Members of the public in accordance with Council procedure Rule 11.2.

(**Note:** Public Question Time will last for a maximum of 30 minutes)

Part B - Not for publication - Exempt Information Reports

None.

Recording of this meeting

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Sally Drury-Smith Lawyer 01903-221086 sally.drury-smith@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



**ADUR DISTRICT
COUNCIL**

**Planning Committee
23 April 2018
Agenda Item 5**

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0098/18 Recommendation – APPROVE

Site: Land South Of Units 1 To 7 Lady Bee Industrial Park, Albion Street, Southwick

Proposal: Erection of 14 commercial units in three blocks for use classes B1 (business) and B8 (storage or distribution) with associated car parking, cycle storage and landscaping.

Application Number: AWDM/0098/18

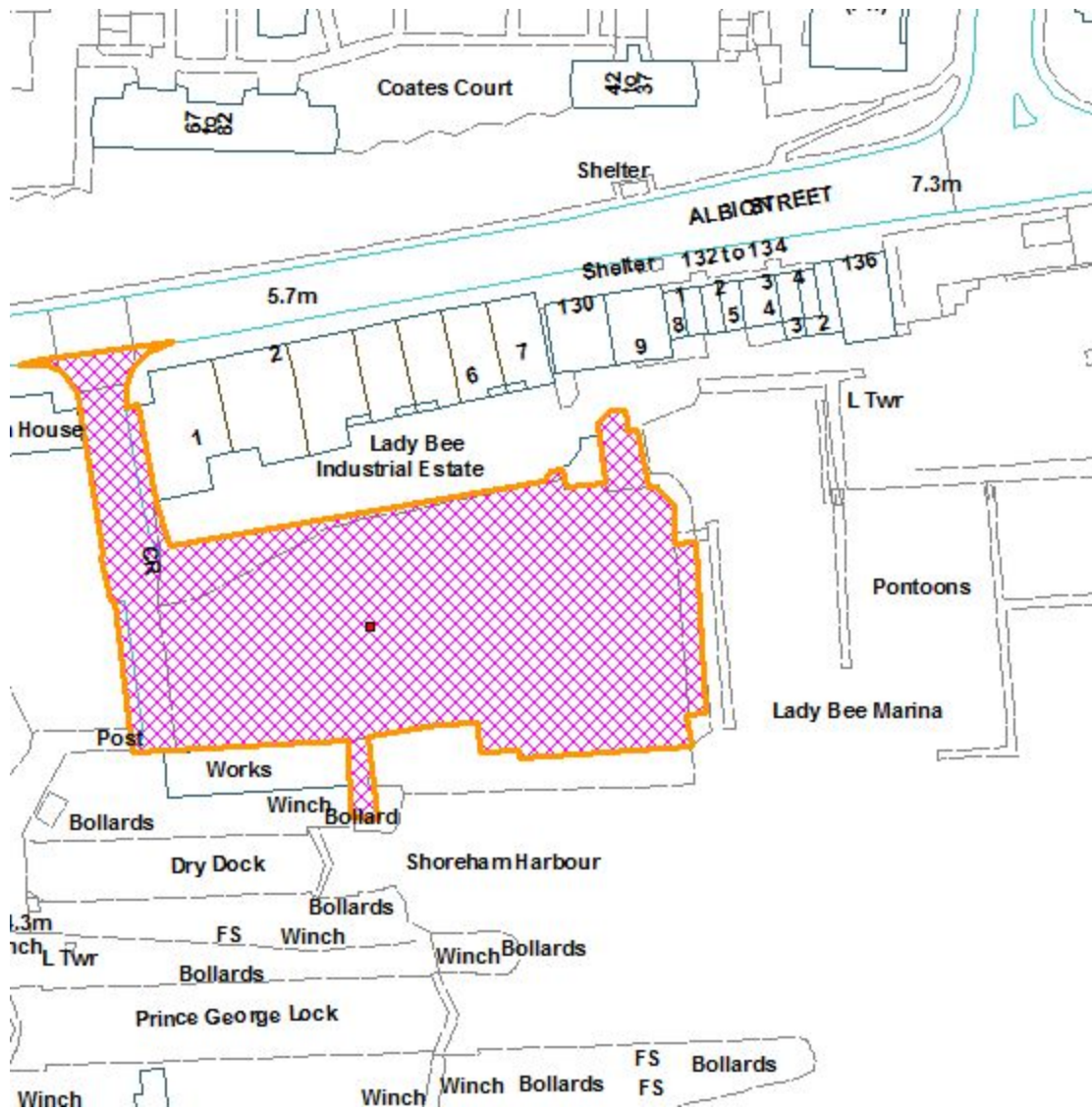
Recommendation – APPROVE

Site: Land South Of Units 1 To 7 Lady Bee Industrial Park, Albion Street, Southwick

Proposal: Erection of 14 commercial units in three blocks for use classes B1 (business) and B8 (storage or distribution) with associated car parking, cycle storage and landscaping.

Applicant: Shoreham Port Authority
Case Officer: Peter Barnett

Ward: Eastbrook



Not to Scale

Current Situation

This application was considered at the March meeting of the Committee where it was resolved:

The Committee agreed the application be delegated to Officers for APPROVAL, in consultation with Members of the Committee, and to receive, within 28 days of the date of the Committee, specific costings on an identified scheme(s) from West Sussex County Council to justify any transport infrastructure payments to be secured by a legal agreement...

The previous report is appended.

The day after the meeting, the applicant's agent expressed particular frustration with the requirement to pay a transport infrastructure contribution stating:

...The Council/s will not only need to be specific in what project they require a contribution towards...but will also need to explain how it is necessary to make the scheme acceptable in planning terms when (in WSCCs own words) it is sustainably located and will have no adverse traffic impact.

...The quoted £43,000 based on a TAD tariff does not pass the tests outlined above since it is a tariff style obligation which is applied to applications regardless of the site specific circumstances, which is polarised to the requirements of the CIL Regulations. Furthermore this figure is simply too high for a lower value employment related scheme such as this (and it is worth reiterating that in Worthing where CIL is adopted, such schemes would not be required to contribute towards a CIL due to proven viability issues). WSCC cannot retrofit a scheme to the cited tariff contribution as this approach is clearly unlawful in our view as the current approach fails to meet any of the aforementioned tests.

Aside from these matters and of importance to this scheme, the Shoreham Port Authority (SPA) has today confirmed that they have recently paid for the installation of two local bus shelters on the A259.

The bus shelters were implemented by the Port as a benefit to the local area and were not attached to any obligation or requirement. They were funded 100% by the Port Authority.

Please see attached details of where these bus stops were installed (to the east of the site on the A259). These were installed working directly with Adur and Worthing Technical services and were operational as of December 2017, not long before which the planning application was submitted.

Despite the discussion last night, we remain clearly of the view that the scheme does not require any form of offsite mitigation to make the scheme acceptable in planning terms.

Notwithstanding this point, since the Council seems determined to gain some form of contribution for a highways scheme and since the SPA has recently installed two new bus shelters on the nearest possible locations for such shelters, we would ask that Adur District Council consider this as a form of mitigation in lieu of a s106 obligation (in addition to the Electric Vehicle charging points proposed on site).

We are concerned that a further 28 days will now be taken up on this matter before a s106 (if needed) is drafted bearing in mind that we have consistently requested details from WSCC. It was clear from discussions last night that we share the Councillors frustrations in relation to such matters and the lack of clarity and consideration from WSCC on this and similar matters relating to contributions in the area. This must be regularised for the sake of all parties.

Factoring in this further potential time delay and allowing for discharge of planning conditions, the on-site start date of August this summer will be potentially jeopardised.

...We would request that the recently installed bus shelters paid for by the SPA could be taken in lieu of such contributions as we cannot see how a lawful agreement can be reached on this matter based on a 'retrospective' application of need by WSCC.

Your Officers therefore contacted WSCC not only with the resolution of the Planning Committee but also to advise of the concerns of the applicant.

West Sussex County Council response

S106 monies in the area are requested in a consistent manner across the district (Adur only, Worthing is a CIL authority). Information on why and how we request TAD money in Adur is found on both WSCC's and Adur's website, making it easily available and transparent.

The fact that the applicants have provided improvements to bus stops previously is not relevant to the current application, and as such does not mitigate the impact of this development. I note that your inclination is to agree with the applicant's arguments on this point, but as the applicant has stated, the bus shelter improvements were not attached to any obligation or requirement, so we are entitled to apply the TAD policy at this site.

I'm not sure why the applicant now considers the scheme to be 'retrospective'. The scheme is taken from the Shoreham Harbour Transport Strategy 2016.

There's not really much more detail we can provide. The level of information needed for the contribution to be CIL compliant has already been supplied. Our TAD schemes have been found to be CIL compliant at appeal with this level of detail.

The contribution and scheme meets the three CIL tests in the following ways:

- (i) *Necessary to make the development acceptable in planning terms* – to mitigate the impacts of the subject proposal (an increase in vehicular access and an increased use of public transport) with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.
- (ii) *Directly related to the development* – the identified scheme is situated close to and would directly benefit future users of the development. The scheme is identified in the Shoreham Harbour Transport Strategy (ID 21) and is listed as a critical scheme.
- (iii) *Fairly and reasonable related in scale and kind to the development* – as demonstrated in the formula-based approach to calculating the contribution. The calculation is derived from an additional 37 parking spaces to be provided and an increase in 1275sqm of B1/B8 floorspace.

Our TAD policy has been successful at appeal, and we would be able to defend our contribution requests again in the context of this application.

[For member's information, the relevant part of the Shoreham Harbour Transport Strategy referred to above states:

Where required, facilities at bus stops on the A259 should consist of high quality waiting shelters, up to date Real Time Passenger Information (RTPI) screens and printed information, with accessible paths, clear access to stops and raised kerbs.]

Assessment

At the last meeting, the Committee recognised the potential need for a contribution towards transport infrastructure but only if this could be towards specific identified schemes. Although the County Council has seemingly been quite clear about their ability to request contributions under the requirements of the relevant legislation, it is arguable whether they have provided specific details of what the contribution would be paid for beyond a generalised necessity to improve bus shelters along the A259. The situation is further complicated by the fact, not brought to either Officer's or member's attention prior to the previous meeting, that the Port Authority had previously provided 2 bus shelters nearest to the application site quite separately from any submitted application. Ordinarily, it would be expected that the provision of enhanced facilities would be in the location nearest to the development and, as such, the argument for the improved facilities further along the A259 is less justified, especially as the applicant has already provided them closer to the application site.

It is also noted, though only mentioned in passing by the applicant's agent previously, that the proposed payment of £43,000 could be considered as high for a development of this type. The applicant's agent's objection to the contribution has been mainly on a matter of principle previously, however, there is a viability argument as well and your Officers are concerned that the requirement for the payment may prevent the scheme going ahead, and certainly not by the currently anticipated commencement date of August.

The Shoreham Port Authority is an important Partner in the Harbour Regeneration Partnership and it is relevant that they have made financial commitments to provide bus shelters in the vicinity of the site and, in light of viability concerns, your Officers do not consider that any financial contribution is justified in this case. Your Officers assessed the financial viability of commercial development in connection with the Adur Local Plan and this demonstrated that a reasonable developer's profit could not be achieved on speculative commercial development.

Recommendation

It is therefore recommended that the application should be approved subject to the following conditions (as agreed at the March meeting):

1. Approved Plans
2. Standard 3 year time limit
3. Construction Management Plan
4. Contaminated land
5. Landscaping details
6. Foul and surface water drainage
7. To be carried out in accordance with FRA
8. Cycle parking
9. Car parking and turning space
10. Electric vehicle charging points to be provided
11. Samples of materials to be submitted and approved
12. Waste storage provision
13. Use for B1 & B8 only
14. No outside storage
15. No outside working
16. No external lighting unless agreed
17. No roof plant
18. Hours of working – 6am -10pm
19. Shall be constructed to BREEAM Very Good standard.

23rd April 2018

APPENDIX A – March Committee Report

Proposal, Site and Surroundings

The site lies within Shoreham Port to the south of the A259 (Albion Street) and is bounded by single storey light industrial units (Lady Bee Industrial Estate) and associated car park to the north. A jetty is directly adjacent to the site with other mooring facilities associated with Lady Bee Marina to the east (within a stretch of water known as The Canal). A dockside with mooring facilities and a workshop building associated with a dry dock is located to the south. The 3 storey Shoreham Port Authority offices and car park are located directly to the west.

The main site area is accessed from Albion Street via an access road between the Shoreham Port Authority office building and the light industrial units to the north, with the access road entering the western part of the site.

The site measures 0.4ha and the land is on slightly higher ground than its surroundings. It comprises open land which is used for informal car parking at the present time.

The application is proposing the redevelopment of the land to provide 1275sqm of B1/B8 employment floorspace in three blocks running north/south across the site (total of 14 units).

37 car parking spaces are proposed plus a cycle store for 24 bicycles. Improved pedestrian and cycle access is proposed plus landscaping.

Design and Layout

The Planning Statement submitted with the application describes the buildings as follows:

“The design of the commercial units are considered to be contemporary in design featuring a saw tooth metal roof form also featuring a standing seam which envelopes the facades of the units on southern and northern elevations. Metal diamond cladding is proposed on the eastern and western facades.

Fenestration is proposed on the northern pitches of the roof to provide a high quality light into the units. Further fenestration on all facades is proposed as illustrated within the elevation plans.



The units all feature roller shutter doors for access whilst the eastern elevation of Units 11 – 14 feature sliding doors and a greater degree of glazing to make the most of the views of the marina.”

The north-south orientation of the buildings and the roof profile maximizes natural daylight and ventilation and enables PV panels to be installed on all buildings. Each unit will have an open plan ground floor with a mezzanine level at first floor over 50% of the ground floor plan. The buildings will have double height space and have been designed to enable a flexible usage. The units will vary in size from 74sqm to 108sqm. They will vary in height from 8.9m (block 1), 9.5m (block 2) and 9.3m (block 3).

The Design and Access Statement explains that the architectural approach to the building has been influenced by its location and by existing industrial buildings within the port. The proposed cladding will be diamond shaped and metallic while the roof profile will give the impression of the rise and fall of a wave. The overall result will be a clean and crisp appearance which is *“reflective of the industrial vernacular, whilst creating a more contemporary design response.”*

Relevant Planning History

SW/82/01 - New Commercial Berth; Associated Land Reclamation & Development of Units for Class B1'Business' & B8'Storage Use with Parking & Re-Alignment of Moorings & Refurb Slipway – approved and part implemented by virtue of the land reclamation and raising of the land

SW/42/03 - Vary Conditions 3, 5, 7, 13, 14, 17 & 18 of SW/82/01 to Enable Berth & Land

Reclamation/Realignment of Moorings Prior to Submitting Further Details - approved and part implemented by virtue of the land reclamation and raising of the land

The permission was for 1,483sqm of business floorspace in a mix of single and two storey buildings.

Consultations

West Sussex County Council: No objection from a **transport/highways** aspect. Comments that car and cycle parking is in line with WSCC parking standards. The site is also well located in close proximity to Southwick Train station (180m), and local bus services, including the coastliner 700 service from Portsmouth to Brighton.

The expected trip generation from the site has been analysed using the TRICS, a national database which validates assumptions about the transport impacts of new developments. The database has provided evidence of the potential for an additional 28 two way journeys in the morning and afternoon peak hours. This would equate to 14 vehicles in and out during these busier periods.

WSCC has its own policies on the impacts of developments on the highway network and any trips generated under 30 movements would not generate any need for junction improvements. As such the development is not considered to create any highway capacity impact which would require any off site highway improvements. However; a TAD sustainable transport contribution is likely to be sought.

A construction management plan should be submitted to the LPA prior to any commencement of works to ensure the highway is managed.

Therefore considering the details above the site provides an excellent opportunity for this type of development which is in line with NPPF guidance for a sustainable development whilst not generating any adverse impacts on the highway network.

The **Lead Local Flood Authority** has no objection. Current mapping shows that the majority of the proposed site is at low risk from surface water flooding although higher risk is shown to the west of the site in particular on the access into the site. Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed. Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

The FRA for this application proposes that permeable paving with a discharge to the canal would be used to control the surface water from this development. Subject to EA approval/permit this method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning

Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Adur & Worthing Councils: The **Environmental Health** officer has no objection but has requested the full contaminated land condition.

In terms of **air quality** the EHO recommends that the mitigation for the construction phase, proposed on pages 22 and 23 of the submitted Air Quality Assessment, is incorporated into any permission granted, perhaps through the Construction Management Plan.

The assessment includes an emissions damage cost calculation on page 30 to the value of £9,688. He does not agree with the conclusion "that this cost would be more than offset by operational measures that are inherent to the scheme, such as the planned cycle storage on site ". This value should be used for meaningful mitigation in addition to a cycle storage scheme. A commitment to meaningful mitigation to this value should therefore be secured by condition.

The **Engineer** has no objection subject to details of surface water drainage disposal. Comments that the Environment Agency's indicative floodplain map shows that the site is primarily in Flood Zone 1 and the site area is less than 1 ha. However, the EA's map shows that the site is surrounded by land within flood zones 2 and 3 which may encroach onto very small parts of the site area, but the latest plans do not show buildings at these points. The site access appears prone to surface water flooding according to the latest EA predictions. He has no knowledge if the site or access has experienced any form of previous flooding.

Ground water is unlikely to be an issue this close to open water, and it is noted than no basements are proposed.

The proposals within the Flood Risk Assessment for dealing with surface water and Foul water discharges would appear appropriate.

The **Shoreham Harbour Regeneration** team has no objection. While the BREEAM "very good" rating does not exactly accord with SH1 clause 9, this is considered acceptable on balance due to the further sustainability benefits that would be provided from the public access and planting.

It may be appropriate to include a planning condition that specifies the coastal species of planting to be used, to better accord with policy SH6 clause 14. The wording of such a condition should state that Information regarding the potential coastal species

must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Environment Agency: No objections subject to condition requiring development to be carried out in accordance with submitted Flood Risk Assessment.

Southern Water: Require condition seeking details of foul and surface water drainage and usual informatives relating to sewers.

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 policies 1, 2, 4, 8, 15, 18, 25, 28, 29, 30, 34, 35, 36

Planning Contributions for Infrastructure Provision (ADC 2013)

Proposed Submission Shoreham Harbour Joint Area Action Plan 2017 Policies CA5, SH1, SH3, SH5, SH6, SH7, SH8, SH9

Shoreham Harbour Interim Planning Guidance (ADC & Ptnrs 2011)

Shoreham Waterside North Interim Planning Guidance (for ADC & Ptnrs 2000)

'A Strategy for Shoreham Renaissance' (ADC 2006)

West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)

National Planning Policy Framework (March 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The site lies within the Shoreham Harbour Regeneration Area, specifically Character Area 5 (Southwick Waterfront and Fishersgate) as set out in the Joint Area Action Plan (JAAP) and Policy 8 of the Adur Local Plan. The area priorities include the designation of Southwick Waterfront as a strategic employment area and the comprehensive redevelopment of the area to accommodate a mix of new and improved employment uses (classes B1, B2 and B8).

The application is for a mix of B1 and B8 uses within modern business units and, as such, it complies with the requirements of Policy 8 and the JAAP. Furthermore, the development does not affect port operational areas, the dry dock or the future reconfiguration of the Lady Bee Marina and includes improved pedestrian access and the introduction of soft landscaping, which are all requirements of the JAAP.

Visual amenity

The buildings are arranged in three blocks, orientated on a north-south alignment. They have been designed with a saw tooth roof profile which, together with the spacing between the blocks, helps to break up the scale and massing of the development. The proposed external materials are quite muted in terms of colour, with a mix of grey/blue cladding, zinc roof, dark grey brick and timber. The overall finish is considered to be reflective of the colours and tones of the existing industrial buildings on the Port and will not appear out of character.

The scale of the buildings is also considered to be in keeping with the scale of the larger warehouse buildings on the south side of the Canal. Their height will be markedly taller than the low rise units to the north and south (existing buildings approximately 4.94m to the ridge, proposed buildings a maximum of 9.5m high to the ridge). However, as stated earlier, the roof profile helps to break up the massing while the height will be broadly similar to that of Nautilus House, the Port office building to the north west (8.9m to parapet).

From the north, the proposed buildings will be set back from the A259 by at least 35m and will be on lower ground, partly screened by the existing buildings alongside the A259. While the roofs will be visible, it is not considered that they will appear out of scale or character or result in visual harm to the amenities of the area.

From the north east and east, views of the site are possible across Lady Bee Marina and the east elevation of Block 3 has therefore been designed to “act as a shop front to the development”, as described in the applicants D & A Statement, with larger windows, sliding timber doors and the use of ‘fish scales’ shingle cladding. It is considered that the east elevation provides a positive view of the development and will enhance views from across the Marina.

From the south, the buildings will be prominent in views from the lock gates as one approaches from the seafront. The north and south end elevations have less visual interest than the sides of the buildings and there was concern that they may appear rather plain in what is the most open view of the buildings. The applicants have responded by stating that:

“only filtered views of a full southern elevation would be possible from the southern side of the lock gates and the most southerly set of lock gates themselves. The shed adjacent to the Dry Dock screens a large part of this view. Furthermore, it is our view

that in most instances the southern elevation would be seen in addition to eastern / western elevations and thus would not be seen in isolation. This is especially true of what we consider to be the most important view of the southern side of the site from the access point to the lock gates (to the south west of the site). Clearly from this view, the primary elevation is the western elevation with secondary views of the southern elevation.”

These arguments have been considered carefully and, overall, the appearance of the buildings is considered to be acceptable.

Residential amenity

The site lies within an industrial port location but there are blocks of residential flats (3-6 storeys) on the north side of the A259. However, these are at least 60m from the site and, while views of the proposed buildings will be possible from the upper floors, the distance is such that they will not cause a harmful loss of light or outlook.

Noise from the buildings should not be harmful as the units are to be in B1 or B8 use rather than general industrial B2 use. Furthermore, the nearest flats are separated from the site by the busy A259 and by the existing industrial buildings fronting the A259. For these reasons, the development is not expected to result in a loss of residential amenity.

Accessibility, parking and air quality

The site is in a sustainable location, being 350m from Southwick railway station and with bus stops on the A259 to the immediate north of the site. The site is also adjacent to the National Cycle Route 2. The development proposes to provide 37 car parking spaces and 38 cycle parking spaces (24 in a covered store for employees plus 14 open visitor spaces). Additional pedestrian facilities are proposed in the form of a footway along the north and east boundaries of the site plus four separate sets of stairs providing direct access to the site from the north. Pedestrian crossings are also proposed via dropped kerbs across the access to the units to the north and across the site access road.

A Transport Statement accompanied the application and it states that:

“the site will generate a maximum of only 28 additional 2-way journeys in the AM peak and an additional 29 2-way journeys in the PM peak the impact to the site access and surrounding road network will be minimal and no further analysis or modelling will be required.”

The development will be accessed as existing from the west side of the site via the access road off the A259. No objection has been raised from a highway safety point of view. West Sussex County Council has confirmed that the car and cycle parking provision meets WSCC parking standards. WSCC has advised that a sustainable transport contribution (TAD) of £43,534 is generated by this application, to be spent on

upgrading bus stops in the vicinity of the site. The applicants' agent has queried the amount and also whether any payment is necessary in this case. He has stated:

“Regarding the TAD contributions, we are still strongly of the view that any contribution would be unnecessary to make the development acceptable in planning terms ... we remain of the view that the site is extremely sustainably located. WSCC has not given any justification for why the contribution is necessary to make the application acceptable in planning terms and I provide again the consultation response from WSCC below:

‘considering the details above the site provides an excellent opportunity for this type of development which is in line with NPPF guidance for a sustainable development whilst not generating any adverse impacts on the highway network’.

Notwithstanding our view that the scheme would not meet the tests for a planning obligation, we also do not think that the request for a contribution is CIL regulations compliant since WSCC has failed to identify a specific and costed scheme to be funded. The s106 would need to clarify a specific proposal and their response is simply too vague and could be easily challenged. The CIL regulations are clear that tariff style contributions as sought by WSCC are not acceptable or appropriate and must be apportioned to specific costed projects to prevent issues with pooling of funds.

The applicant has agreed to electric vehicle charging points, has sought to maximise pedestrian and cycle accessibility and flows through the site (including providing for an enhanced pedestrian access through to the lock gates) and as a trust port will continue to consider future pedestrian and cycle improvements within the wider area as part of their involvement in the Shoreham Harbour Regeneration Partnership.”

In their view they consider that minimal traffic impacts would occur as result of this development (as acknowledged by WSCC themselves) and that the site is in a sustainable location. They do not agree that the requirement for a financial contribution is fairly and reasonably related in scale and kind and is not necessary to make the development acceptable in planning terms. They consider that the request fails to meet the tests for planning obligations.

At the time of writing this matter had not been resolved and any update will be reported at the meeting. Your Officers consider that a contribution is justified, as there will be traffic impacts arising from the development, but that a compromise figure should be sought in this case, taking into account the site's sustainable location and the measures included in the development as outlined above.

The Council's EHO has advised that meaningful mitigation should be provided, in addition to the proposed cycle storage on site, in order to offset any potential emissions generated by the development. The applicants have expressed their willingness to provide electric vehicle charging points within the development and this can be secured by condition.

Flood risk and Drainage

The site is on raised land and as a result it falls within Flood Zone 1, with the exception of the vehicular access which is within Flood Zones 2 and 3. A Flood Risk Assessment was submitted with the application which concludes that the development will be safe from flood risk as finished floor levels are proposed to be raised by 300mm above the climate change flood level, with floor levels set at 5m AOD.

The Environment Agency has no objections to the proposal provided the floor levels are set at that specified height.

The Council's Drainage Engineer, the Local Lead Flood Authority and Southern Water all have no objection subject to the details of surface water and foul sewerage disposal being submitted and agreed prior to commencement.

Sustainable and resource efficient buildings

Policy 18 of the Local Plan requires all non-domestic floorspace to achieve a minimum BREEAM 'Very Good' with a specific focus on water efficiency. Policy SH1 of the JAAP requires all new commercial buildings to meet the BREEAM 'excellent' standard.

The application is accompanied by a Sustainability Report which advises that the BREEAM pre-assessment scores the scheme as 64.0% achieving a Very Good rating only. The Council's Shoreham Harbour Regeneration Team has considered this conflict with the JAAP and acknowledge that *"this represents a robust "very good" rating as the minimum "very good" score is 55%. The completed scheme would provide other benefits regarding sustainability which are improvements when compared to the current site. These include the pedestrian crossings and the landscape planting."* It should also be noted that the JAAP is not adopted whereas the Adur Local Plan policy is. Overall, it is considered that the development should achieve an acceptable standard of sustainability.

Among the measures to be incorporated are reduced water usage and the use of PV panels on the roof, with the roof designed to maximise PV provision. Consideration was given to whether the site would benefit from communal heating but the development was not considered to sufficiently large enough to make such a scheme practical or viable.

Contaminated land

The site is potentially contaminated as result of previous use of the land associated with shipbuilding and boat storage. A Preliminary Ground Contamination Risk Assessment Report was submitted with the application which concludes that:

"Complete pollutant linkages are considered to be present. It is therefore recommended that an intrusive ground investigation should be undertaken to allow a

quantitative assessment to be made of the risks posed to end users and controlled waters.”

This will be required by planning condition.

Recommendation

Subject to completion of a satisfactory section 106 Obligation undertaking to pay a sustainable transport contribution to offset the traffic impacts of the development, the final amount of which is to be agreed with the applicants, **APPROVE:-**

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Construction Management Plan
4. Contaminated land
5. Landscaping details
6. Foul and surface water drainage
7. To be carried out in accordance with FRA
8. Details of maintenance and management of SuDs
9. Cycle parking
10. Car parking and turning space
11. Electric vehicle charging points to be provided
12. Samples of materials to be submitted and approved
13. Waste storage provision
14. Use for B1 & B8 only
15. No outside storage
16. No outside working
17. No external lighting unless agreed
18. No roof plant
19. Hours of working – 7am -11pm
20. Shall be constructed to BREEAM Very Good standard as specified in the approved pre-assessment document

Local Government Act 1972
Background Papers:

As referred to in individual application reports

Contact Officers:

Peter Barnett
Principal Planning Officer (Development Management)
Portland House
01903 221310
peter.barnett@adur-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
 - to promote a clean, green and sustainable environment
 - to support and improve the local economy
 - to work in partnerships to promote health and wellbeing in our communities
 - to ensure value for money and low Council Tax

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.