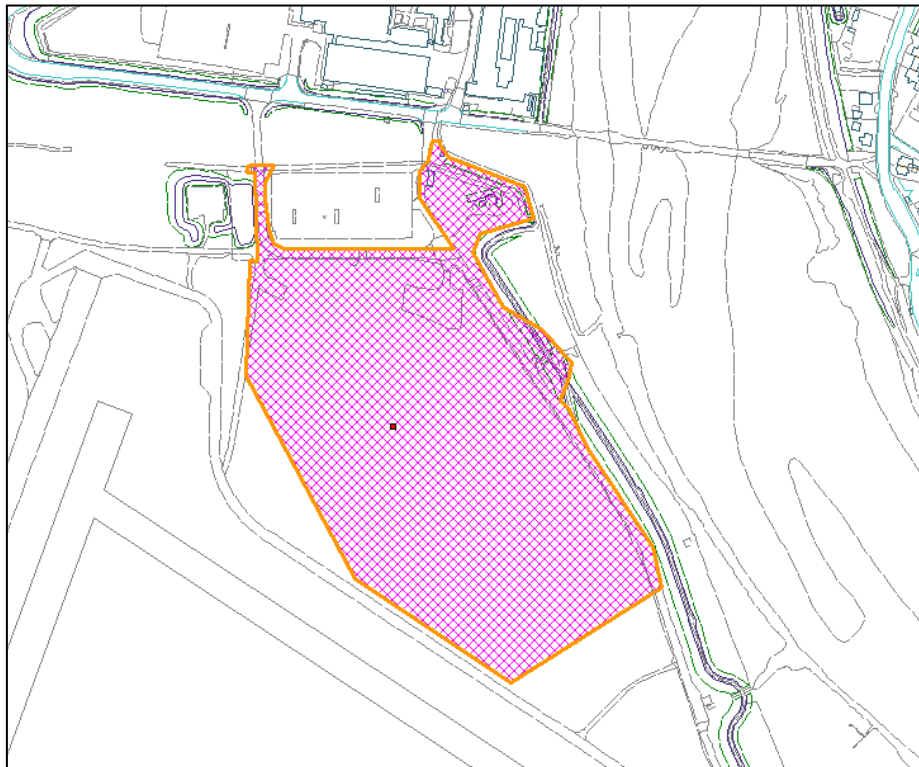


Application Number:	AWDM/1472/23	Recommendation - APPROVE
Site:	Brighton City Logistics Park, Cecil Pashley Way, Lancing	
Proposal:	<p>Application for Approval of Reserved Matters following Outline Approval AWDM/1093/17. Details regarding the appearance, landscaping, layout and scale of the new commercial buildings. The Outline application was subject to an Environmental Statement. Application to Vary Condition 1 (previously approved under the Reserved Matters application AWDM/1831/21, as amended by AWDM/2020/22) and allow for a change to the approved roof plans, to allow for Solar PV panels to be installed on Units 1-5 at Panettoni Park, Shoreham Airport</p>	
Applicant:	CP Logistics UK Brighton Propco Limited	Ward: Mash Barn
Agent:	Pegasus Group	
Case Officer:	James Appleton	



Not to Scale

Site and Surroundings

This application relates to amendments to the approved plans for the industrial units under construction on the airport to the north east of the airport terminal buildings. To the west of the site is the main railway for the airport. To the north is the overflow car park for Ricardo's (located further north). To the east lies the flood embankment built as part of the Adur Tidal Walls project with the river beyond. To the north east of the site is the listed toll bridge.

As Members are aware the site lies within the Green Gap between Lancing and Shoreham. The flat topography of land in the Adur valley means that there are expansive views to and from the South Downs National Park to the north (Lancing College) and east (Mill Hill).

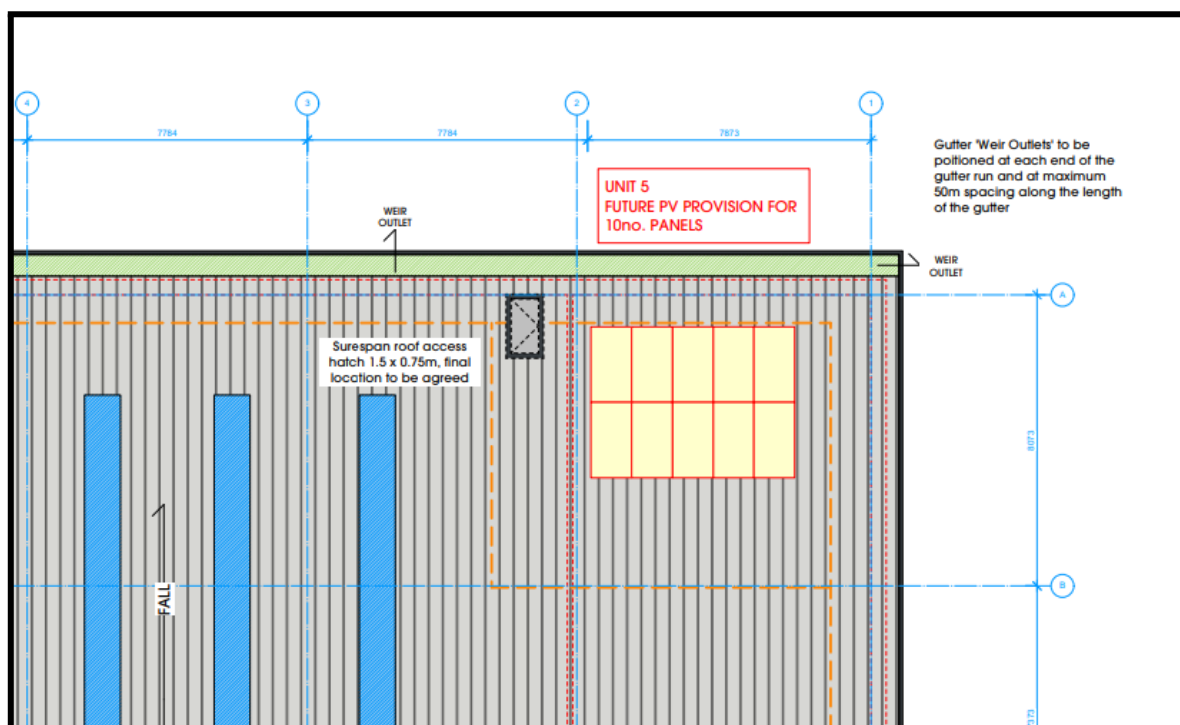
Proposal

This application proposes to change 5 approved plans to allow for Solar photovoltaic panels (PV) to be installed on Units 1-5 being built at what is now known as Panettoni Park. These PV's were previously proposed as part of a non material amendment but this aspect of the proposal was withdrawn at the advice of your Officers as it was felt that the changes required a new s73 application to assess any impact on the setting of the National Park.

The plan below identifies the locations of the PV panels.



The submitted plans indicate the precise location of the PV panels on each of the 5 buildings and an extract from Unit 5 is shown below:



'In support of the current proposal the applicant has submitted two technical reports seeking to demonstrate that the proposed PV panels would not have any adverse impact on the operation of the airport (Aviation Glint Glare Assessment and Forgesolar Glare Analysis). A subsequent letter has been received addressing any potential impact on the National Park to the north and provides a non-technical summary of the two glare Assessment reports. This side letter states that,

The results indicate that glare was observed at sunrise and at sunset predominantly to the south, northwest and east of the airport. In order to experience the glare, one would need to be facing the sunrise or sunset. In other words, one would be unlikely to be impacted by the glare due to the presence of the sun as the sun would present as a greater glare. No glare will be experienced to the north of the development.

The results indicate aircraft approaching to land on Runway 20 will be flying from the north-north-east overland towards the airport experience no glare. Therefore, the area to the north and the National Park are highly unlikely to observe glare from the development based on the position (relative to the sun and solar PV panels), height and distance of the observation point. From a non-aviation perspective, glare is only an issue and likely if the following three conditions are met: a) The observer is within 1km of the panels; and b) The observer can see the panels (at a point above the panels); and c) The panels are between the sun and the observer.

In summary:

1. The glare associated from solar PV panels is less than what can be expected off vehicle windscreens, building windows or standing water. This is due to the fact that solar PV panels are designed to absorb light and therefore glare is minimised.

2. Glare from solar PV panels beyond 2 statute miles is not considered a safety concern to aviation and beyond 1km for road users. The glare that is experienced, within those distances, has a low potential for temporary after-image and is acceptable for aviation.

3. An acceptable result for safety critical tasks (landing an aircraft) and roles (an ATCO observing airborne aircraft) should logically be acceptably safe for other activities.

4. Glare only occurs when looking in the direction of the sun, during sunrise and sunset and for short periods during the year and during the day. No glare occurs at any other time, i.e., at midday. The glare from the sun during sunrise and sunset is likely to mask any effect of glare on solar PV panels.

5. The tilt of the solar PV panels determines that the glare is upward. Therefore, glare will only be experienced above the height of the panels, it is impossible to experience at any point below the panels as confirmed in the analysis results.'

Relevant Planning History

Outline planning permission was granted for 25,000 sqm in 2019 under reference AWDM/1093/17. The permission was linked with the approval for the New Monks Farm (NMF) strategic housing and employment allocation. The NMF permission facilitated the delivery of the new roundabout onto the A27 and new access road to shoreham airport commercial floorspace as well as providing flood relief through the new pumping station adjacent to the Adur.

The reserved matters application at Shoreham Airport was approved on 13th July 2022 under reference AWDM/1831/21.

A subsequent non-material amendment was approved relating amendments to the service doors, an increase in grp roof light provision, ships ladder/roof hatch, internal layout changes, sliding doors added, hard surface changes from tarmac to part concrete with auto acc barriers (AWDM/2020/20).

Consultations

West Sussex County Council Highways Authority comments that,

“No objection is raised to the variation of condition 1 and the provision of solar PV panels.”

Adur & Worthing Councils:

Environmental Health - Public Health comment that,

“There are no adverse EH comments for this application.”

Sussex Police comment that,

“I have had the opportunity to examine the details within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

The National Planning Policy Framework demonstrates the government’s aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

Although the level of crime and anti-social behaviour in Adur & Worthing district is average when compared with the rest of Sussex, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

This planning application is seeking permission to vary condition 1 (of previously approved Reserved Matters application AWDM/1831/21) in order to allow for a change to the approved roof plans, for Solar PV panels to be installed on Units 1-5 at Panettoni Park, Shoreham Airport.

Having reviewed the plans that accompany this planning application I have no concerns from a crime prevention viewpoint.”

WSP as the Council’s Land Drainage Consultants comment that,

“We have noted that this is classed as a major application and therefore will allow West Sussex Council to provide consultation comments.”

South Downs National Park Authority comments are awaited.

Representations

One letter of objection has been received from a local resident raising the following concerns:

- i) The buildings are monstrous and we cannot believe they were allowed
- ii) As well as taking away valuable green land that was supporting the eco environment, the development is causing damage and disruption to the land, local residents and roads is unbelievable.

- iii) It is hoped that the pot holes and all the horrendous damage to the roads are going to be repaired promptly.
- iv) The solar panels proposed will only make the ugly, humongous, monstrous buildings even more vile to look at, especially as these buildings can be seen for miles
- v) We cannot support anything proposed at Pannottoni Park regardless of the panels being so eco friendly.

Relevant Planning Policies and Guidance

Adur Local Plan 2017

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

Old Shoreham Conservation Area Character Appraisal & Management Strategy (ADC 2022)

Planning Contributions for Infrastructure Provision (ADC 2013)

National Planning Policy Framework (July 2021)

Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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.

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

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.

In addition, section 11A(2) of the National Parks and Access to the Countryside Act 1949 and section 85 of the Countryside and Rights of Way Act 2000 require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall

have regard' to their purposes.

The Environment Act 1995 revised the original 1949 legislation and set out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks. This duty is particularly important to the delivery of the statutory purposes of protected areas. The duty applies to all local planning authorities, not just national park authorities.

The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas. There are a number of other duties placed on planning authorities regarding biodiversity enhancement and the countryside including:

- Under section 40 of The Natural Environment and Rural Communities Act (NERC) 2006 local planning authorities (LPAs) must have regard to the purpose of conserving biodiversity, including restoring and enhancing species, populations and habitats, as well as protecting them.
- Under the Wildlife and Countryside Act 1981, LPAs should take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest (SSSI).

Planning Assessment

Principle

The principle of adding PV panels to these industrial units is supported. The outline application requires the development to meet BREEM Very Good which complies with the Local Plan for non residential buildings. In addition at the Reserved matters stage the applicants indicated that they were investigating the potential to meet BREEM Excellent. The Agent has been requested to clarify whether his client is still considering the scope to meet this higher environmental standard. It should be noted that BREEAM Excellent which would represent sustainability performance equivalent to the top 10% of UK new non-domestic buildings.

The provision of PV is a key element of meeting BREEM environmental standards and would help to ensure that green energy is created for the individual industrial units. At this stage the future tenants are not known and therefore there is scope for individual tenants to deliver even higher standards of environmental performance.

Visual Impact - National Park

The main issue is the possible adverse impact on the setting of the National Park with potential glare from the PV panels. Members may recall that at the Reserved matters stage there was considerable discussion with the National Park about the colour of the proposed buildings and how to mitigate the visual impact of the buildings when viewed from the South Downs to the north (Lancing College and Mill Hill). At the time the Park commented that,

'Configuration and Scale

We appreciate that the configuration was tricky to balance and whilst the buildings are grouped quite tightly, there are elements that help break up the massing. Landscaping can be used more advantageously to improve this further (see below). The location of the service yard associated with Unit 5 is quite prominent; however, steps could be taken through improved landscape (see below) to mitigate this. The height of the buildings is in accordance with the Design Code and we welcome the reduced height to the north and south.

Appearance

We support the general approach of using a darker colour on the elevations and lighter shades on the roof, however we are concerned about the use of green as the dominant colour for the elevations. Whilst some greens were included in the Design Code as part of a proposed colour palette, the use of multiple shades alongside the timber effect cement cladding would appear quite contrived and incongruous in views from and to the National Park. As you will note from the image from the baseline landscape study for the proposal (attached and excerpt below), whilst the conditions are not great, a simpler, more muted palette of greys would appear less stark in the landscape and would not detract from the wider visual experience. We would suggest that planting should be used to better effect to add 'green' to the palette.'

The scheme was amended at the Outline stage to follow the suggested more muted grey colours from the palette of colours suggested in the original Design Code for the site. The extent of landscaping was also increased along the east and northern boundaries.

The construction of the buildings in this prominent location has caused local concerns and Officers have identified that a more prominent view (than originally expected) is from the more elevated section of the Old Shoreham Road directly to the east of the site. The applicants have indicated that they are willing to increase the landscaping specification to larger standards and a 3D visualisation is being prepared to demonstrate how the mass of the buildings will be filtered with landscaping when viewed from the east. It is hoped that this will be available for Members at the meeting.

As far as the proposed 10 PV panels proposed for each unit are concerned these are very small areas compared to the overall roofscape and it is not considered that the PV panels would, in themselves, have any material impact on the appearance of

the buildings and the sustainable benefits of the PV would outweigh any residual effects.

The one area of potential concern from the National Park was from glare but it is apparent from the Consultants report that there would be no glare to the north and any likely glare from other directions would be less than experienced from vehicles, buildings or standing water as the PV panels are designed to absorb rather than reflect light.

The National Park has been consulted and provided with the additional Glare Assessment (non technical letter) and any comments received will be reported at the meeting.

Impact on the Safe Operation of the Airport

The applicant has been keen to demonstrate to the airport that the addition of PV panels would not have any adverse impact on the safe operation of the airport given the close proximity to the runways. The conclusion of the reports is quite clear that there is no adverse impact on flying activities and that other sources of glare would be potentially more obvious than the PV panels. Of particular importance in the assessment is that glare would only occur when looking in the direction of the sun and during short periods of time during the day and at sunset and sunrise.

Other Impacts

It is not considered that the development would have any adverse effect on the SSI along the Adur River, although Natural England have been consulted and any comments received will be reported at the meeting.

Approve

Subject to conditions:-

1. Approved Plans Listed (Replacing Roof Plan 1 - 5 A1G)

- Unit 1 Amended Roof Plan (Reference: G1164-HTC-01-RF-DR-A-01102 C04)
- Unit 2 Amended Roof Plan (Reference: G1164-HTC-02-RF-DR-A-02104 C04)
- Unit 3 Amended Roof Plan (Reference: G1164-HTC-03-RF-DR-A-03102 C04)
- Unit 4 Amended Roof Plan (Reference: G1164-HTC-04-RF-DR-A-04102 C04)
- Unit 5 Amended Roof Plan (Reference: G1164-HTC-05-RF-DR-A-05102 C03)