ADUR DISTRICT COUNCIL

Mr Peter Rainier
DMH Stallard
Gainsborough House
Pegler Way
Crawley
RH11 7FZ

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/1093/17

Details of Development

OUTLINE PLANNING PERMISSION FOR THE ERECTION OF NEW COMMERCIAL BUILDINGS TO PROVIDE UP TO 25000M2 OF FLOORSPACE FOR LIGHT INDUSTRIAL (USE CLASS B1C), GENERAL INDUSTRIAL (USE CLASS B2) AND STORAGE AND DISTRIBUTION (USE CLASS B8) WITH ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE (INCLUDING A NEW PUMPING FACILITY ON THE RIVER ADUR). THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT (ES).

Location of Development

SHOREHAM AIRPORT CECIL PASHLEY WAY SHOREHAM (BRIGHTON CITY) AIRPORT LANCING WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 31st August 2017.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

G Peck

Gary Peck
Planning Services Manager
27/12/2019

SCHEDULE

Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
SITE LOCATION PLAN	Drg No PL 10-001 Rev C	11.05.2018
SITE PLAN	Drg No PL 10-002 Rev C	11.05.2018
PARAMETER PLAN	Drg No PL 10-106 Rev 6	11.05.2018
EASTERN DEV. ILL MASTERPLAN	Drg No PL 10-003 Rev B	11.05.2018
EASTERN DEV ILL MASTERPLAN	Drg No PL 10-004 Rev B	11.05.2018
LVIA ADDITIONAL INFORMATION		11.05.2018
IMPACT OF NMF PUMPING STATION		11.05.2018
ENVIRONMENTAL STATEMENT		31.08.2017
DESIGN CODE	September 2018	02.10.2018

Reason: *For the avoidance of doubt and in the interests of proper planning.*

02. The development for which outline planning permission is hereby granted shall be commenced before the expiration of five years from the date of this permission or three years from approval of the last Reserved Matter, whichever is later.

03. The detailed design of the development proposed through Reserved Matters applications pursuant to the outline planning permission shall have regard to, and broadly accord with, the principles set out on the following parameter plans and supporting documents:

Drawing Number	**Description**	**Date Received**
Plan No 10-001 Revision C	Application Boundary Plan	May 2018
Plan No 10-106 Revision 6	Building Height Perimeter Plan	May 2018
The Shoreham Airport Development Design Code		September 2018.

Reason: *For the avoidance of doubt and in the interests of proper planning.*

04. Details of the Reserved Matters associated with the outline approval shall be submitted to the Local Planning Authority within five years from the date of this permission to include:

(i) Scale
(ii) Appearance
(iii) Layout
(iv) Landscaping

Approval of all these Reserved Matters shall be obtained from the Local Planning Authority prior to the commencement of the development.

Reason: *To comply with section 91 the Town and Country Planning Act.*

05. The reserved matters applications, submitted pursuant to Condition 3 above, shall be based upon and be in accordance with the general principles set out in the Design and Access Statement and the Design Code document dated September 2018 and the development shall not exceed the heights stated in the Building Heights Plan.

Reason: *To accord with the terms of the application and in the interests of visual amenity and the safe operation of the airport.*

06. Prior to commencement of works to the Pumping Station, a drainage scheme detailing mitigation for freshwater overspill onto the SSSI shall be submitted to and agreed in writing by the Local Authority (in consultation with Natural England). The drainage scheme should demonstrate that the drainage scheme is capable of accommodating the volumes of water discharged under normal operating conditions (i.e. the discharge of x 1,500 l/sec) from the spillway when the pumping station is operational.

If the drainage scheme cannot be proven to be effective, an additional area of saltmarsh habitat should be created to compensate for the 128m2 saltmarsh habitat likely to be lost at the bottom of the spillway. This additional area will be a minimum of 128m2. Creation, monitoring and remediation (and any other details) of this additional area will be undertaken in accordance with the Summary Mitigation Scheme prepared for the compensatory saltmarsh habitat. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason: *In the interest of wildlife and biodiversity.*

07. No development shall commence until full details of the existing and proposed land levels of the development in relation to Ordnance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority.

Reason: *In the interests of visual amenity, operational requirements of the airport and setting of the National Park and heritage assets.*

08. Prior to the commencement of the development, an Ecological Mitigation and Management Plan (EMMP) shall be submitted to and approved in writing by the Local Planning Authority. The EMMP shall incorporate the recommendations of Chapter 11 of the Environmental Statement dated June 2016 and its appendices, and Chapter 11 of the Further Information to the Environmental Statement dated December 2017 and its appendices.

Reason: *To accord with the terms of the application and to ensure that the development results in a net gain in biodiversity.*

09. Piling or any other foundation designs using penetrative methods associated with the development for which planning permission has been granted shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: *To protect groundwater from pollution.*

10. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate addressing (but not necessarily be restricted to) the following matters:-

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: *In the interests of road safety.*

11. No development shall take place unless and until a scheme for the provision of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. This should broadly be in accordance with the Flood Risk Assessment and appendices dated June 2017 and addendum Flood Risk Assessment and appendices dated December 2017.

Reason: *To ensure that the site is adequately drained and does not cause flooding to adjoining land.*

12. No development above floor plate level shall take place until a schedule of materials has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

    Reason: *In the interest of visual amenity.*

13. No development above floor plate level shall take place until a schedule of details of hard and soft landscaping, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved plans and all planting completed in the next planting season following the completion of the development.

    Reason: *In the interests of visual amenity.*

14. No development above floor plate level shall take place until details of any means of enclosure or boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved plans.

    Reason: *In the interests of visual amenity.*

15. Details of any external lighting on site shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any lighting on site. This information shall include a layout plan with beam orientation and schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent.

    Reason: *In the interests of visual amenity (setting of the National Park and potential operation of the airport) and in the interests of wildlife having regard to the sites location adjacent to a Site of Special Scientific Interest (SSSI).*

16. The commercial floorspace hereby approved shall achieve a BREEAM "Very Good" standard as a minimum. Prior to commencement a BREEAM design stage assessment report shall be submitted to the Local Planning Authority confirming that this standard will be achieved. The required BREEAM assessment shall be prepared, and any proposed design changes approved by a licensed BREEAM assessor prior to commencement of the development. A post completion BREEAM report shall be submitted to the Local Planning Authority within 6 months of the substantial completion of the development hereby approved.

    Reason: *To ensure sustainable development in accordance with adopted Local Plan policy.*

17. The commercial floorspace hereby approved shall not be occupied until the A27 access roundabout shown on drawing VN40408_PL-015-J has been completed to the satisfaction of Highways England and West Sussex County Council as local highway authority.

    Reason: *In the interests of ensuring safe and suitable access to the public highway.*

18. Prior to bringing any part of the floor space into use of the development hereby permitted in conjunction with Conditions 1 or 2, the shared footway improvements on the northern side of the A27 Old Shoreham Road and to the east of Coombes Road shall be provided in accordance with Vectos Drawing No. VD14260-SK-0101 Rev C (GENERAL ARRANGEMENT OPTION A ¬ 2.5m FOOTWAY/CYCLEWAY) and HED Drawing No. HED-1172-LA-601 Rev 01 (River Adur to Coombes Road NMU Link — Master Plan and Elevation) and opened for use by the public.

    Reason: *In the interests of highway safety and to improve pedestrian and cycle access to and from the site.*

19. No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with the approved plans and details submitted to and approved in writing by the Local Planning Authority.

    Reason: *To ensure that appropriate and safe access to the public highway is available.*

20. The commercial floorspace hereby permitted shall not be occupied until the approved Pumping Station on the bank of the River Adur has been completed and brought into operation to the satisfaction of the Local Planning Authority.

    Reason: *To accord with the terms of the application and to ensure that adequate surface water drainage is provided to avoid any flood risk.*

21. No unit of commercial floorspace shall be occupied until the car parking and covered and secure cycle parking serving that unit have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

    Reason: *In the interests of ensuring appropriate parking and cycle facilities to accord with adopted Local Plan Policies.*

22. No unit of commercial floorspace shall be occupied until a Travel Plan, which shall include modal shift targets and a programme of implementation, monitoring and review, has been submitted to an approved in writing by the Local Planning Authority. Thereafter, the occupation of the commercial unit shall be in accordance with the approved Travel Plan.

    Reason: *In the interests of encouraging sustainable transport.*

23. The proposed footways/footpaths shall be constructed in such a manner as to ensure that each unit, before it is occupied or brought into use, shall be served by a properly consolidated and surfaced footway/footpath between the development and highway.

    Reason: *To ensure the provision of adequate and safe facilities for pedestrians.*

24. Prior to the first occupation of any unit, a suitable waste storage/collection area shall be provided in accordance with the approved plan/details that shall have been submitted to and approved by the Local Planning Authority, that allows for the convenient storage of waste and unrestricted access at all times.

    Reason: *To control the development in detail and in the interests of visual amenity.*

25. No development shall take place until plans showing provision for the loading and unloading of goods and an associated turning area have been submitted to and approved in writing by the Local Planning Authority. These shall be constructed to the satisfaction of the Local Planning Authority prior to the occupation or use of the development. Any provision shall thereafter be retained for such purposes.

    Reason: *To ensure that adequate space is available within the site to avoid obstructing Cecil Pashley Way.*

26. No more than 25,000 m2 of commercial floorspace shall be provided within the site.

    Reason: *To accord with the terms of the application and in the interests of visual amenity.*

27. No goods, plant, machinery or materials shall be deposited or stored, or articles displayed, or processes undertaken, outside any building(s) on the site unless otherwise agreed in writing with the Local Planning Authority.

    Reason: *In the interests of visual amenity.*

28. Notwithstanding the Use Classes Order the industrial units hereby approved shall only be occupied as Use Class BI (c), B2 and B8 and for no other Use Class unless otherwise approved in writing with the Local Planning Authority.

    Reason: *To accord with the terms of the application and to restrict the level of traffic and activity generated by the development.*

Informatives / Notes to Applicant

01. The Local Planning Authority (LPA) has acted positively and proactively in determining this application. Due regard has been given to the Environmental Statement (ES) submitted with the application and the Additional Information to the ES submitted following concerns expressed by the LPA and statutory

consultees. The ES identified the significant effects of the development on the environment namely landscape and visual, archaeology and heritage, transport, noise, air quality, water resources, ecology, lighting, residual/cumulative effects and socio economic. In assessing the adverse effects of the development the LPA sought additional mitigation, in particular to reduce the landscape and visual impact of the development on the setting of the South Downs National Park (SDNP) and the setting of a number of heritage assets (including Lancing College Airport Terminal, Dome Trainer and Hanger, the Old Tollbridge and St Nicolas Church).

The amended application (including Additional Information to the ES and revised Design Codes) reduced the height of buildings, restricted the development area and identified other mitigating design features. The LPA concluded that the revised proposal would help to reduce the predicted adverse visual impacts of the development on the setting of heritage assets and the SDNP. However, adverse effects would remain and in terms of the setting of heritage assets the LPA concluded that the harm would be less than substantial. In view of the adverse impact on landscape and heritage assets the LPA concluded that the development would not comply with the adopted Local Plan.

In assessing whether there are sufficient public benefits to justify the development, notwithstanding the harm identified, the LPA had due regard to the socio economic benefits of the development. Of significance in the overall planning balance was the viability of the development compared to the Local Plan employment allocation, the shortage of employment floorspace in the District, the job creation and the significant benefits to the future economic prosperity of the airport. The LPA had regard to the importance of securing continued investment into the airport at a time when it is in administration, particularly as its continued use as an airport benefits the setting of the airport heritage assets. The LPA considers that the public economic and social benefits of the development are compelling and would justify a departure from Development Plan policy and the harm caused to the setting of the SDNP and heritage assets.

The S106 legal agreement and planning conditions set out in the decision notice secure the mitigation measures and ongoing management and monitoring necessary to help reduce the identified adverse effects on the local environment.

02. Environment Agency Flood resilience and resistance - Advice to developer:

We strongly recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. We recommend reading the following guidance: 'Improving the flood resilience of new buildings'' Prepare your property for flooding: A guide for householders and small businesses'

Consultation with the relevant building control department is recommended when determining if flood proofing measures are effective.

03. Section 175(b) of the Highways Act (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England).

This development involves works to the public highway that can only be undertaken within the scope of a legal agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicants responsibility to ensure that before commencement of any works to the public highway, any necessary agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England switchboard Tel 0300 470 1370 or email: planningse@highwaysengland.co.uk

Ref: AWDM/1093/17

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State online at https://acp.planninginspectorate.gov.uk or at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000).

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

6. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

7. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

8. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

9. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

10. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).