Development Management - Delegated Officer Report

Application Number: AWDM/0945/22 Recommendation – Approve

Site: Nautical Training Corps, Riverside, Southwick

Proposal: Proposed 11no. commercial units (Use Class E and B8) in a single two-storey building with external stairwells and infilling of part of the canal to provide vehicle access and turning, with associated cycle storage and landscaping. Application to vary condition 1 (approved plans) of previously approved AWDM/1000/21 to amend design and method of construction of proposed building, including reduction in height and footprint, new pedestrian escape route to north, removal of green roof, provision of air source heat pumps and to approve details reserved by conditions on the previous permission

Date of site visit: 10 June 2021 in association with previous application

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to the site of the former Nautical Training Corps building which was recently demolished. It lies within Shoreham Port on the south side of the A259 to the east of the Schooner Inn but at the lower canal side level. Behind the site to the north the land steeply banks up to the A259 positioned at an elevated level. A hedge separates the top of the bank with the footpath that runs along the A259. Directly to the west of the site is a set of steps which runs alongside the site and directly to the east of the Schooner Inn.

The site is accessed via Riverside to the west. The collection of buildings to the west adjacent to the site form the Southwick (Riverside) Conservation area. The Royal Sussex Yacht Club Boat Store is a Grade II listed heritage asset located to the west. Lady Bee Marina moorings are located directly to the south of the site within the eastern canal of the Port. The site itself is not within the Conservation Area.

Planning permission was granted under AWDM/1000/21 for the construction of a two storey commercial building for a flexible B8 and E use class.

This application seeks to amend the approved scheme to allow for a modular prefabricated construction rather than a traditional build. The supporting statement submitted with the application explains the reasoning behind this:

*"1. **Ease of construction and reduced impacts on amenity**. The site is an extremely awkward location for development given the narrow access on Riverside and lack of street side parking facilities on the A259 allowing*

construction vehicle access. Once foundations are laid however, a modular scheme could be erected extremely quickly (given the off-site manufacturing process of the modules themselves). It is estimated that, once foundations are laid, the superstructure element itself could be erected in just 2-5 days causing minimal disruption to nearby business, leisure and residential. Such an approach reduces the impact to traffic and noise and air quality implications.
*2. **Sustainability**. By virtue of the precision engineering process of the off-site factory production, modular construction results in significantly less construction waste than a traditionally built product. It can also result in a lower embodied carbon footprint because of the manufacturing process."*

The amended scheme also results in the following changes:

- a reduction in height from 7.5m to 7.1m
- a reduction in length from 33m to 30m
- a reduction in width from 8m to 7.6m
- Floorspace is reduced by 45.7 m2 as a result of these amendments
- The modular design approach uses a container-based frame which results in changes predominantly at the rear, including the removal of all upper floor windows on the A259 façade and a more modular appearance typical of containers being stacked together.
- A new fire escape route is proposed at first floor with direct access onto the A259. This will require the removal of a section of hedge.
- The green roof has been removed and the potential for Solar PV on the roof is being explored.
- At roof level signage is proposed on the A259 frontage rather than the canal frontage.
- Air source heat pumps are shown to the rear of the building at ground floor
- The lift arrangement is amended and now has a smaller overrun although it protrudes slightly more from the building than before, on the south west corner.

As before, a small element of the port canal is to be infilled to accommodate the turning head and access arrangements. No parking is proposed on site. Parking is instead shown as being accommodated within the Shoreham Port Authority Marina Parking further west.

The building will be largely below the level of the A259 due to the drop in ground level.

The application also includes details to satisfy the requirements of conditions imposed on the previous permission, relating to:

- Condition 3 (Construction Management Plan)
- Condition 6 (Public Foul Sewer and Water Distribution)
- Condition 7 (Surface Water Drainage)
- Condition 8 (Surface Water Drainage)
- Condition 10 (Remediation and Contamination)
- Condition 13 (Acoustic Measures)
- Condition 14 (Piling)

- Condition 15 (Hard and Landscaping Works)
- Condition 17 (Materials)
- Condition 21(External Lighting)
- Condition 22 (Roof Plant)
- Condition 26 (Sustainability Strategy)
- Condition 27 (Levels)

Relevant Planning History

NOTICE/0009/21 - Application to determine if prior approval is required for the proposed demolition of the single storey Nautical Training Corps Building

AWDM/1000/21 - Proposed 11no.commercial units (Use Class E and B8) in a single two-storey building with external stairwells and infilling of part of the canal to provide vehicle access and turning, with associated cycle storage and landscaping.

Consultations

West Sussex County Council: The **Highways Authority** has no objection. The application proposes a new emergency pedestrian access to the north east of the site onto the southern footway of the A259. A gate wouldn't be required nor such a condition if one isn't being provided.
A CEMP has also been provided, to discharge condition 3 of the original application. The CEMP indicates that no/very limited parking will be provided on site for contractors, given the constraints of the site alternative offsite parking would be required. Given the anticipated build time and size of the development the approach is acceptable. It is noted that a Temporary Traffic Regulation Order will be required for the crane and would need to be applied for separately.

Adur and Worthing Councils: The Environmental Health Officer has no objection. Comments that the air source heat pumps will not be an issue, the noise rating for these were well below the existing background levels at the nearest residential property.

The Construction Management Plan has very basic noise assessment details. It is a modular building brought in ready made therefore the ground works will be the main noisy work involving heavy plant and will include piling activities. I would suggest that the applicant submit a S61 consent under the Control of Pollution Act 1974 for this phase of construction. The acoustic report dated 13th May 2021 that was undertaken for the original application, showed ambient noise levels in the locality to be under 65dB(A). Therefore construction noise should not be exceeding 65dB(A) over the day if following the ABC method contained in Annex E of BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites.

The modules will have to be craned into position from the A259 and a lane rental agreement will have to be arranged with West Sussex County Council for the temporary lane closures.

The Phase II assessment for land contamination concludes that gassing is not a risk and no elevated levels of contamination were identified. The sampling

was undertaken around the current concrete slab. If this slab is remaining in place and the new structure is being supported on pile foundations over the existing slab then no further action is necessary. If the existing slab is being removed as part of the ground works then I would recommend a watching brief for any possible signs of contamination.

I have no objections to the lighting.

Technical Services: Following receipt of further information, they are satisfied that the surface water drainage condition can be discharged

Southern Water: Southern Water has no objections to the above variation of condition. The comments in our response dated on 23/06/2021 remain unchanged and valid. No objections to discharge of Condition 7 relating to foul drainage.

Previous comments - In order to protect public apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; "*The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public apparatus*."

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this planning application receive planning approval, the following condition is attached to the consent: "*Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water*."

Environment Agency: We are satisfied that condition 14 (piling) can be discharged.

Marine Management Organisation: Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.
Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

West Sussex Fire Service: Evidence is required to show that suitable access to within 45 metres of all units by a fire appliance can be achieved. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of sprinkler or water mist system complying with BS9251 or BS8458 standards.

Evidence is also required to show sufficient turning facilities are provided for a fire appliance to turn and make their exit from the site as identified in Approved Document -B Vol 2 B5 section 15

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policies 1,2 ,4, 8, 15, 17, 18, 25, 28, 29, 30, 33, 34, 35, 36
Shoreham Harbour Joint Area Action Plan 2017 Policies CA5, SH1, SH3, SH5, SH6, SH7, SH8, SH9
National Planning Policy Framework (2019)
WSCC Guidance on Parking at New Developments (Sept 2020).
Southwick Conservation Area Character Appraisal and Management Strategy (2009)

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).

Policy CA5 states:

"The partnership will work with developers and stakeholders to deliver a minimum of 4,000m2 new employment floor-space. The partnership will support the redevelopment of sites to deliver high quality, modern employment floorspace."

The site was previously occupied by the Nautical Training Corps.The building had been in poor condition and has recently been demolished under Prior Approval Notice. The NTC had previously used the building predominantly for storage but had vacated the premises as it was surplus to requirements. On this basis, and in view of the poor state of the building, the loss of the facilities is not considered to conflict with the aims of Policy 33 which seeks to protect community facilities.

The previous building was also of little architectural merit and was detracting from the character of the area. The redevelopment of the site to provide modern business units is a more efficient use of the land, complies with the aims of the JAAP and is considered to be acceptable in principle. The main considerations will be the impact on the setting of the Conservation Area,

residential amenity, transport, access and parking, flood risk and sustainability.

Visual amenity

The building will primarily be viewed from the south. That elevation has large window openings and glazing with external walkways running in front of the glazing. The building will sit on a plinth and will be two storeys with a flat, green roof which will help to soften views of the roof at street level.

From Riverside, the proposed development is about 7.1m above ground level and from Albion Street about 1.5m above ground level, just slightly higher than the existing hedge that sits between the development and Albion Street.

In terms of materials, the approved scheme proposed light grey cladding but the current proposal shows anthracite profiled panels. It is considered that this change in materials is acceptable, particularly as the majority of the rera elevation is screened by being at a lower level than the road.

It is considered that the building has an appropriate scale in relation to the adjoining buildings to the west and, while the design is contemporary and more industrial than previously approved it does not harm the setting of the Conservation Area, the character and appearance of which is considered to be preserved. The building design is also considered to be appropriate for a port setting.

The low scale of the building when viewed from the north means that it will not have a significant impact on the street scene, although the loss of the green roof and its replacement with flat steel sheets in anthracite grey, and possibly PV panels, will have a harder appearance from the A259. Views will also be opened up through the formation of the fire escape onto the A259 but this is considered to be a relatively small opening at 1.2m wide and the retention of the remainder of the hedge will continue to help soften views of the building from the north. Views of the sides of the building will also be limited given the lower level of the canal side and the position of the building in relation to the side of The Schooner.

Residential amenity

The site is currently not directly adjacent to residential properties. The nearest dwellings are further west, at Catts Mews, and to the north, on the opposite side of the A259, where there are several blocks of flats. The building itself will not cause a loss of light or outlook for existing residents while the proposed use is not anticipated to cause noise or disturbance. Class E uses do cover a wide range of uses and it is considered to be prudent to restrict the use to Class E (g) only, formerly B1 uses, which can be carried out in a residential area without causing harm. B8 is also considered to be acceptable here given the size of the units, but a condition is recommended preventing the merging of 2 or more units as larger units could result in larger delivery vehicles, for example.

Working hours are to be restricted to between 07.00 and 21.00 on any day with no arrival, reception or despatch of deliveries other than between the hours of 07.00 and 20.00 Monday to Saturday and 09.00 to 18.00 on Sundays which is considered to be reasonable in this location, given the nature of the use and the mix of Port and residential uses in the area.

Parking and access

The development is not proposing to provide any parking. Instead, vehicles associated with the development will be expected to park on surrounding roads and within the Port car park further west. To justify this a parking availability survey from 2017 was submitted with the previous application.

The site is in a sustainable location. There are bus stops on the A259 close to the site and Southwick Train Station is only 350m from the site. National cycle route 2 is also close by. Overall, the site is very well located for non car travel. Cycle parking is to be provided on the west side of the building.

A turning area is to be provided at the western end of the building adjacent to the Schooner. This will be used for delivery vehicles, refuse collection vehicles and emergency vehicles. In order to provide sufficient turning space a small part of the canal is to be infilled.

The access road is narrow in places but, as no parking is being provided, the number of vehicles accessing the site will not be significant. The number of vehicles using the junction with the A259 will also be low.

West Sussex Highways has considered the information provided with the application and advised that the swept path diagrams provided show that a fire tender can access the site turn and exit in forward gear with cars parked on the road. The road is privately maintained so WSCC are not responsible for the control of parking. With regards to the balcony at the yacht club, this has been included in the swept path analysis and does not seem to be an issue.

In terms of narrowness, the varying widths due to its informal nature could cause some waiting but given the low number of trips in the peak hour this is also unlikely to be significant.

WSCC have accepted the use of a 2017 parking survey and are satisfied that the nearby car park can accommodate parking demand associated with this development (10 spaces).

The units are small start-up units and the amount of deliveries and dispatches arising from the development is not anticipated to be particularly high each day. Deliveries are expected to be from small transit vans rather than lorries. The parking and turning arrangements are therefore considered to be acceptable.

Flood risk and Drainage

The site is within flood zone 3 but is at low risk of surface water flooding. The Flood Risk Assessment (FRA) submitted with the application proposes to set

the FFL for the new building 300mm above the 1 in 200-year flood level for the year 2072, allowing for climate change. Therefore, the minimum FFL should be 5.200m AOD.

The EA has no objection to the proposal subject to compliance with the FRA.

Southern Water has no objection to the foul drainage details.

The Council's Technical Services team is satisfied with the surface water drainage details, following the submission of additional information.

Sustainability

Policy 18 of the Adur Local Plan requires new commercial development to meet the Very Good BREEAM standard. Policy SH1 of the JAAP sets a higher Excellent standard.

However, the Sustainability Statement submitted with the application states it is not viable to achieve full BREEAM certification for this development due to the relatively small scale of the development. However, it confirms that "*full consideration will be given to sustainability, both in terms of the building/site design and the procurement process. The project team therefore aims to meet the principles of BREEAM wherever feasible*."

This approach has been taken by the Port with other recent developments including at the Dry Dock.

Further information was requested from the applicants to demonstrate more clearly the viability issues associated with the development, which has been provided. They have also stated:

"*The Port Authority is seeking to deliver a high quality commercial development offering much needed employment floorspace. The Port Authority appreciates the need to deliver sustainable development and as an Eco Port is not shirking responsibilities in this respect. Indeed the green roof proposed as part of this scheme is demonstration of the commitment to ecology assisting with the delivery of a local green corridor.*

*Furthermore, the Port Authority can agree to a flexibly worded condition which requires provision of onsite renewable energy and meeting a water efficiency target (i.e. subject to the agreement of a sustainability strateg*y)."

The Council is satisfied that as this is a relatively small scheme, the requirements to meet BREEAM Excellent can be waived on this occasion.

Ecology

An ecological appraisal of the site has been carried out. Its findings are that the vast majority of the site comprised a building, hardstanding and areas of mixed scrub and vegetation. No rare or unusual plant species were recorded. The habitats were of negligible ecological value. A small area of suitable

reptile habitat was identified to the eastern portion of the site and a detailed reptile survey was undertaken between April and May 202. No reptiles were recorded anywhere on site. The site is therefore considered to be of negligible ecological value.

Proposed ecological enhancements in the form of a green roof will result in a small net gain in biodiversity in line with national planning policy guidance.

Hazardous Substances

The western part of the site is within the Outer consultation zone for a hazardous substance site at Shoreham Harbour. The Health and Safety Executive does not advise against the granting of planning permission in this case.

Approval of conditions

Condition 3 (Construction Management Plan)

The submitted details are considered to be acceptable.

Condition 6 (Protection of the public foul sewer and water distribution main)

Correspondence submitted with the application between the applicant and Southern Water suggests that there is no visible or traceable main to be protected in the stated location other than the drain which services the Nautical Training House. This condition can therefore be discharged.

Condition 7 (Foul & Surface Water Drainage)

Southern Water has no objection to the discharge of this condition.

The Council's Technical Services team is satisfied with the surface water drainage details, following the submission of additional information

Condition 8 (Surface Water Drainage Maintenance)

A maintenance plan has been submitted which the Council's Technical Services team is satisfied with, so this condition can be approved.

Condition 10 (Remediation and Contamination)

The Phase II assessment for land contamination concludes that gassing is not a risk and no elevated levels of contamination were identified. The condition details can be approved therefore.

The sampling was undertaken around the current concrete slab. If this slab is remaining in place and the new structure is being supported on pile

foundations over the existing slab then no further action is necessary. If the existing slab is being removed as part of the ground works then a watching brief is recommended for any possible signs of contamination and an informative is to be attached to the decision to this effect.

Condition 13 (Acoustic Measures)

The EHO is satisfied that the air source heat pumps will not be a concern as the noise rating for these were well below the existing background levels at the nearest residential property.

Condition 14 (Piling)

The EA has confirmed that it is satisfied that the submitted details can be approved.

Condition 15 (Hard and Landscaping Works)

The proposals are largely for hard landscaping with permeable paving to the turning area to the west of the building. The applicants are proposing that the bank area to the rear of the site is left to 'rewild' naturally with no formal planting. The site is quite tight to its boundaries and there is not sufficient space for a formal landscaped area. In the circumstances, the landscaping proposals are acceptable.

Condition 17 (Materials)

The proposal external materials show an industrial appearance to the building, with steel walkways, stairs and railings, micro-lined profiled grey panels for the walls, a perforated steel sheet for the roof signage and flat steel sheets in anthracite grey for the roof. While more industrial than previously approved the building will still complement the other recent developments in the port to the west and is not too dissimilar to the approved form and appearance of the previous scheme. The materials are therefore acceptable.

Condition 21(External Lighting)

Lighting is shown on the walls of the building, predominantly to the south elevation at ground floor level, with a first floor flood light fixed to the platform above the turning area and bin store on the west elevation.

The lighting will have dusk until dawn sensors. At ground floor lighting is to be installed ceiling mounted on the underside of the walkways. At First Floor Level and to illuminate stairs and walkways fittings will be wall fitted with the hooded adaptor to help angle light flow down to the floor.

Condition 22 (External Plant)

No roof plant is currently shown although it is the Port's intention to install PV panels post occupation, if viable. 11 ASHPs are proposed at the rear of the building at ground floor and will be screened from public view.

Condition 26 (Sustainability Strategy)

A Sustainability Strategy has been submitted which states that energy use "*will be minimised by following a 'fabric first' approach, with specific focus on reducing the regulated energy demand. The energy that is required for fixed services will be delivered efficiently and by electrically powered systems to ensure that CO2 emissions from these uses are as low as possible. Any residual energy requirements will be offset indirectly through the port's wider sustainable energy initiatives and by the potential inclusion of a PV array at roof level*."

"*Water use will be "restricted to 20.65 L/person/day, which is a 41% reduction below the baseline figure of 35.31 L/person/day for office buildings within BREEAM New Construction 2018*."

"*Material use has been significantly reduced through the use of a modular construction method rather than traditional. Modular construction allows for precision design and ensures that waste generation is minimised. The embodied carbon of the materials used within the modular system is also significantly lower than conventional construction methods*."

Air source heat pumps and, possibly, PV panels will reduce energy use and the statement explains that "*the site will achieve an average reduction in CO2 emissions of 8.4% below the Part L baseline*."

The pre-fabricated nature of the modular construction means that the site programme is shortened, reducing local impact.

This condition can be approved.

Condition 27 (Levels)

The submitted details are acceptable.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Construction Management Plan
4. Hours of construction

5. Cycle parking

6. The building shall not be occupied until the complete foul and surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

8. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the approved maintenance manual

9. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref 92570 Revision 2) and the following mitigation measures it details: Finished floor levels shall be set no lower than 5.2 metres above Ordnance Datum (AOD). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

11. Piling and using penetrative methods shall not be carried out other than in accordance with the approved details.

12. Landscaping to be completed in accordance with approved details

13. Provision of turning area prior to first occupation

14. To be finished using approved external materials and finishes

17. Waste storage to be provided as approved

18. No outside storage

19. No external working

20 No external lighting other than in accordance with approved details

21. No external plant or flue other than that approved

22. Hours of working 7am – 9pm with no deliveries after 8pm

23 Use within Class E(g) and B8 only

24. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), two or more of the units hereby approved shall not be merged to form a larger unit.

25. The development shall be constructed in accordance with the approved Sustainability Strategy.

26. The development shall be carried out in strict accordance with the approved levels details.

Is recommendation contrary to letter(s) of representation? N

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

You are advised to submit a S61 consent under the Control of Pollution Act 1974 for the piling phase of construction and for any noisy work. The acoustic report dated 13th May 2021 that was undertaken for the original application, showed ambient noise levels in the locality to be under 65dB(A). Therefore construction noise should not be exceeding 65dB(A) over the day if following the ABC method contained in Annex E of BS 5228-1:2009+A1:2014 ‘Code of practice for noise and vibration control on construction and open sites.

Case Officer:	Peter Barnett	Date: 20 September 2022
Authorised by:	Gary Peck	Date: 20 September 2022