Expiry Date – 18th November 2016

Development Management – Delegated Officer Report

Application Number: NOTICE/0017/16 **Recommendation – Prior Approval required and granted.**

Site: Land South of Railway Line New Salts Farm Road, Lancing

Proposal: **Application for Prior Approval under Part 18, Class A of Schedule 2 of the General Permitted Development Order for the installation of new electrification substation infrastructure to include 5 modular structures in grey up to a maximum height of 6m consisting of a transformer module, two switchgear modules a rectifier module and an auxiliary transformers module to be sited on the southern railway bank adjacent to the railway bridge. Works to include levelling ground level, and installation of foundations, earthing grid, drainage and electrical cabling in addition to a permanent vehicular access maintenance access from New Salts Farm Road, to include fencing and gates at entrance to site.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 24.10.16

Site and Surroundings

The site is located to the south of the railway line between Lancing Station and Shoreham-By-Sea Station. It is within the countryside area abutting the highway New Salts Farm Road to the east. The Airport is to the north beyond the railway line. To the south are a row of residential dwellings.

The site is located within Flood Risk Zone 3 immediately to the north of a drainage ditch.

Description of Development

This application is for the erection of substation infrastructure with 5 buildings proposed finished in a grey-colour set on stilts above ground level. Also proposed are gates and fencing adjacent to the highway to secure the entrance to the site. The application is submitted under the Prior Approval GPDO procedure. Access to the site will be via New Salts Farm Road to the east.

Relevant Planning Legislation: -

Part 18 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Representations

None received.

Consultation Responses :

Lancing Parish Council: - No objections

WSCC: Local Highway Authority

The proposed electrification substation would be accessed via New Salts Farm Road, which is a private road, consequently these comments are for your advice only. The point of access onto the publically maintained highway would be via Saltings Roundabout (A259). No highways concerns would be raised to the vehicular trip generation by the substation and its impact upon this point of access onto the maintained highway network. Therefore no anticipated highway safety or capacity concerns would be raised to this proposal.

Environment Agency No comments received.

The Executive Head of Health and Community Safety

There are no environmental health comments for the above application. There are no concerns relating to noise or vibrations from the proposed units.

Contaminated Land.

It has been advised that the full contaminated land safeguarding condition seeking investigations should be attached to this consent. The Environmental Health Officer has advised that the land which runs parallel to railways is all potentially contaminated (pesticides, herbicides, oil, heavy metals etc.) exacerbated as the use as a railway acts as a funnel to transport material.

Planning Assessment

The General Permitted Development Order states;

PART 18
Miscellaneous development

Class A – development under local or private Acts or Order

Permitted development
A. Development authorised by—

(a) a local or private Act of Parliament,
(b) an order approved by both Houses of Parliament, or
(c) an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours)140, which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Conditions
A.1 *Development is not permitted by Class A if it consists of or includes—*
(a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or
(b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic, unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.
A.2 *The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—*

(a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
(b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Interpretation of Class A

A.3 *For the purposes of Class A, "appropriate authority" means—*
(a) in Greater London or a metropolitan county, the local planning authority;
(b) in a National Park, outside a metropolitan county, the county planning authority; and
(c) in any other case, the district planning authority

The applicants advise the relevant railway was built under an act of Parliament and so Part 18 is relevant in this case.

Consideration of the planning merits of NOTICE/0017/16 is restricted to those matters set out in A2 namely:

(a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
(b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

In the supporting statement the applicant has stated that the works are necessary as part of a wider upgrade of Thameslink services and:

'Assessments have been undertaken to position these substations in the optimum location to provide the required technical performance whilst at the same time minimizing the impact to the local communities and environment. '

The supporting statement states that a new electrical substation facility is required at the electrical mid-point between the existing Shoreham and Lancing substations. The new facility shall be constructed wholly within Network Rail's land ownership boundary. Therefore it would not be reasonable to insist that another siting for the buildings should be sought.

The site is south of the railway line within the countryside area to the south and the Airport to the north. The buildings are proposed to be finished in grey, the theory being that within the context of the back drop of the airport buildings to the north and the countryside that the buildings will not stand out significantly. Yet despite this it must be acknowledged that these buildings will be stark in design, form and finish. Particularly when viewed across the

adjacent, surrounding, countryside It should also be acknowledged that due to the proposed buildings being within a flood risk area that they are required to be elevated further increasing their prominence. The residential dwellings to the south east are likely to have views toward the buildings also the dwellings on the eastern edge of the mobile home park to the west are likely to be visually impacted by the prominent and stark appearance of these structures.

The proposals include a tree screen to the south of the site. This tree screen is considered essential for the protection of the residential amenities of the occupiers of the dwellings to the south-east and south-west. Therefore without this screening it is considered that the works would injure the visual amenity of the neighbourhood. It is therefore considered that prior approval is required and granted in this case subject to the condition which secures the approval of a satisfactory planting scheme and to ensure that it remains in place at all times.

Other issues

Contamination

The land is identified by Environmental Health as being potentially contaminated, being adjacent to the airport and railway line. Strictly speaking contamination issues are outside the scope of consideration of this part 18 Prior Approval. It would not be justifiable in this case to insist upon a planning condition however an informative is attached to draw this matter to the applicant's attention.

Highways

The creation of the vehicular access is permitted under Part 2 (Minor operations) Class B (Means of access to a highway) of the General Permitted Development Order 2015. A new gate will control access to the site and fencing will secure the entrance. These works are considered necessary as ancillary works and there is not considered to be any concerns in relation to this,

As stated above the Highways Authority have no objections to the works due to the access being onto a privately maintained road and the proposed journeys and traffic increase being insignificant upon the existing highway network.

Conclusions

Prior Approval is required and granted and the following condition is attached relating to landscaping.

1. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

Soft landscape works shall include planting plans; written specifications; schedules of plants stating species, sizes and numbers/densities; and the implementation programme. All landscape works shall be carried out in accordance with the approved details. The works shall be completed before any part of the development is occupied or in accordance with the implementation programme approved in writing by the Local Planning Authority.

{\b Reason}: {\i In the interests of visual amenity and the environment and to comply with saved policies AB25-27 of the Adur District Local Plan.}

Informative

1. Precautionary land contamination

This site is situated on or adjacent to a site which has been identified through Adur and Worthing Councils' Contaminated Land Inspection Strategy as having the potential to be contaminated. If during development, any visibly contaminated or odorous material, (for example asbestos, stained soil, petrol/diesel/solvent odour, underground tanks/vessels or associated pipework) is found to be present at the site, it is the responsibility of the owner and developer to establish the extent of any potentially harmful material on this site. It is advised that no further development shall be carried out until it has been investigated. It is recommended that the Local Authority's Environmental Health Department is contacted for further advice.

DELEGATED

Case Officer Sign Hannah Barker Date: 15th November 2016

Authorising Officer Sign: Jo Morin Date:16.11.2016