Planning Supporting Statement

For the variation of condition 2 attached to

LPA reference L/111/96/TP which currently restricts

the use of the premises to named user “Ricardo”

to allow the use of the premises by

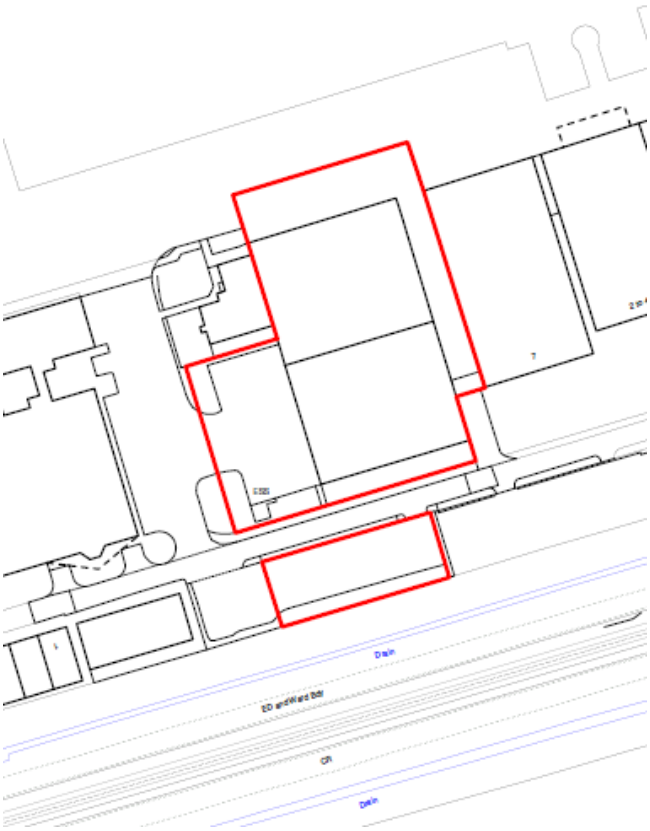
replacement operator Cox’s Powertrain Limited.

Re: Unit 8 Cecil Pashley Way, Shoreham.

Prepared by Hume Planning Consultancy Ltd
May 2016

1 Introduction

1.1 This application seeks to vary a personal permission dating back to 1996 which restricts the use of the premises to a named operator Ricardo Special Vehicles Limited.



Site Location Plan

1.2 Condition 2 of permission reference L/111/96/TP which was granted in 1996 stated;

"*In so far as the use is concerned, it shall be occupied in the first instance by Ricardo Special Vehicles Limited for the purposes described in the application and upon cessation of their occupation it shall be used only as an aircraft hangar related to business aviation at the airport unless planning permission for another use has been obtained from the Local Planning Authority*".

1.3 The building has been operated by Ricardo in the past but a named operator, Cox's Powertrain Limited, are now seeking to operate from the building as part of their own expansion plans. It is relevant that Cox's Powertrain have recently secured permission to operate at Unit 30A Cecil Pashley Way and have operated from these premises since

September 2014. However these premises are not of sufficient size for the applicant's expansion plans.

2 The Proposal

2.1 It is proposed to vary condition 2 attached to permission reference L/111/96/TP (which was granted in 1996) to allow the use of the building to be effectively transferred from named operator Ricardo to a new named operator Cox's Powertrain Limited.

2.2 No external alterations are proposed.

2.3 Some information on the proposed operation by Cox's Powertrain Limited is provided below. This statement also examines the permission secured in 2015 for Unit 30A Cecil Pashley Way which sought a similar variation to the original operating restriction on the use of this nearby premises. Since securing this permission, Unit 30A does not allow for the expansion plans of the applicant's business.

2.4 This desire to expand close to where Cox's Powertrain Limited already operate plus the close business associations of the firm with Ricardo, are the reasons that the application site was identified, as this premises (Unit 8) offer more than double the floor space of Unit 30A.

3 Relevant Planning History

3.1 The original permission which this proposal seeks to vary has already been described LPA Ref L/111/96/TP.

3.2 It is also relevant that Cox's Powertrain Limited relocated to 30A Cecil Pashley Way and submitted an application to regularise the use in September 2015 (LPA Ref AWDM/0147/15 which was granted on 15th September 2015). The specific operational characteristics of Cox's Powertrain Limited was recognised in the consideration of this application to regularise the use. It is relevant that condition 2 restricts the type of activity and condition 3 restricts the use of the unit to Cox's Powertrain Limited only. This decision recognised that the use by Cox's specialised in the design, testing and manufacture of diesel engines and that the aviation industry could be a market for the

operation. With the proposed transfer of the use, Unit 30A will revert to its original aviation restricted use because of the conditions that apply.

4 Development Plan

4.1 The application site is identified in the adopted and emerging Local Plans as a protected employment area. The policy position is identified for general background only. It is important to recognise that the submitted proposal does not involve a formal change of use but a transfer in the personal occupancy condition (which allows more flexibility in the range of uses) from Ricardo to Cox's Powertrain Limited. However, it is important to recognise the fall-back position which permits Ricardo to operate at the premises with non-aviation related uses. The type of activity that Cox's Powertrain propose is also described later in this statement.

4.2 In the adopted 1996 Adur Local Plan Policies, AE10 and AE12 are most relevant. Policy AE10 relates to development including extensions and prioritise uses which require an airport location. Policy AE12 restricts the future use of buildings permitted under AE10 or Policy AE11 (which relates to new hangars). The use of the word "priority" in the policy is important as the desire to attract airside related use is an aspirational one. The National Planning Policy Framework (NPPF), which was published in 2012, recognises the need for economic development to be supported and that a flexible approach to policy making and job creation by planning decision makers is essential for this goal to be achieved. It is asserted that flexibility in the approach to the interpretation of policy is warranted in the current 2015 context.

4.3 The policies are rooted from a period when the Council owned the airport and the approved Structure Plan sought to encourage aviation related uses only at the airfield. Part of the reason for the prioritisation of aviation related uses was because of the (then) constraint of the "Strategic Gap" designation which limited additional floorspace being constructed. Both the strategic planning policy restrictions on new development in the Strategic Gap and the flood risk constraint were factors which limited the potential for additional floorspace to be created close to the airport at this time. This resulted in policies which protected very strongly the use of the existing buildings so that operators requiring an airport location could be focused in this locality. It is relevant that the application site was granted greater flexibility in the uses of the building for a named operator Ricardo from 1996. Cox's Powertrain Limited as a business were also recognised as having an association with airport activity when the LPA approved the use of No. 30A Cecil Pashley Way (Cox's current premises) nearby. It is asserted that the key planning issue here is whether the change in the named operator will now compromise the objectives of the policy.

Adur Local Plan Submission Document 2014

4.4 This recent document will replace the adopted version of the Adur Local Plan from 1996 and has reached an advanced stage of preparation, following earlier rounds of public consultation. In the context of the NPPF, the submission stage document is supported by a strong evidence base and is not based on the superseded structure plan framework. Although not adopted, this document should be given some weight in these circumstances. The emphasis within the NPPF on the need for the planning system to be flexible and support economic development is also relevant to this proposal.

4.5 The most relevant policies to this proposal are Policy 7 which provides for some 15,000 sq. m of new employment generating floorspace (both aviation and non-aviation related) including a mix of Class B1, B2 and B8 uses on the north eastern side of the airport.

4.6 The policy introduces a more flexible approach to the designated area within which the application site is located at the southern end of the airport stating *"within the existing developed area located at the southern end of the Airport, new development for aviation related Class B1, B2 and B8 uses, as well as other appropriate ancillary employment generating uses will continue to be supported. Existing B1, B2 and B8 uses will be protected. Non-aviation related uses will only be permitted in exceptional circumstances where it can be demonstrated here are significant regeneration benefits. Appropriate aviation-related training uses will also be supported in this location."*

4.7 Policy 26 states *"where permission is required, proposed conversion to uses other than employment (B1, B2 or B8 of Uses Classes Order) will be resisted."* In this case, the existing use already enjoys greater flexibility and is not restricted to uses related to aviation.

4.8 Following changes to the New Monks Farm Site, there have been further rounds of consultation and the plan is now at the Regulation Stage (19) with the period for consultation due to expire on the 11th May 2016.

5 Proposed Use

5.1 The proposed variation of condition to allow the personal operating restriction for Ricardo to be transferred to Cox's Powertrain Limited is described below.

5.2 Cox's Powertrain Limited design, test and manufacture lightweight diesel engines for marine, land and air applications within Use Class B2. The lightweight diesel engine is

unique and the company has recorded rapid recent growth, before relocating to 30A Cecil Pashley Way in September 2014; the company had 6 employees. After 18 months, the company employed 28 people (many local) and the proposed relocation to the application site will allow further growth aspirations to be realised.

6 Conclusion

6.1 It is proposed to transfer the personal condition attached to the use of the application site from Ricardo to Cox's Powertrain Limited. No external alterations are proposed and the application seeks to vary the personal condition only.

6.2 The proposed use by Cox's Powertrain Limited does have linkages with the aviation industry because of the development of its unique lightweight diesel engine.

6.4 The result of Cox's Powertrain Limited relocating from Unit 30A (where they currently operate) to Unit 8 will result in the old premises No. 30A, reverting to its original aviation restricted usage (because of the personal and restricted use conditions).

6.5 The policy origins for the prioritisation of aircraft related uses has been explained which in turn explains why the use of the building was restricted under the original permission dating back to 1996. The planning policy context is much changed from this period. Most notable is the provision under Policy 7 of the emerging local plan for some 15,000 sq m of additional floorspace at the airfield. This allocation will increase floorspace supply and allow more flexibility in the uses that can be attracted. This flexibility is also reflected in the more recent guidance of the NPPF and has been recognised by the LPA in recent decision making where similar flexibility was considered justified.

6.7 The originally approved use of the building when constructed in 1996 (notwithstanding the control of the specific user) would have been Class B2. The company have previously satisfied the LPA that there are linkages between the Cox's Powertrain Limited use and the airfield and the operation has a link with the aviation industry and is compatible with an airport location.

6.8 The application supports the growth plans of an existing business on Cecil Pashley Way which is seeking to expand. The proposal will generate local jobs and support a growing local business.

6.9 The applicant would be prepared to accept a personal occupancy conditions as was applied to the current premises at unit 30A.

Adur District Council

Development Management

Mr Geoffrey Lawrance
32 Parkside
Shoreham By Sea
West Sussex
BN43 6HA

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0147/15

Details of Development
NEW HARDSTANDING FOR ADDITIONAL CAR PARKING TOGETHER WITH TURNING CIRCLE. INSTALLATION OF NEW WINDOWS IN SOUTH ELEVATION AT FIRST FLOOR. INSTALLATION OF 5NO. AIR CONDITIONING UNITS TO WEST ELEVATION AND 1NO. AIR CONDITIONING UNIT ON THE NORTH ELEVATION. RETROSPECTIVE CHANGE OF USE TO DESIGN, TEST AND MANUFACTURE OF LIGHTWEIGHT DIESEL ENGINES FOR MARINE, LAND AND AIR PURPOSES (USE CLASS B2).

Location of Development
30A CECIL PASHLEY WAY SHOREHAM (BRIGHTON CITY) AIRPORT LANCING WEST SUSSEX BN43 5FF

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 6th May 2015.

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
15/09/2015

Ref: - AWDM/0147/15

SCHEDULE

Conditions

01. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

02. The premises shall be used only for design, testing and manufacture of lightweight diesel engines for marine, land and air purposes (Use Class B2) and for no other purpose within Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: *In the interests of supporting airport related businesses having regard to saved policy AE10 Adur District Local Plan.*

03. This permission for the use of the premises shall inure for the benefit of Cox Powertrain Ltd only in both its implementation and the use of the premises thereafter and shall not inure for the benefit of the land.

Reason: *In the interests of supporting airport related businesses having regard to saved policy AE10 of the Adur District Local Plan.*

04. All manufacture and testing and any associated repair or maintenance of engines shall, as far as practicable, be carried out within the enclosed building at 30A Cecil Pashley Way.

Reason: *In the interests of protecting amenity having regard to saved policy AG1 of the Adur District Local Plan.*

05. If, during development, any visibly contaminated or odorous material (for example asbestos-containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified is found to be present at the site, then, unless otherwise agreed in writing with the Local Planning Authority, no further development shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination is proposed to be dealt with shall be submitted to and approved in writing by the Local Planning Authority and shall then be implemented as approved within an approved time period contained in the method statement.

Reason: *To prevent pollution of groundwater and in the interests of environmental protection and public health and safety having regard to the National Planning Policy Framework.*

PTO

06. Precise details of the cycle parking shown on the approved plans shall be submitted to and agreed in writing with the Local Planning Authority before works commence and shall be provided prior to commencement of use of approved parking area and shall thereafter be retained permanently solely for such purposes.

Reason: *To encourage and provide for a sustainable non-car mode of transport.*

07. The framework of the windows hereby approved shall match the framework of the existing doors.

Reason: *In the interests of visual amenity.*

08. Any deleterious material that falls into the ditch or surrounding reeds during construction shall be immediately removed.

Reason: *To protect the surrounding ditches and drainage from harmful materials in the interests of environmental protection.*

09. The development hereby permitted shall be carried out in accordance with the following approved plans:-

Unnumbered Site Location Plan deposited 6 May 2015
Drawing entitled 'Ground Floor Plan' deposited 6 May 2015
Drawing entitled 'First Floor Plan' deposited 6 May 2015
Drawing entitled 'Elevations' deposited 6 May 2015
Unnumbered Block Plan Revision E deposited 9 September 2015
Drawing entitled 'Section AA Through Proposed Additional Parking' Revision 8.9.2015 deposited 9 September 2015
Emails of clarification dated 29 June 2015 and 9 September 2015

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

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.