Development Control – Delegated Officer Report

Application Number: NOTICE/0016/16 **Recommendation – Prior Approval is required and Granted**

Site: **Electricity Sub Station North Of Car Park, Albion Street Southwick**

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 be sited on stilts on southern railway bank. Works to include raising and levelling ground level, construction of retaining walls, installation of drainage and cabling plus new access gate in south east corner of the site.**

Neighbours checked: Site Notice

Additional neighbour notifications: Y, in Victoria Road

Date of Site Visit: 30.09.16

Site and Surroundings

The site comprises operational railway land and forms part of the railway embankment on the south side of the railway line immediately to the east of the railway bridge over Victoria Road and north of the lorry car park off Albion Street.

Description of Development

This application is for the erection of a new substation compound under the Prior Approval GPDO procedure. The site is identified on the site location plan as being approximately 55 metres in length running along the railway bank. 5 structures are shown in total with the tallest at 4.5 metres, being on stilts. The buildings will all be sited on a new area of raised ground 3.5m high, supported by a new retaining wall. Pedestrian access to the compound will be via a new gated access in the south east corner of the site.

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.

Consultations

West Sussex County Council: The **Highway** Officer has no objections. There is sufficient private land to accommodate associated construction and maintenance vehicle movements and there are no highway safety concerns.

Adur and Worthing Councils: The **Environmental Health** Officer has no adverse comments and no noise concerns.

Environment Agency: No objections.

The substation compound proposed under the above notice for prior approval is partially located within Flood Zone 3. This indicates land with a 0.5% chance of flooding in a year. The national Planning Practice Guidance regards this as a high probability of flooding. However, the compound is proposed at the edges of this flood extent.

However, considering the flood risks, advise that the developer considers siting the location of the compound outside of the 0.5% AEP flood extent, and/ or designs the apparatus to be either watertight or raised above the 0.5% flood level.

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 applicant has advised that 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/0016/16 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. Four new substations are required along the Coast-way route and "*Assessments have been undertaken to position these substations in the optimum location to provide the required technical performance enhancements whilst at the same time minimising the impact to the local communities and environment."*

The other locations are in Ivy Arch Road, Worthing (subject of NOTICE/0010/16), Goring Street, Worthing (NOTICE/0011/16) and New Salts Farm Road, Lancing (NOTICE/0017/16).

The proposed development is in a visible location, behind the lorry park off Albion Street, and the changes to the ground level and the raised position of the compound structures will be prominent, albeit set back from the road.

The design/external appearance of the buildings is what you would expect of such buildings. They are well removed from residential properties but will be clearly visible to the public from the south. The applicants were asked to consider re-siting the development behind the industrial buildings to the east but they have responded with a detailed analysis of their site search and the reasons for rejecting 5 other sites in the vicinity, including the land behind the industrial buildings. As no suitable alternative

location exists, it is not considered that the proposal will cause sufficiently significant injury to the amenity of the neighbourhood to warrant refusal.

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

As stated above the Highway Authority has no objections to the works due to the access being via a car park from an unclassified road access that joins with the A259. No highway safety concerns are anticipated.

Flood Risk

The Environment Agency has no objection as the compound will be on the edge of a flood zone. They have suggested that the applicants consider relocating the compound outside of the flood zone or design it to be watertight or raised above the flood level.

The buildings will be on raised ground, almost 4m above the level of the car park, and it is not considered that they will be at risk of flooding. However, an informative is attached to draw this matter to the applicant's attention.

Conclusions

Prior Approval is required and granted

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.

2. The site is partially located within Flood Zone 3. You are advised to consider siting the compound outside of the 0.5% AEP flood extent, and/ or design the apparatus to be either watertight or raised above the 0.5% flood level.

Case Officer: Peter Barnett Date: 29 November 2016

Authorising Officer: Gary Peck Date: 29 November 2016