AWDM/1003/23 | Partial Approval of Details Reserved by Condition 36 (Air Quality) of previously approved application AWDM/0511/21 - Residential Phases. | Kingston Wharf Brighton Road Shoreham-by-sea West Sussex

Submitted Information

- Air Quality Impact Assessment MLM Group received 19/07/2023
- Application form received 19/07/2023

Condition 36 Air Quality

With the exception of the Enabling Works, i) no phase of the residential development and ii) no phase of the commercial development respectively, shall commence until full details of all proposed operational phase air quality mitigation measures for that respective phase have been submitted to and approved in writing by the Local Planning Authority.

The mitigation measures shall either be equal to the values of £68,859 for the residential development and £19,421 for the commercial development (totalling £88,280) in accordance with the submitted Air Quality Assessment prepared by MLM Group (reference 774885 MLM ZZ XX RP J 002), or shall comprise in whole or part, the provision of a financial contribution (s) in accordance with Schedule 2 of the s.106 Legal Agreement which forms part of this approval. The development shall be implemented in full accordance with the details thereby approved. If required, a verification report shall be submitted to and approved in writing by the Local Planning Authority on completion of the respective phase of development to demonstrate and confirm that the operational phase air quality mitigation measures thereby approved have been implemented and have achieved mitigation equal to the value identified. Reason: To minimise emissions and impact on air quality in accordance with Policie 16 & 17 and paras 180 - 181 of the National Planning Policy Framework, 2019.

Assessment

During the course of the application the applicant from Hyde Housing has confirmed that the full balance will be paid meeting the requirement of the Air Quality Assessment prepared by MLM group. As such, the details are considered acceptable.

The s.106 agreement allows for this The Residential Air Quality Mitigation Plan allows that £68,858.40 may be paid if an on site mitigation plan is not proposed. Under Sch. 2 (2.1), half of this amount must be paid at the podium construction level and the remaining half at 50 percent occupation. The first payment (£34,429 to be index-linked) is therefore now due. An informative would be added to any approval under this condition.

Consultees

Environmental Health Officer: The applicant may either provide an emissions statement to describe what the mitigations fund is to be spent upon or the sum can be passed to the Planning Authority towards local air quality actions.

Conclusion

The proposal to pay a financial contribution is accepted by both the planning condition and s.06 Agreement and this application can therefore be approved to cover the residential development only; a separate application will be required for the commercial development; an informative can be attached to any approval.

Officer: Jedd Goodwin-Roberts 15/12/2023
Officer: Stephen Cantwell 15/12/2023

Informative

This approval relates only to the residential phases of development. The first half of the total £68,858.40 payment should be paid upon receipt of this approval in accordance with Sch. 2 (2.1) of the s.106 agreement dated 28th January 2021, which forms part of the planning permission for this development. To make payment the applicant should contact the Community Infrastructure Officer, Planning and Development, Adur & Worthing Councils, Worthing Town Hall, Chapel Road, Worthing, West Sussex BN11 1HA

This approval under Condition 36 is partial. A separate application will be required in relation to the Commercial Air Quality Mitigation, which also forms part of the wider development approved under that planning permission.