P&R 3/3/08

Application Number: ADC/0033/08 **Recommendation – APPROVE (subject to section 106 Obligation)**

Site: **Land East of 30-40 Dolphin Road, Shoreham-by-Sea**

Proposal: **New building (proposed Block A, Evershed Way) of 1,016sqm subdivided into up to 4 units for Class B1 business, B2 general industrial, B8 storage, and trade counter uses**

The Application

The site forms the sole remaining undeveloped part of the Evershed Way development, the other blocks (B-D) having been completed and occupied. The site was cleared in the 1980s and has been used for in excess of 10 years as overspill parking for nearby industrial premises (and has a certificate of lawfulness for use for car and van parking).

A previous application (SU/125/04) for block A formed the subject of an appeal against non-determination because the applicants were unwilling to enter a section 106 Obligation requiring payment of a contribution to sustainable transport improvements in the locality. The appeal was dismissed in 2005 after the Inspector concluded that payment of a contribution was necessary.

The proposed building (20m wide and 49m long) would be sited on the east part of the site, backing onto an adjacent access road, with parking at the front (west) and south side, accessed off the new road (Evershed Way). The total parking provision shown is 25 car/van spaces and 17 covered cycle spaces. The building is shown as split into 4 units, with separate loading doors for each unit.

Consultations and Representations

County Transport Planning Services: No objection subject to a section 106 Obligation requiring a sustainable transport contribution of £8,999 (subject to reduction to be negotiated to take account of existing use of site) and to conditions, including provision and retention of the visibility splays and car and cycle parking shown on the layout plan and the submission of a staff travel plan. Comments that the amount of car and cycle parking is acceptable.

Environment Agency: No objection subject to conditions requiring ground contamination investigation and remediation; oil separators/interceptors for drainage of parking areas and hardstandings, impervious bunding of any fuel or chemical storage; and details of surface water drainage.

Southern Water: No objection subject to amendment of the site boundary to exclude any part of the wastewater pumping station site and imposition of conditions requiring details of sewer diversion works (NB. the applicant may prefer to amend the layout instead) and measures to protect the existing public water main. No excavation or mounding should take place within 3m of the public water main.

ADC Environmental Health: No objection subject to condition requiring ground contamination investigation and remediation.

Third Parties: No comments received.

Relevant Planning Policies and Guidance

West Sussex Structure Plan 2001-16 (WSCC 2005) (saved policies): LOC1, NE1, NE5, ERA1, ERA5, DEV1, DEV4-5
Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE2, AE4
Revised West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003 & ADC 2004)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPG4 'Industrial and Commercial Development and Small Firms' (DoE 1992)
PPG13 ' Transport' (DTLR 2001)
PPS24 'Planning and Pollution Control' (ODPM 2005)

Planning Assessment

Policies

The proposal is acceptable in principle because the site is located within the Dolphin Road industrial area which is specifically identified for business, industrial and storage use both in the Local Plan (AE2 & AE4). AE2 states that development for purposes within Use Classes B1 and B2 will be granted subject to restriction to B1 for those parts in close proximity to dwellings; to access and parking arrangements being acceptable; to the design being acceptable in the local environment and to landscaping. AE4 states that mixed use redevelopment for B1, B2 and B8 purposes will be supported.

Policy NE1 of the Structure Plan requires sufficient provision to be made for new employment floorspace in each District (110,000sqm in Adur for 2001-16). NE5 states that development for business, industry or warehousing should be permitted provided the accommodation is suited to the needs of local businesses and those seeking to relocate from elsewhere and employment land should not be redeveloped for other purposes where it is important in maintaining the supply of premises and jobs in the area and minimising development of greenfield sites. NE6 states that development that will support the regeneration of the coastal area should be permitted provided that infrastructure improvements are achieved and the impact on the environment is acceptable.

The proposal therefore accords with the adopted policies and also with the submission draft South East Plan which gives priority to encouraging employment development within the Sussex Coast Priority Area for Economic Regeneration.

Access

One of the greatest areas of concern with Dolphin Road is that it is a cul-de-sac with a single point of access off Eastern Avenue, directly adjoining a level crossing. However, as the Committee is aware, the refusal of a larger development of 2,200sqm floorspace at the eastern end of Dolphin Road on highway grounds was overturned by the Planning Inspectorate in 2006 and those units have now been built. This decision was made notwithstanding detailed submissions by a highways & transport consultant employed by the Council demonstrating the problems that occur through a detailed traffic survey and assessment. The appeal Inspector stated:-

> "I consider that the appeal proposal would lead to increased queue lengths at the junction and a small increase in the number of unorthodox and potentially dangerous movements undertaken by some drivers. However, in my judgment, the increases would be so small and thereby of such limited significance to road safety and the free flow of traffic that they do not justify the withholding of planning permission in this case..." He concluded:- "I am satisfied that the proposal would be a sustainable form of development that would be served by a reasonably safe and adequate means of access and that it would not have an unacceptable impact on road safety or the free flow of traffic at the Dolphin Road/Eastern Avenue junction."

The present application, unlike the one forming the subject of the above appeal, is for redevelopment of a brownfield site and, at 1,016sqm floorspace, the proposal is less than half the size of the proposal that formed the subject of the appeal. Therefore, the increase in traffic, queue lengths and unorthodox movements would be even more insignificant in the eyes of the Planning Inspectorate.

Subject to submission of a satisfactory travel plan (which can be dealt with by condition) and the completion of a section 106 Obligation requiring payment of £8,999 to sustainable transport improvements in the area, it is considered that the application is acceptable from an accessibility point of view. The total floorspace proposed would ordinarily require a payment of £22,999 but has been reduced to take account of the existing use of the site for parking (based on a figure of 35 car spaces). However, despite this reduction, the applicant has not yet agreed to pay this amount on the basis that the existing use of the site as a parking area could generate more traffic. The counter-argument has been put to the applicant that there is no evidence that the site actually generates more than 35 cars per day and also that the existing use is only overspill parking for adjoining premises. A response is awaited from the applicant.

Parking

The proposed new development includes 25 parking spaces for cars and vans. The adopted maximum standard for the amount of floorspace proposed is 34 parking spaces if it were wholly Class B1 use; 25 spaces if it were wholly B2 use and 10 spaces if it were wholly B8 use. If there were an even split of these three uses, the maximum parking requirement would be 23 car/van spaces (and 2 lorry spaces). NB. there is no standard for trade counter use.

Central Government requires car parking standards to be maxima, in order to discourage use of cars and encourage more sustainable forms of travel, as stated in PPG13 and reflected in policies DEV4-5 of the Structure Plan. The site is in a sustainable location relatively close to the bus stops in Brighton Road and Eastern Avenue (500m). The railway station is just over half a mile away. Consequently, it is considered that it would be inappropriate to seek more than the 25 spaces proposed.

The adopted cycle parking standard requires a minimum of 9 spaces whereas 17 are proposed in 2 covered shelters.

Residential amenity

The site is well separated from the residential area to the west by other industrial premises. Consequently, the proposed buildings would not have any direct impact do not warrant restriction to Class B1 use.
The additional traffic generated, as stated above, is not likely to be such as to make an appreciable difference.

Visual amenity

The design of the proposed new building (ridge height 7.4m) and its materials (brick and light grey pre-coloured profiled steel cladding with blue trim) are shown to be similar to blocks B and C already erected in Evershed Way and are considered acceptable.

Recommendation

Subject to completion by 31 March 2008 of a section 106 Obligation requiring payment of £8,999 to sustainable transport improvements in the area, APPROVE for the reason:-

The proposed development is within the built-up area and would help meet the need for additional employment provision and economic and environmental regeneration without detracting from the local urban environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AE2, AE4) and the West Sussex Structure Plan (LOC1, NE1, NE5-6, CH1, ERA1, DEV1, DEV4-5).

Subject to:-

1. C1Ci (Standard time limit)
2. C7Ci (Details of any walls/fences to be submitted and approved)
3. C8Bi (Details of parking construction to be submitted, approved, provided and retained)
4. C9G (Eastward visibility splay of 2.4m by 90m along Dolphin Rd and visibility splays from site accesses onto Evershed Way to be provided and retained)
5. C9N (Temporary provision for contractors vehicles, plant, etc)
6. C9S (Temporary wheel-cleaning facility)
7. C10Di (No outside storage or display)
8. C10Dii (No external working)
9. C11Aii (Landscaping scheme and replacement of trees that die)
10. C18K (Provision for waste storage)
11. C18N ((Drainage details and details of any sewer diversion works and measures to protect public water main) (amended)
12. C18O (Impervious bunding for any fuel or chemical storage)
13. C18P (Interceptors for drainage of parking areas)
14. C18Rii (Ground contamination investigation) (amended)

B. In the event that a satisfactory section 106 Obligation is not completed by 31 March 2008, that authority be delegated to the Planning Services Manager to refuse the application on the grounds that it does not comply with Structure Plan policies DEV3-5 and the Revised West Sussex Parking Standards and Transport Methodology requiring improvements to sustainable transport in the area.

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