Exp 3/7

Development Control – Delegated Officer Report

Application Number: ADC/0273/07 **Recommendation - Application Refused**

Site: **Block 3 Chalex Industrial Estate Manor Hall Road Southwick West Sussex**

Proposal: **Erection of 2 new B1 units on two floors total 185 sqm gross floorspace and the rearrangement of existing car parking spaces plus 6 additional car spaces**

The Application

The application site comprises the southern part of Chalex Works, an industrial site adjacent to Fishersgate Railway Station. The site has been historically occupied by engineering works since the 1930's. Some of the buildings fell into disrepair and were granted planning permission in 2006 for partial demolition and refurbishment to provide 15 B1(light industrial) / B8 (storage and distribution) units in two blocks (ADC/97/06 now well under construction). A variety of B2 (general industrial), B1 and B8 uses were historically on the site.

Permission is sought for a third smaller block just to the south of the block that is currently being refurbished. The new block is proposed to measure approximately 5.8m x 5.5m and occupy an area that was previously proposed to provide 10 parking spaces. The four parking spaces would be retained as covered parking with the proposed first floor office space above. There would be another three spaces created to the south of the new building, adjacent to the boundary with the railway. The block would be split into two office units with a small office and toilet facilities on the ground floor and larger office spaces on the first floor.

The existing access is proposed to remain. To the east of the application site and within the Chalex complex is another block currently occupied by a car repair/MOT company.

Consultations and Representation

County Transport Planning Services: - Object.
Your Authority will be aware of the County Council's previous comments in response to planning application ADC/97/06, where a highways objection was raised given the inadequacies of the access

road junction with Manor Hall Road. The current application is for a smaller building to be sited to the north of the site with additional parking spaces.

Although it is understood your Planning Committee granted planning permission for that proposed under ADC/97/06 contrary to the advice recommended by the Highway Authority, this Authority is concerned that the subject of this application has the potential to add further traffic movements through the access road junction with Manor Hall Road. In addition, it appears that the applicant is not intending to put forward any improvements. A Stage 1 Safety Audit has also not been undertaken in accordance with WSCC policy.

In the absence of any improvements to this junction a highway objection is raised for the following reasons:

1. RN1B
2. RN4A
3. No safety Audit is submitted with the application and as such, the development does not comply with WSCC Structure Plan DEV4 and the County Council's Safety Audit Policy as it has not been demonstrated that safe access can be achieved to the site.

Environmental Health
Please add condition C18Ri (ground contamination investigation) to any consent given.

Third Parties
2 letters of objection have been received. The main points of concern are:

- We were not aware of the previous application
- The main problem is site traffic and parking. The MOT business creates in excess of 40 (customers/deliveries) movements a day from the site and Autofit probably create twice as many. Pet Essentials has a number of deliveries including articulated lorries that have to reverse out into the main road. Other unit occupiers will also create traffic movements as they are finished and occupied as Dyno Rod and KNE have done. For most of the day vehicles are parked on the kerb side, reducing visibility and creating a hazard when emerging onto Manor Hall Road.
- The turning area for larger vehicles appears wholly inadequate. Many parked vehicles are larger than the designated bays making it difficult/impossible to turn.
- The plans state that the centre area is the "access road" but part of this belongs to the other buildings (from the drain

across) leaving a width of only about 3.2m and crossing the area onto which each units pedestrian door opens. This is narrow and would hinder access/parking considerably. The proposed parking and access ways would appear to be outside the applicant's control and ownership.

- The business relies on natural light and this would be greatly reduced by the proposed two storey building.
- The adjacent block (outside the red line and used for MOTs etc) is shown incorrectly as it extends a further 2.4m beyond proposed block 3. The parking as shown will therefore not be accessible.
- The previous application (ADC/97/06) showed the building in this location demolished to provide parking and manoeuvring space but now the developer is seeking to maximise profit without consideration as to the workability of the site.

Relevant Planning Policies and Guidance

West Sussex Structure Plan 2001-16 (WSCC 2005) LOC1, NE1, NE5, ERA1, ERA5, DEV1, DEV4-5
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP7, AT12, AE16
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)
PPG24 'Planning and Noise' (DETR 1994)

Planning Assessment

Policies

The Chalex industrial site not identified for any specific use or development in the Local Plan. Planning permission (ADC/97/06) has previously been granted for alteration (including some demolition), extension and refurbishment, which was welcomed in principle as it would assist in both economic and environmental regeneration within an area of particular need. The previous planning permission is currently being implemented. The current proposal is to rearrange the parking to provide 62 spaces, while erecting a two storey office building (comprising two separate units)

to the southern end of the site, where parking was previously approved.

Policy NE5 of the Structure Plan 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. AE16 of the Local Plan relates to existing businesses within residential areas. It states that alterations or improvements to existing business premises which are required to improve the efficiency of the existing businesses should be permitted providing that on-site car parking arrangements and access to the public highway are acceptable and there would be no significant adverse effects on the amenity of nearby residents.

Access

The greatest concern with the proposal is that the site is accessed by an entrance off a relatively narrow road (approximately 4m wide) on the south side of Manor Hall Road which also acts as a public footpath to Fishersgate railway station and the footbridge over the railway (to Gardner Road). There is only a narrow pavement on the east side of this road. The house at No.212 Manor Hall Road has a garage and vehicular access directly onto the west side of this road. The application property has a right of access only over this road and it is not within the same ownership.

There are significant concerns about highway safety for both drivers and pedestrians in that that the access road is not only poor in respect of its width but also in respect of visibility eastwards along Shelldale Road (the eastward continuation of Manor Hall Road) partly because of parking congestion on the roadside. The road width does not allow for two larger vehicles to pass one another and is made worse by parked vehicles. As the applicants do not propose to widen the access road or improve visibility eastwards (as both would involve land outside their control), WSCC raise an objection.

It was previously understood that the applicant would investigate the ownership of the land and make best endeavours to foster collective improvement measures for the benefit of all the

businesses using the access but no reliance could be placed on this coming to fruition. No highway improvements are proposed in the current application so it would appear that nothing came of this.

Despite the objection to the previous application on highway safety grounds, account was taken of the fact that the proposals would not increase the existing floorspace of the buildings on the site (they would result in a 300sqm decrease). Although there was evidence from trip generation data from other developments across the country (TRICS data), that small units often generate more traffic per square metre than large units, the occupation of the original building by a multiplicity of tenants rather than a single occupier fell outside planning control (with planning permission only required for alterations materially changing the external appearance of the premises). On balance therefore it was considered that there would be no material intensification of the use and therefore the benefits of improving the premises outweighed the highway concerns. The application was approved.

It is considered that the concerns of the Highways Authority are pertinent in this case. The additional block 3 would further intensify the use of the site above that considered previously, yet no further investigations into highway safety impacts and possible improvements have been carried out. This should be done before any further intensification of the site is agreed. The previous decision that the benefits of site improvement outweighed the highways concerns is not relevant in this case as the site improvement is now well underway.

There is also doubt about the use of the "Access Road" as marked on the plan, which objectors have advised is not within the applicant's ownership or control. Clarification on this is sought. It would appear that the access is narrow (going by the red line on the location plan, there is no fully completed Certificate on file) and if there is no right of access across the whole area marked "Access Road" then it will not be possible to access some of the proposed parking spaces.

(NB. A revised Site Plan showing the internal access road narrowed has been submitted (20 June 2007) together with a revised location plan with amended position of the red line and Certificate A. However this does not address the key reasons for refusal as raised by County Highways.)

Parking

57 car parking spaces were previously approved. 62 spaces are now proposed. This provision still falls below the adopted W.Sussex standards if all the units were occupied for B1 use. The site has excellent public transport links, with Fishersgate station adjoining and a number of bus routes within 100m of the site. It is considered that as the site is easily accessible by public transport, many staff employed would travel to work by means other than the private car. It is considered that the proposed level of car parking is a satisfactory compromise between discouraging reliance on journeying to the site by private car and not creating excessive pressure for on-street parking. It is not considered that there is sound justification for any greater number of car parking spaces. The concerns with the workability of some of the spaces were set out above.

Visual Amenity

The original premises were very rundown and the works currently underway are making a much needed improvement to the appearance of the western half of the Chalex site. The proposed additional two storey building is set well within the site and therefore largely screened from the street but would be seen from the railway. The design and scale of the building is considered to be in keeping with the previous planning permission.

Residential amenity – privacy

There is no significant residential amenity issue. The nearest dwellings are some 50m away on the opposite side of the railway.

Residential amenity – disturbance at unsocial hours

It was considered for the previous permission that there should be a restriction on traffic movements out of normal working hours to prevent loss of amenity to nearby dwellings and so loading /unloading was restricted by conditions between 7pm-7am Mon-Fri and before 8am and after 1pm on Saturdays (with none on Sundays or Bank Holidays). The same would need to apply to the current proposal also.

Recommendation

REFUSE for reason that:-

1. 1BR (increased use of access highway hazard and interrupt traffic flow)

2. 4AR (access inadequate in construction, width and visibility)

3. No Safety Audit was submitted with the application and it has not been demonstrated that safe access can be achieved to the site, therefore the development does not comply with Policy DEV4 of the West Sussex Structure Plan and West Sussex County Council's Safety Audit Policy.

Case Officer.....

Date.....21/6/07.....

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