VINCENT+GORBING

REBUTTAL STATEMENT

LORRY AND CAR PARK, ALBION STREET, SOUTHWICK

On behalf of
Safestore Ltd

October 2023

Prepared by
Vincent and Gorbing



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPEAL BY SAFESTORE LTD AGAINST

REFUSAL OF PLANNING PERMISSION BY ADUR & WORTHING COUNCILS

PLANNING APPLICATION AWDM/1856/21:

ERECTION OF SELF-STORAGE WAREHOUSE (USE CLASS B8) WITH ASSOCIATED PARKING. CIRCULATION AND LANDSCAPING.

LORRY AND CAR PARK, ALBION STREET, SOUTHWICK

REBUTTAL STATEMENT

PINS REFERENCE: APP/Y3805/W/23/3327190

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Appendix 1: Agreed Bilateral Agreement

1.0 INTRODUCTION

1.1 This Rebuttal Statement is made in respect of the planning appeal (Ref: APP/Y3805/W/23/3327190) submitted on behalf of Safestore Ltd ('Appellant'). The appeal relates to land owned by West Sussex County Council.

1.2 The appeal is against the refusal of planning permission for erection of self-storage warehouse (use class B8) with associated parking, circulation, and landscaping.

1.3 This statement seeks to address comments raised in respect of the following submissions:

- Appeal Statement of Adur District Council
- Email from John Baine, dated 2 October 2023
- Email from Daivd Comber, dated 3 October 2023
- Email from Rachel Howe, dated 3 October 2023
- Online response from Jennie Kitteringham, dated 3 October 2023
- Letter from Residents of Victoria Road, dated 1 October 2023

1.4 A signed copy of the final Unilateral Undertaking is attached at **Appendix 1**. This has taken into account the comments received from AWDC on this matter, as set out in Appeal Statement at paragraphs 7.4 to 7.8.

2.0 RESPONSE TO AWDC APPEAL STATEMENT

2.1 Comments will focus on the Council's Case, which does not reflect the previous published position as set out in the Planning Officer's Committee Report, which it is worth reiterating, was one of support.

2.2 At paragraph 6.3, the Council states that the scheme considered by the Committee *'still shows a large, bulky and dominant building which is out of scale and character with the street scene'*…and *'not of suitable scale and massing in relation to its local context'*. This contradicts the Committee Report, which states that '*while a large building, it will not be unduly out of scale in this changing streetscape of Albion Street or in comparison with developments proposed further west along the Harbour Arm.'*

2.3 The townscape impacts of the appeal scheme have been adequately addressed in the Planning Statement of Case (PSoC) and the Townscape Heritage Assessment (THA), both of which were submitted with the appeal on behalf of the appellant. At paragraph 4.25 of the THA, it notes that the *'footprint and form of the development is consistent with the prevailing light industrial character in the locality'*.

2.4 At paragraph 6.4 the Council has introduced some new criticism of the design, claiming that it has a '*box like'* form which has *'few openings, features of interest, is sterile and uninspiring'* (paragraph 6.7). The Council is not objecting to the use of the site for self-storage and the architectural form of the proposals is typical of a self-storage facility. The townscape character south of the railway is light industrial, with many 'box like' buildings, with few openings and limited articulation, such as the Southern Cement sheds opposite, and the row of sheds to the east. The proposed design has responded to the context, as described at paragraph 4.22 of the Townscape Assessment, including more brickwork and glazing, with a 'ghost' window on the western elevation and enhancements to the landscaping. As such this represents a significant improvement to on the existing condition of the site and is a significantly higher quality design than the surrounding commercial buildings.

2.5 At paragraph 6.5 the Council refers to the CGIs as highlighting the scale and dominance of the building in its context, with the inclusion of View 1 within the text. This directly contradicts the statement within the Committee Report, which refers to the Verified Views and inserts a number, including View 1 into the Report, commenting that: *'these demonstrate that, while a large building, it will not be unduly out of scale in this changing streetscape of Albion Street or in comparison with developments proposed further west along the Harbour Arm'.*

2.6 The THA also considers and comments on the townscape impact as demonstrated in the Verified Views (Document 9A.1). In relation to View 1, it notes that the scheme is part of a kinetic sequence and is consistent with the character of the scene. It is considered that the scale and design of the proposals are entirely in keeping with the scale and appearance of the commercial units as seen in this view on both sides of Albion Street.

2.7 In comparing the proposals to the residential scheme to the west (at paragraph 6.7), the Council notes that the residential scheme has greater articulation, which means that its increased height over the appeal scheme is acceptable. However, the Committee Report acknowledged that a series of amendments were made to the scheme during the determination period to improve the articulation of the building, including the introduction of further brickwork and glazing, introduction of a plinth at the base, and changes in the elevational colour to soften the visual impact. In relation to visual amenity, scale and character, the Committee Report concludes that *'while undoubtedly representing significant change in visual terms over what is there currently, the proposed building is of an acceptable scale, height and design in this location*'.

2.8 Paragraph 6.8 notes that the proposed building will be visible from Victoria Road, which would be in contrast to the domestic scale of the development along Victoria Road to the north. It is accepted within the THA that glimpsed views of the proposed development will be visible to the north of the railway embankment between some of the residential properties, however, it would not appear dominant and would be recognised as part of the existing industrial townscape that exists to the south of the railway (paragraph 4.35). This assessment is consistent with the Committee Report (extract of which is rehearsed at paragraph 4.36 of the THA). In light of this assessment, and given the distances involved, it is clearly not accurate to claim that the development will be *'overbearing to users of the road'*.

2.9 It should be noted once again that, the Committee Report makes reference to a number of changes that were made over the life of the planning application to improve the relationship with this section of Victoria Road, including:

- A reduction in the footprint, pulling the building further away from Victoria Road (13.78m away from the pavement edge), and the railway embankment (7.36m separation).
- Massing of the building was reduced by removing the top section at the western end (closest to Victoria Road).
- The western elevation is now entirely brickwork and glazing to present a softer elevation to Victoria Road.
- Addition of a large ghost window feature adding interest and helping to break up the façade.

- Enhanced boundary treatment utilising the flint material used within the brick buttress of the Victorian railway bridge.
- The widening of the pavement and the new planting/landscaping along this boundary

2.10 In considering these changes, the Committee Report notes that *'the design improvements and overall changes to the scale and siting of the building have resulted in a more acceptable form of development'.*

2.11 The THA also considers the design changes made through the course of the application, including those along the western elevation, and notes at paragraph 4.39 that *'rather than having a harmful effect on the streetscene as alleged by the Council, these [changes] are clearly enhancements, which would make a positive contribution to the quality of the environment, when compared to the existing condition*'.

2.12 The Council acknowledges at paragraph 6.9 that there is no explicit policy requirement for employment uses on the site and no specific number of jobs required. This confirmation is welcomed. However, given this statement, it is considered that the Council should withdraw their objection to this part of the proposals, and this part of the reason for refusal. The Council's opinion that the proposals are *'arguably not the best use of the site'* has no planning policy basis and should therefore be dismissed from any further consideration by the inspector. The purpose of the consideration of this application is not to discover whether this is the 'best use' of the site, but instead to determine whether it is an acceptable use having regard to the adopted development plan and all material considerations.

Notwithstanding this, the appellant has submitted information on the economic considerations and benefits of the proposals on the wider local economy and job market. These are set out at paragraph 7.4 and Appendix 5 of the Planning Statement of Case, and it is therefore not intended to rehearse these points in detail again. The summary point however is that 50% of Safestore's customer base are business users, both large and small, and the facility provides particular support for start-up local businesses, therefore indirectly supporting local employment.

2.13 The Council makes reference at paragraph 6.9 to several other storage facilities in the vicinity of the site. This is not a valid planning consideration. However, as a successful commercial enterprise, Safestore undertake significant market research to identify areas of growth and need for such facilities, including proposals by rival providers. Safestore has an excellent track record of identifying the need for self-storage facilities within a local market and opening successful stores. It would not be in Safestore's interest to develop a store in a location where the market is saturated.

2.14 In relation to the required CIL and Section 106 payments, the Council's comments at Section 7 of their statement have been noted, and the draft Unilateral Undertaking submitted as part of the initial appeal has been updated to include provisions for a monitoring payment. The final UU has been duly signed by relevant parties and attached at **Appendix 1** for the Inspector's consideration.

2.15 Turning to the proposed conditions, Condition 5 (relating to lighting - there are two numbered as such in the Council's Statement) has been introduced since the Committee Report and draft decision was published. The condition refers to Condition 3, which is not relevant, and in any event, the proposals are intended to operate on a 24/7 basis (see paragraph 4.9 of the Planning Statement of Case). It is considered that this condition should be deleted.

2.16 Any external lighting proposed would be carefully designed and located so as not to result in unnecessary light spill or harm to residential amenity. It is considered necessary and acceptable to provide some external lighting to accommodate the 24hour use of the site. Since there are no immediately adjoining residential properties, it is not considered that this would result in any harm to residential amenity. It is suggested that a condition requiring details of any external lighting be submitted to and approved by the Council prior to any above slab level works. This would be acceptable to the appellant.

2.17 It is noted that AWDC provides no comment in relation to the submitted draft Statement of Common Ground submitted by the appellant. It is therefore taken that the Council agrees with the content of this, and the Inspector can helpfully use this as part of their consideration of the appeal.

3.0 RESPONSE TO THIRD PARTY REPRESENTATIONS

3.1 The third party representations raise a number of points, some of which overlap with the Council's statement, and some duplicate each other. As such the comments and the appellant's response has been grouped under the following bullet points:

- Size, height, massing
- Intrusive lighting
- Similar self-storage facilities in the vicinity
- Lack of direct job creation
- Inaccurate / inconsistent plans
- Visibility of the proposals from Victoria Road (to the north) and Southwick Green
- Impact of additional mezzanine floor space not assessed
- The building does not reflect the character of the area
- Not in accordance with planning policy
- 24/7 opening
- Not suitable for warehousing

Size, height, massing

3.2 It is considered that this has been adequately addressed within the Planning Statement of Case, the Townscape Heritage Assessment and the Architectural Statement submitted as part of the appellant's appeal submission, as well as further being addressed in Section 2 of this Statement.

Lighting intrusion

3.3 This has been addressed in paragraph 2.15 of this Statement.

Similar self-storage facilities in the vicinity

3.4 This is addressed in paragraph 2.12 of this Statement.

Lack of direct job creation

3.5 Whilst the facility itself does not generate a large amount of jobs, Safestore contributes significantly to the local economy in its support of local businesses, be that national accounts through to small start-up businesses. On average, 55% of Safestore's storage space is occupied by business customers, which represents approximately 30% of Safestore's customers base.

3.6 The appellant has submitted information on the economic considerations of the proposals and the benefits to the wider economy and job market. These are set out at paragraph 7.4 and Appendix 5 of the Planning Statement of Case.

Inaccurate plans

3.7 Some local residents raised concerns over the different ground floor levels recorded on the plans. This has been explained and rectified within the submission information – see Document 10.23. It is also explained in clear terms within the Committee Report. The Case Officer and the Committee Members raised no concerns over the accuracy of the plans or other supporting information. However, to further reassure residents, the Council has suggested draft Condition 13, which requires details of the floor level of the proposed building to be submitted for approval prior to commencement of development.

Visibility of the proposals from Victoria Road (to the north) and Southwick Green

3.8 There are conflicting statements between some of the Third-Party representations. One response (correspondence from Rachael Howe) states that there are currently no views of buildings to the south of the embankment visible from Victoria Road, whereas others (included David Cromber) state that there are views of the existing warehouses, and pictures have been submitted demonstrating that the block of flats is clearly visible from Victoria Road and from within the Croquet Club (which is within the Kingston Buci Conservation Area).

3.9 The submitted THA accepts that there are two broad character areas; the suburban residential area to the north of the railway line, and the light industrial area to the south. It acknowledges (at paragraph 4.7) that there are glimpsed views between the houses on Victoria Road to the industrial character of Albion Street. It is also accepted that there would be glimpsed views of the proposed development from Victoria Road within the THA (paragraph 4.35), however it is considered that '*the proposed building would not appear dominant, and as far as it is noticeable, it would be recognised as part of the existing industrial townscape to the south of the railway'*.

3.10 It is also claimed within the Residents of Victoria Road submission that the proposals would be visible from Southwick Green. This claim is strongly disputed. There is no evidence provided to support the claim that the proposed development would be visible from Southwick Green. It has been demonstrated within the submitted Verified Views Statement (Document 9A.1) that the proposals would not even be visible from further east along Victoria Road (see View 9). There are layers of mature trees along the south of the Green and between the houses, with houses in the city block formed by Victoria Road and Waterdyke Avenue, with the heavily vegetated raised railway embankment beyond. The extent of the separating distance (c. 215m from the southern end of the Green at the nearest point), interposing development and mature vegetation between the Green and the Site, means that the proposed development would not be visible from the Green. The orientation of Waterdyke Avenue means that views are directed to the east of the Site, and the proposed development would be screened from view by the houses on the west side of the street and the railway embankment.

3.11 The impact on the Southwick Conservation Area was also considered and assessed as part of the THA, and it confirms at paragraph 5.26 that '*there is no intervisibility between the main part of the Southwick CA and the Proposed Development, and no potential for a setting effect*'.

3.12 Notwithstanding the above assessment that the proposed development would not be visible from Southwick Green or Waterdyke Avenue, even if it is were, given the separation distance and extent of interposing development and mature vegetation, there would only be glimpsed, heavily screened and filtered views, which would not harm the setting or significance of the Southwick Conservation Area, which is focused on the age and architectural interest of the historic building and their relationship with the Green.

Impact of additional mezzanine floor space not assessed

3.13 The appeal proposals seek permission for the ground and part of the first floor of the building. It is the normal approach by Safestore to seek permission for the construction of the shell of a building that can accommodate the insertion of internal mezzanine levels at a later date as demand increases. Notwithstanding this, the Transport Statement submitted as part of the planning application considers and assesses the impact of the total mezzanine floorspace, should this be implemented. This considers and appropriately mitigates the highways impacts and ensures provision of appropriate car parking levels as part of the initial proposals. Therefore, the full impact of the proposals is appropriately assessed at this stage.

3.14 Any additional mezzanine floorspace would still need to comply with all relevant Building Regulations, such as fire regulations.

The building does not reflect the character of the area

3.15 It is considered that this point has been fully addressed within PSoC and the THA and does not need to be rehearsed again.

Not in accordance with planning policy

3.16 It has been demonstrated through the PSoC that the proposals fully comply with all relevant planning policy requirements.

24/7 opening

3.17 The hours of opening are set out at paragraph 4.9 of the PSoC. Outside of the staffed hours, the facility is available to enter by some customers who pay a premium for a 24/7 swipe card to access the yard and facility. Safestore operates numerous stores in this way, without detriment to the local amenity.

3.18 No objection was raised to this by the Case Officer, the Public Health Officer (see response provided by the Council as part of the appeal documentation), or the Planning Committee. It is not considered that this will lead to any detrimental impact on residential amenity, with the closest residents located beyond the railway embankment, or to west, shielded from the car park and access by the building itself.

Not suitable for warehousing

3.19 The immediately surrounding buildings to the appeal site are all commercial and most of warehouses of some description. The THA has assessed the surrounding character of the appeal site and describes it as '*firmly industrial in character',* noting the operational port, the cement works to the south, the car repair garage to the west, and further large sheds to the east (paragraph 4.25). To further support this identified character, the Shoreham Harbour Joint AAP (JAAP) considers that the site would be suitable to accommodate business uses relocated from elsewhere within the Harbour Regeneration Area (para 4.6.14). This is an aspiration only, but serves to indicate that the Council considers that the site (and the immediate surrounds) is appropriate to accommodate commercial type uses.

3.20 Much discussion and evidence has been put forward as part of the appellant's case to further support this position, and the Council do not dispute the principle of a warehouse style development at this site, as indicated in the Committee Report.

4.0 STATEMENT SUPPORTING HEARINGS PROCEDURE

4.1 Having reviewed the Council's Appeal Statement of Third Party Representations, the appellant is still of the view that, given the difference in opinion in relation to the design and impact on character of the area, and the conflicting statements made between the Committee Report and the Appeal Statement, and also between some of the Third Party Representations, that it would be most appropriate to ventilate these through discussion and exploration of the evidence.

4.2 We refer to our correspondence dated 16 August, which sets out the need for an Informal Hearing against the relevant PINS guidance: 'Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals'.

APPENDIX 1

Vincent and Gorbing
Sterling Court, Norton Road
Stevenage, Hertfordshire SG1 2JY

T: +44 (0) 1438 316 331
vincent-gorbing.co.uk

Claire Newbury, Associate Director

claire_newbury@vincent-gorbing.co.uk