Development Management - Delegated Officer Report

Application Number: **Recommendation – APPROVE**
AWDM/1856/15

Site: **Unit 6, Lady Bee Industrial PARK Albion Street**

Proposal: **Change of use from Use Class B1 (business) to mixed use as car repair workshop and MOT station (Use Class B2 General Industrial and Use Class Sui Generis)**

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The proposal is to change the use of the vacant unit, previously a printer (B1 use) to a mixed use car repair workshop with MOT station (B2/Sui Generis). The use would operate between 8am-5pm Mon to Fri and 8am–noon Sat.

The site is located on Lady Bee Industrial Park, just off the A259 Albion Street in Southwick. The industrial park serves a row of 7 units (the application site being one), off a private access road, with varying uses. The business unit will offer two service bays for MOTS and 4 car parking spaces for customers directly outside the unit. One delivery parking area has also been designated, but this could also double up as two additional parking spaces if necessary. There will be two employees. As no staff parking is provided they would have to park away from the unit.

The surrounding area has a predominately industrial character, although there is residential immediately across on the north side of the A259.

Relevant site history
None

Consultations (summarised)

Southern Water: *No objection. Attach informative*

West Sussex County Council Highways*: The number of expected trips to the site would not give rise to any highway safety or capacity concerns as such no objection is raised. Proposed unit will offer two service bays for undertaking MOTS, and provide 4 car parking spaces for customers directly outside the unit. One delivery parking area has also been designated, but this could also double up as two additional parking spaces if necessary. These are within WSCC maximum car parking standards. No staff parking has been designated. There will be two employees, as no staff parking is provided they would have to park away from the unit. Cycle storage should be provided for at least two bicycles to encourage sustainable travel to the site by staff. Conditions: Car parking space (details approved) Cycle parking No part of the development shall be first occupied until covered*

and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved.

Adur & Worthing Councils Environmental Protection Team *has no adverse comments*

Adur & Worthing Councils Planning Policy team: *The site is located within the Southwick Waterfront Strategic Site as allocated in the emerging Shoreham Harbour Joint Area Action Plan. This proposes a mix of B class employment uses for the area, and encourages the comprehensive redevelopment of the area. Although the proposed use of the site is not necessarily incompatible, the regeneration partnership has serious concerns over the potential impact on parking and access within the vicinity. The proposed plan shows four parking spaces outside the unit itself. However this includes the area currently used for through access across the industrial estate. Parking and access in the area is currently informal and chaotic, and it is likely that a proposed MOT business would exacerbate this. Furthermore, the sites opposite and adjacent to the Lady Bee estate will be redeveloped in the near future. This is likely to make the operation of such a business impractical during the construction phase due to the access and parking requirements. In summary, the partnership would object to the proposed MOT business on this site. However it would not object to a temporary permission that excluded the MOT element.*

Representations (summarised)

Objections received from Owners of Precision Metal Products Limited Unit 3 and Direct L&M Windows Sussex Ltd Unit 7: *Nowhere near enough parking for more cars. This MOT station would be extremely detrimental. It would be absolutely dangerous for more cars. Fairly large number of vehicle movement and parking. Already overfull with cars, often double parked and access to delivery firms is often very difficult. Any motor related business would only make the situation worse. Limited space due to the shower block.*

Relevant Planning Policies
National Planning Policy Framework
Saved Adur Local Plan policies: AG1, AE2, AE4, AE7, AE8, AE9
Shoreham Harbour Joint Area Action Plan Consultation draft Feb 2014
Shoreham Harbour Interim Planning Guidance August 2011

Planning Assessment

Principle

The site is identified in the Shoreham Harbour Joint Area Action Plan for comprehensive reconfiguration of the Lady Bee Marina/Southwick Waterfront, in line with a future development brief. However this policy suite is emerging, with no immediate prospect of deliverable redevelopment. In this circumstance it is advisable to offer a temporary 3 year permission to allow reassessment of the situation in the near future.

In terms of the current development plan, permissive Saved Local Plan Policies AE2 and AE4 support development of land for Use Classes B1 and B2 (expect where in close proximity to residential areas). Although the proposed use contains an MOT sui-generis,

this is closely akin to the B2 motor repair use so would be compatible with the policy use allocation for the site.

Saved LP Policies AE7 and AE8 recognise the primary function of Shoreham Harbour as a commerical port by approving development only if it does not affect the operation of the Port or prejudice its economic viability or where port-related use is impracticable. Policy AE9 requires any new development be designed and laid out so that adjoining land with berthing facilities or wharves is not inhibited.

The scale of this proposed change of use is minor, and not believed to affect the operation of the Port or its economic viability or inhibit adjacent activities, including berthing or wharves.

A substantial percentage of the floorspace in the industrial park is currently in B2 use. The unit is currently vacant and new business is relocating from Hove, so will bring a very small number of jobs to the district.

Character and appearance

No external alterations are proposed, so no visual difference would result.

Neighbours

Residential flats exist immediately across from the site, to the north. Some have balconies facing south. Buildings both side and to the east of the application site are in commerical use.

However there is a distance of some 33 metres between the closest flat block and the terraced business units, which are designed with a largely brick wall facing the street frontage (the only opening being a single high level window).

All business activity associated with the new use would take place on the south facing frontage of the business unit, where the roller shutter door is.

Accordingly, residents are sufficiently away from the residential flats to ensure no adverse impact on their living conditions by way of noise and disturbance. The A259 is a busy road as well.

Parking and accessibility

The proposal has been considered by West Sussex County Council (WSCC) as the Local Highway Authority. No objection is raised as the parking provision, which satisfies WSCC maximum car parking standards. WSCC believe the number of expected trips to the site would not give rise to any highway safety or capacity concerns.

To ensure the parking areas remain free of obstruction, it is prudent to impose restrictions on outdoor working and storage.

The business model would operate with emphasis on a collection and delivery service for customers, limiting the demand for long term parking at the premises.

Bike storage will be provided to encourage cycling. This will either be provided inside the unit or by a single hoop next to the unit itself (there is simply no other space available), so there is no need to impose WSCC's condition that further details are agreed.

Other Environmental Considerations

Trade waste storage will be as the current arrangement.

Recommendation

APPROVE:

Subject to the conditions:-

1. The use hereby permitted shall be discontinued permanently and the land and premises restored to their former condition or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 04-04-2019.

   Reason: In order not to prejudice consideration of future proposals for the area and/or to enable the Local Planning Authority to review the special circumstances under which this permission is granted.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:-

   Drawings titled Marsh Labels Ltd, Unit 6, Lady Bee Industrial Estate, Southwick, Brighton BN42 4EP date valid 04-02-2016
   Drawing No. 2381/02 titled Proposed Plan date valid 04-02-2016

   Reason: For the avoidance of doubt and in the interests of proper planning.

3. The use hereby approved shall not commence until the customer parking and delivery spaces have been provided in accordance with the approved drawings. These spaces shall thereafter be retained and available for use at all times solely for their designated purpose.

   No customer parking or deliveries shall occur within the land edged in red except in the spaces so provided. No staff shall park within the land edged in red.

   Reason: To provide car-parking space for customer use to prevent overspill parking and congestion in accordance with the relevant policies of the National Planning Policy Framework.

4. The use hereby approved shall not commence until provision for the storage of 2 cycles has been provided on the land edged in red. The storage so provided shall thereafter be retained at all times for its designated purpose.

   Reason: To provide alternative travel options to the use of the car in accordance with relevant sustainable transport policies in the National Planning Policy Framework

5. The use hereby approved shall not commence until facilities for storage of trade waste have been provided on the land edged in red. The storage so provided shall thereafter be retained at all times for its designated purpose.

   Reason: To provide sufficient waste storage on site in accordance with relevant sustainable waste policies in the National Planning Policy Framework

6. No working, trade or business whatsoever (including arrival, reception or dispatch of deliveries or MOT testing) shall take place on the premises except between the hours of:-

   8.00 am and 6.00 pm of the same day, Mondays to Fridays
   8.00 am and 1.00 pm on Saturday

   nor at any time on Sundays or Public Holidays.

   Reason*:* In the interests of amenity having regard to saved policies AG1 or AE2 of the Adur District Local Plan.

7. No raw materials, finished or unfinished products or parts, crates, packing materials, nor any other items shall be stacked, stored or displayed in the open on any part of the site.

   Reason: In the interests of amenity and to comply with saved policies AG1 and AE2 of the Adur District Local Plan.

8. No external working shall take place anywhere on the premises to which this permission relates and all working shall be confined to within the buildings.

   Reason*:* In the interests of amenity and to retain adequate off-street parking space and to comply with saved policies AG1 and AE2 of the Adur District Local Plan.

9. No paint spraying of vehicles shall be carried out unless suitable emission control equipment has been installed to a specification which has been submitted to and approved in writing by the Local Planning Authority.

   Reason: In the interests of amenity and to comply with saved policies AG1 and AE2 of the Adur District Local Plan.

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the building shall not be extended or altered externally or any incidental building erected.

Reason*:* In the interests of amenity and the environment and to comply with saved policies AG1 and AE2 of the Adur District Local Plan.

11. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no external plant or machinery shall be installed, erected or replaced on the application site.

Reason: In the interests of amenity and the environment and to comply with saved policies AG1 and AE2 of the Adur District Local Plan.

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for purposes within mixed use car repair workshop with MOT station (B2/Sui Generis) as defined in The Town and Country Planning (General Permitted Development) (England) Order 2015 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason*:* In the interests of amenity having regard to comply with saved policies AG1 and AE2 of the Adur District Local Plan.

Informative

i) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ii) *A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk*

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Matthew Porter Date: 04-04-2016

Authorised by: Date: