Development Management - Delegated Officer Report

Application Number: AWDM/1132/18 Recommendation – Approve

Site: 29 Cecil Pashley Way, Shoreham (Brighton City) Airport, Lancing

Proposal: Application for variation of Condition 2 of approved L/171/98 (warehouse with ancillary shop and office (including access road and parking) to permit aviation-related use of the premises for any purpose within Classes B1, B2 or B8 with ancillary A1, A3 or other uses

Proposal, Site and Surroundings

The application site consists of an industrial unit at Shoreham Airport. The unit sits at the western end of the airport, to the west of the New Salts Farm Road entrance to the Airport which runs underneath the railway line. The unit faces the access road but is adjacent to the airfield as there are no buildings to the north. It is currently occupied by Transair (UK) Ltd for the sale, storage and distribution of pilot and aviation supplies.

Condition 2 imposed on planning permission L/171/98 states:

"The premises shall only be used for the storage and distribution of pilots' supplies (with ancillary shop and offices) and for no other purpose within class B8 of the schedule to the town and country planning (use classes) order 1987 (or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that order)."

Permission was refused earlier in the year for an application to remove Condition 2 (AWDM/0791/18) for the following reason:

"The use of the building for non-aviation related purposes would have a negative impact on the operational viability of the airport. It has not been demonstrated that access to the airfield cannot be achieved or that the building is unsuitable for aviation-related business/storage use. The proposal therefore conflicts with policies 7 and 25 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework."

The current application seeks to vary Condition 2 to enable aviation-related use of the premises within Classes B1, B2 or B8 with ancillary A1, A3 or other uses.

The application is accompanied by a Planning Statement which provides more information on the proposal. It states:

This variation is sought because condition 2 in its current form is very restrictive. The Applicant has been marketing the Site since the beginning of May 2018 but has so far received no serious interest as a result of the narrow use available at the Site. The Applicant is the largest distributor of aviation and pilot supplies in the UK, and currently finds the Site too large for its needs. It presently occupies only 6000 square feet of the 17,500 square feet of the building. The Applicant is only aware of two competitors in this field; both are much smaller. Even if all three national competitors chose to share the building, it would be too big for them. The condition as drafted precludes the use of a prime commercial building on the airport.

It is not feasible that any other supplier in this industry would be willing to take on the lease of a Site of this size without the ability to put it to more flexible use.

The variation of condition 2 which is sought would allow this more flexible use, increasing the Applicant's prospects of attracting new business occupiers. This would make both the Site and the airport as a whole more economically sustainable, which is vital given that the airport is currently in significant financial difficulty, with the airport owners being in administration.

It goes on to state:

This unit is not suitable for 'hangar' use. It was neither designed nor built as a hangar. It is a B8 unit, incorporating ancillary retail and office space. It has no aircraft access doors, and no doors at all on the airport side. It would not make sense to convert it to hanger use when a purpose-built hangar space at 7 Cecil Pashley Way has been marketed since October 2017. Despite an extensive marketing campaign by Flude Commercial, who are major local agents, there has been no serious and viable interest from occupiers to take this unit either for hangar purposes or for general aviation business purposes. Marketing has included the direct targeting of aviation related businesses across the UK.

In an e-mail dated 9 July to Tom Moloney, you invited him to demonstrate marketing for aviation-related uses. Whilst no such marketing is, technically, worthwhile - because the planning condition prohibits all but a tiny fraction of such uses – Flude Commercial have marketed the unit far and wide since May 2018. This marketing hasn't precluded the aviation sector. If an occupier came forward who fitted within the current planning restriction and with whom a viable transaction could be agreed our client would happily conclude a transaction for the property. But for the reasons stated above (only 3 businesses in the UK who distribute aviation and pilot supplies, our client being the largest of these and their only needing approx 6,000 sq ft) our client seeks a widening of the class of uses for this property.

During the course of the application further supporting information and clarification has been submitted by the commercial agent acting for the applicants. It states:

"*With the current planning restrictions, their only potential occupier for the property is another business who do what Transair do – i.e. distribution of pilot supplies with ancillary shop & offices. There are only 2 other businesses in the UK who sell pilot supplies on a scale that gives rise to the need for commercial accommodation. Both are markedly smaller businesses than Transair. The building is now too big for Transair's needs. So it will clearly be too big for the 2 other firms that operate in the pilots supplies market in the UK. In any event, we understand that the 2 other pilots supplies businesses are suited in the accommodation in which they are currently based and they have no need for new accommodation or to be in the Shoreham area. Further, if they did have a property requirement, it is likely that they would choose not to locate at Shoreham airport for the same reason Transair wish to relocate from it – this being the uncertain future of the airport.*

Turning to specifics, Transair built the property in 1999 and originally occupied it using the whole of the warehouse for storage and distribution, the first floor offices as office accommodation and the majority of the ground floor for retail purposes. At that time Transair had a significant number of customers who would fly into and drive to the airport and come directly to the shop.

As time progressed the volume of customers visiting the shop reduced. Partly because of increasing landing fees at the airport – now I understand higher than most UK airports – which reduced the number of customers flying in and partly due to the increase in online retail. Transair therefore reduced the size of their shop from the majority of the ground floor to what is there now which is approx 500 sq ft.

As to how it might be used in future is unknown at the moment. In order to have a chance of finding a new occupier for the property we need the conditions on the prevailing consent varied as proposed. If they aren't varied our view, and advice to Transair, is that the property is unlettable. If they are varied then we have a chance of finding an aviation related business who might be interested in taking the property. This is still a very restricted market but wider than the current market of 3 businesses (one of them being Transair) who could technically take the property under the prevailing planning consent – but none of whom want / need it.

It is a chicken and egg situation. To have a chance of securing a new occupier for the property we need a wider planning consent. Assuming we can secure consent to vary the conditions to the prevailing planning consent we will be able to speak with other Aviation related businesses with more certainty that they can, from a planning point of view, occupy the property. In these discussions we will look to establish how, assuming terms can be agreed, a prospective occupier would intend to use the property. If their proposed use of the property gave rise to the need to make a further planning application then we would look to do that.

In summary we don't know how the property might be used in the future. It will depend on whether we can find an aviation related occupier and, if so, how they want to use the property, so we can't provide specifics at this stage. If we can vary condition 2 of the prevailing consent as is proposed we can offer the property to the wider aviation market.

In practice I think it likely that an incoming occupier will not need an A3 element to their occupation. They might have a canteen area for staff but this would be incidental to their main use of the building and unlikely to be available for customers / non staff. It is also quite likely that an ingoing occupier will not require the shop.

The above all said, we are currently speaking with an aviation related business who are interested in taking the property. If we are able to conclude a deal with them their intention would be to retain and operate the current shop as is whilst using the rest of the building for a combination of offices, workshops, stores, training. An option would

be to tailor the variation of the planning consent to suit them. However, there is no certainty of a deal with them. So to tailor a planning consent to suit them specifically would risk us being in the same position as we are now in having a planning consent that is overly prescriptive.

The ideal scenario would be to have an open B1, B2, B8 consent with ancillary A1 / A3. We accept that the Council wish this to be restricted to aviation related businesses within these use classes. If you need it to be more specific than that in connection with the A1 / A3 uses these could be restricted to either:

1. No more than the entire ground floor of the 2 storey block to the front of the property (as it was originally used). If this is not possible then:

2. The current footprint of the shop.

If this still presents an issue in connection with the A3 use then we can lose the ancillary A3 use completely.

As an aside, our client feels somewhat aggrieved at the situation they find themselves in. Part of their decision to relocate is being forced upon them – this being the growing uncertainty as to the future of the airport. Their customers and suppliers are increasingly concerned about this and it is impacting Transair's business. A good and prosperous airport is imperative to their business. Transair have seen the ongoing decline / lack of investment and uncertainty in Shoreham airport which has forced them to look at relocating to an alternative airport. A sad loss to Shoreham airport and the wider area.

In order to have any prospect of this property being occupied by an alternative business they need to have the current conditions varied as is proposed in the application. If the conditions can be removed they will still have a planning consent restricted to aviation related businesses only. Whilst an open B1, B2, B8 consent would be preferable, Transair wouldn't have a particular issue with an aviation restricted consent if the future of the airport as an airport were certain, there was investment in the airport and they could secure an aviation related business as a new occupier for the building. Transair are very supportive of the aim to retain the airport and aviation related business on the airport. What does frustrate them however is that it is clear that there are a growing number of non-aviation related businesses located on the airport and a proposed scheme for approaching 300,000 sq ft of B1, B2, B8 accommodation on the airport has no aviation restriction. Transair, understandably, feel as though they are being treated differently – and not as well – as other owners / occupiers on the airport from a planning point of view. This said, if the best they can secure is the variation we seek to condition 2 of the prevailing planning consent, they will take this. If such isn't forthcoming then I

can only see the building being left vacant indefinitely for the reasons stated above – i.e. – the prevailing planning consent being so restrictive such that there is no occupier market for the property. This outcome would be no good for anyone – Transair, the airport, the Council etc."

Relevant Planning History

As above

Consultations

West Sussex County Council: The **Highways** Officer advises as follows:

Trip generation
No transport information has been supplied by the applicant so I have utilised TRICS assessment to form the basis of my response. The assessment shows that a B1 usage could generate 53 AM peak and 45 PM peak two way trips, a B1c 17 AM and 15 PM two way trips with B2 and B8 producing lower numbers still. The application site has an element of consented B1(a) so should this not be increased then no concerns are raised about the trip generation potential of the site.

Conclusion
No objection to the proposals is raised subject to a condition limiting the B1(a) use to the level detailed in the submitted floor plan.

Adur & Worthing Councils: The ***Planning Policy*** Manager does not object. Advises that policy 7 of the Local Plan seeks to ensure that in this part of the airport, airside locations will be protected and supported for aviation-related B1/B2/B8 uses. (Although the site lies adjacent to the road, no other building separates it from the airfield area, and it is therefore considered to be 'airside' for the purposes of this policy).

This proposal would appear to be consistent with this requirement; as such, there is no planning policy objection.

Shoreham Airport Manager: Provided the planning application is for an aviation related purpose then I have no objection.

I do need to take issue over the contents of the supporting letter, however.
- The building is airside and has a boundary directly against the airfield.
- Although no hangar doors are yet fitted, it is a straightforward job to do so.
- The land between the building and the taxiway will shortly be developed into hardstanding and we are actively making the appropriate plans to do so. The applicant's opinion of whether the hardstanding work is financially viable is misguided.
- The building is very capable of being converted to a hangarage facility. The applicant's assertion that it would be financially unviable because another hangar has been advertised as available for a while is misjudged; that other property has lots of

additional office space with it, is not an attractive building and is not priced competitively.
• The applicant states that there has been no interest in the property from aviation related companies. That is not the case.

Despite these inaccuracies, I am pleased that the property has been retained for aviation related purposes.

Any loss of such properties on the airport estate removes a potential knock-on income stream to BCAL for associated aviation-related business.

Lancing Parish Council: No objection.

ADCAG:

Members unanimously agreed to recommend that Adur D.C. APPROVES the amendments to Conditions Nos. B.1 B.2 & B.8 as they are broader based and aeronautically linked.

However, members expressed serious concerns re Conditions A.1 and A.3 particularly in view of the Applicant's Agents submissions from which it was felt that such amendments would enable the Applicant to engage in conducting businesses which are not aeronautically linked thereby setting a dangerous precedent for similar such applications being submitted. Therefore, it was unanimously agreed to recommend REFUSAL.

Throughout the history of Shoreham Airport there has always been a strict adherence to the planning tenet that all businesses wishing to operate from the site should be aeronautically linked, thereby protecting & enhancing this important asset.

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 7, 25
National Planning Policy Framework (March 2012)

Planning Assessment

Policy 7 of the Adur Local Plan states that within the existing developed area located at the southern end of the Airport (as shown on the Policies Map), airside locations will be

protected and supported for aviation-related B1, B2 and B8/hangar uses. Non-airside locations will be protected and supported for aviation-related B1, B2 and B8/hangar uses and for non-aviation related B1, B2 and B8 uses where it can be demonstrated that the use will not impact the operational viability of the Airport. Appropriate aviation-related training uses will also be supported. However, training which does not require access to operational facilities will not be supported in airside locations.

The application is seeking to widen the range of uses that can be undertaken at the site for the reasons explained in detail above. The applicants have confirmed they are willing to continue to restrict occupation to to aviation related businesses only but to enable B1, B2 and B8 uses rather than the more restrictive use for storage and distribution of pilots' supplies (with ancillary shop and offices) only.

Ancillary A1 and A3 use is also sought. A plan submitted with the application shows a small area on the ground floor which is used for ancillary retail purposes. It is considered that such an area can continue to be used for such a purpose in future. However, ancillary A3 use does not appear to be particularly relevant to aviation-related uses and it is not recommended that the consent is widened to allow such a use.

The extent of B1(a) floor area should also be limited to that previously in use on the ground and first floor for highway reasons.

Recommendation

APPROVE, subject to the following conditions:

1. Approved Plans
2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for aviation-related uses within Classes B1, B2 or B8 with ancillary A1 use and for no other purpose. The extent of B1(a) floorspace shall be limited to no more than 5,380 square feet (NIA). The extent of ancillary A1 use shall be limited to no more than 500 square feet.
3. The existing parking spaces and access facilities at the site shall not be used for any purpose other than for access and parking of vehicles incidental to the use of the premises concerned.
4. No raw materials, finished or unfinished products or parts, crates, packing materials, nor any other items shall be stacked, stored or displayed on the site except within the buildings or within enclosed storage areas approved in writing by the Local Planning Authority.

Case Officer: Peter Barnett Date: 18 October 2018

Authorising Officer: Gary Peck Date: 18 October 2018