Development Control – Delegated Officer Report

Application Number: ADC/0153/10 **Recommendation – Temporary permission**

Site: **Units 3-5, G3 Business Park, Dolphin Road Shoreham-by-Sea BN43 6AN**

Proposal: **Relaxation of conditions 4 and 10 of SU/168/05 to enable outside storage of roofing and other materials and pallets on parts of parking areas (retrospective) (units 3-5)**

The Application

These units form part of a development of 12 small business units allowed on appeal in September 2006 (SU/168/05). They are situated at the eastern extremity of Dolphin Road, beyond the large Southern Water stormwater storage tank, and back onto a horse-grazing field and a mobile phone mast. The railway lies to the south and there are a school playing field and houses to the north in Church Green (off Middle Road). Unit 3 is occupied by Mid Sussex Scaffolding and Units 4 & 5 by Mid Sussex Roofing Supplies, having relocated from other modern units at Evershed Way in Dolphin Road.

Condition 4 of the permission required the provision of the access and parking spaces and adds "Such provision shall thereafter only be used for access and parking of vehicles and cycles incidental to the use of the premises concerned."
Condition 10 states:- "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 LPA."

Most of the external storage is in front of Unit 5, comprising mainly roof tiles in shrink-packed packs each about 0.9m high (stacked 2 high), battens in front of Unit 4 in a pile about 1m high. The submitted plan shows one of the 4 parking spaces in front of Unit 5 left clear (but this is now occupied by a recycling bin) and 2 of the 4 in front of Unit 4 (but 3 were available at the time of inspection). The 4 parking spaces in front of Unit 3 are shown retained as are 6 parking spaces on the opposite (west) side of the access road.

A letter from the agent states that his client, who supplies a vast range of roofing materials and has to keep a certain level in stock, has a pressing need to store materials externally. Some of the bulky items are packs of roof tiles, slates, tile battens and fittings. Where possible items are put on shelves and racks within the units with others on the floor but H&S requirements mean that sufficient circulation space has to be kept clear for fork lifts, vehicles, manual handling and working at height. Gas cylinders have to be stored externally in a cage to comply with the regulations.

The agent states they are happy to accept restrictions as follows (as shown on the submitted plan):-

- Tile battens to be kept within an area of 6m by 5m and not to exceed 1m high;
- Packs of tiles to be kept within an area of 9m by 5m and not to exceed 2 packs high on individual shrink-wrapped pallets (each 1.2m by 1.2m max);
- Part-opened and empty pallets to be stored inside;
- Bins to be kept in the designated bin store;
- No skips;
- No fencing or gates.

Consultations and Representations

West Sussex County Council: No objection but, because of the number of parking spaces being used for storage, recommends any permission is personal to the applicant and only the spaces shown on the plan are used for storage.

Third Parties: 3 letters of objection have been received; one is from the developer of the units and the other 2 (also enclosing photographs) are from Woods of Sussex who have Units 8-10 for car preparation and MOTs associated with their car sales site at 136 Upper Shoreham Road.

The developer mentions Local Plan policies AE2 & DP.AE2 as referring to environmental considerations and to the conditions imposed for such reasons. He states that the parking area concerned is visible from houses at No's 35, 36 & 37 Church Green and that storing materials externally will impact upon these homes and contravene the above policies. As the units can be used for both Class B1 and B8 purposes, parking standards will not be achieved.

Woods first letter refers to the site turning into a builders yard which is usually very untidy and a mess with strapping, polystyrene and cardboard blowing onto their land, causing detriment to the environment of their prestige car business and affecting their customers.
Their second letter refers to a catastrophe caused by loss of parking spaces, with vehicles connected with the applicant's business parked all over and outside the site causing congestion and an unsightly appearance. The occupation of Unit 6 by Higgidy Pies has aggravated the problems as they have tall stacks of pallets (potentially unsafe) on their parking area leading to parking of vehicles obstructing access to Units 8-10 as well as obstructing the emergency access.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE2, AE4, DP.AE2
Revised West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003 and ADC 2004)
PPS 1 'Delivering Sustainable Development' (ODPM 2005)

PPS4 'Planning for Sustainable Economic Growth' (DCLG 2009)
Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)

Planning Assessment

Policies

Policy AG1 of the Local Plan states that within the built-up area development will normally be permitted subject to othe policies and to it not detracting from the existing local urban environment. The site is subject to development proposal DP.AE2 which states that permission will be given for Class B2 industrial use subject to local environmental considerations and subject to access and parking being acceptable. AE2 refers to limitation to B1 use near dwellings.

Government policy in PPS1 refers (paras 17 & 18) to the commitment to protecting and improving the environment and states that planning should seek to maintain and improve the local environment and help mitigate the effects of declining environmental quality through positive policies on issues such as design.

PPS4 'Planning for Sustainable Economic Growth' states that the main objectives include building prosperous communities by improving economic performance, reducing gaps in growth rates, promoting regeneration, and reducing the need to travel especially by car. Policy EC10 states that, in determining applications for economic development, a positive and constructive approach should be taken and they should be assessed against the impacts on climate change; accessibility; whether they secure a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions; economic and physical regeneration and social inclusion; and local employment. EC18 states that local parking standards should apply unless the applicant has demonstrated a higher level of provision is needed and shown measures to minimise the need for parking. In the absence of local standards, the maxima in PPG13 will apply.

In the present case, the external storage of materials and the standing of skips, etc are clearly in breach of conditions 4 & 10 of the permission SU/168/05/TP granted on appeal. Being an appeal decision no specific reasons are given for each condition but these conditions were suggested by the LPA and agreed by the developer for the reasons of (1) ensuring adequate access/parking space for vehicles and (2) a reasonable standard of appearance. External storage is not something that the Council would wish to encourage, especially on a new development, because of its adverse environmental effect and it needs to be demonstrated why there is an over-riding need for it.

On the access/parking issue, WSCC state that they do not oppose permission being granted as long as the number of parking spaces remaining for Units 3-5 is adequate for this Class B8 storage use.

In these respects, the total parking provision on the development has been provided to the higher Class B1 'business' standard than the lower standard applicable to Class B8 'storage and distribution'. Consequently, the 6 spaces on the west side of the accessway and the remaining 3 in front of Unit 3 (Mid Sussex Scaffolding Ltd) are sufficient for B8 use. The number also appears sufficient for the particular needs of this business.

The nearby occupier of units 8-10 (Woods of Sussex) has made strong representations about the external storage leading to obstruction of the accessway because the remaining parking spaces are insufficient. However, at the time of inspecting the site, obstruction of the accessway was caused by 3 cars parked along the side of Unit 8 (which appeared to be related to the complainant's business, with the whole of the area to the south full of their cars) and a large van overhanging one of the parking spaces opposite Unit 7 and belonging to the occupier of that unit (Aliport carports). There was no evidence of the applicant's vehicles causing obstruction but there was observed to be other unauthorised external storage on parking spaces outside units 6 Higgedy Pies (pallets on all 4 spaces) and unit 7 (2 skips on 2 parking spaces).

The other main concern is visual amenity. When inspected some time ago, the site presented an untidy appearance and the external stacks of pallets and other items spoil the appearance of this new development. However, it has now been significantly tidied up and the quantity reduced, the applicants stating that they have now been able to organise storage properly following the initial disruption of moving into the premises. Although it can be seen in a view from the backs of houses to the north, the location is not conspicuous in public views and the adverse effect is essentially on the occupiers of the units comprised in the development itself.

On balance, taking account of the need to support local businesses and the degree of need demonstrated by the applicant, a temporary 'personal' planning permission is considered appropriate for external storage within the defined areas shown on the plan. This appears to be as compact as practicable and allows provision for visibility from the accesses in terms of the positioning of the stacks etc and the omission of any fencing.

Recommendation

APPROVE for reason that:-

The external storage causes some detraction from the appearance of the development but, having regard to the desirability of providing for the needs of the business from an economic regeneration aspect and to the site being relatively away from public view, it is considered appropriate to grant a temporary planning permission specific to the business concerned. Subject to compliance with the conditions, there would be no material conflict with the relevant policies of the Adur District Local Plan (AG1, AE4) and South East Plan (SCT3).

Subject to:-

1. C14Bii .....only by Nicholas Tattershall (trading as Mid Sussex Roofing Supplies Ltd) and shall be for a limited period being the period expiring on 31 May 2012 or the period during which the premises are occupied by Nicholas Tattershall (trading as Mid Sussex Roofing Supplies Ltd) whichever is the shorter. When the premises cease to be occupied by Nicholas Tattershall (trading as Mid Sussex Roofing Supplies Ltd) or on 31 May 2015 whichever shall first occur, the use .....cease, all external materials shall be removed and the original car parking spaces shall be reinstated.
   R. .....exceptionally, taking account of policies AG1 & AE4 of the ADLP and SCT3 of the South East Plan.
2. The permission hereby granted is solely for external storage within the areas shown cross-hatched and shaded in red on Drawing No.C690 (1:200 scale), plus the adjacent storage cages for gas bottles shown on this plan, and there shall be no external storage outside these areas without the written approval of the Local Planning Authority and no fences, gates or other means of enclosure.
   R. To ensure adequate access and parking provision and in the interests of visual amenity, having regard to policies AG1 & AE4 of the ADLP.

Case Officer.....[redacted] Date....18/6/10.....

Chairman of Comm[redacted] Date..21/6/10.....