Application Number: ADC/0141/07 Recommendation – APPROVE

Site: **Land North of Sewage Tank, Dolphin Road Shoreham-by-Sea**

Proposal: **New road for use in association with operations (testing of vehicles and plant) by Pyroban, including relocation of existing gates and new 2 metre high palisade boundary fence**

The Application

The application is a revised submission following the withdrawal of the application ADC/0410/06. The proposal relates to the strip of land situated on the north side of the existing road running along the north side of the Southern Water stormwater tank. This existing road will serve 12 small business units recently allowed on appeal to the east of this grassed-over tank (SU/168/05).

The strip of land to which this latest application relates includes numerous trees, most re-grown from the roots of elm trees, but also including evergreen oaks and sycamores made subject to a Tree Preservation Order in 1961. The land lies to the immediate south of a school playing field, fronting Middle Road, but also extends behind a parking area and 2 houses in the south west corner of Church Green.

The proposal is for a 'test roadway' for the use of Pyroban in order to provide a replacement for the testing they currently carry out on the existing road. It will be recalled that they objected to the proposed 12 new units for this reason but, because they had no usage rights, they were unable to stop the development proceeding.

The proposed road would be located 5m away from the northern boundary fence, except for short distances at either end and in the middle where it would be 3m from the fence. The road would be 50m long and 6.5m wide, broadening to 8m where the turning circles are to be provided. A 1.8m high steel palisade fence plus low safety barrier would be provided on the south side and east end. Gates would be installed at the west end, plus a smaller emergency gate at the east end.

Pyroban carry out the testing programmes (mainly forklift trucks of varying sizes), which are of an intermittent nature, during the hours of 8.30am-5pm. They point out that they are a £13 million company based in Shoreham, employing 140 people, and supplying both home and export markets. One of their activities is the modification of handing equipment, particularly forklift trucks, which requires a mandatory test of each completed machine. This is an essential part of the production process enabling certification of each machine as in compliance with European and other standards. They state that continuation of production at Dolphin Road requires a test track of sufficient

length on which to simulate real life working conditions. With loss of the use of the existing roadway, which they have used since 1978, they have looked at using rolling roads but these have proved unsuitable.

Consultations and Representations

County Transport Planning Services: No objection.

Environment Agency: No objection subject to the imposition of conditions relating to possible ground contamination and requiring submission of drainage details.

Southern Water: No objection (although they previously requested a condition requiring submission of details of measures to protect the public sewer).

Director of Services: The EHO has no adverse comments.

Third Parties: No comments received (NB. 15 notification letters were sent).

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, NE1, NE5-6, ERA1, DEV1, DEV4-5
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP7, AB23-27, DP.AE2, AT12
Adur Development Plan – Submission Core Strategy 2006-26 (ADC 2007): R1, E1-2, T4, ENV5, ENV10
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPG4 'Industrial and Commercial Development and Small Firms' (DoE 1992)
'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

Planning Assessment

Policies

In the Local Plan, the site lies within the area identified for business and industrial development as part of development proposal DP.AE2. This is subject to local environmental considerations and satisfactory access and parking arrangements. The policies of the Submission Core Strategy state that land at Dolphin Road will continue to be safeguarded for employment use and upgrading of existing sites will be encouraged.

Visual amenity, including trees

The site is significant for the fact that it contains numerous trees which act as a buffer and screen along most of the north side of the area identified for business and industrial purposes. These originally consisted of 90 mature elm trees, plus 8 sycamores and 2 evergreen oaks when the Group TPO was

made in 1961. The poor condition of this belt of trees formed the subject of a report in 1971 and it seems that most of the elms were removed in the 1970s because they were dead, dying or dangerous. However, despite Dutch Elm Disease, elms are self-perpetuating and have regenerated from the roots of the original trees, although a number of the regenerated trees had succumbed to the disease and were removed last year, leaving gaps in the tree screen.

Owing to the loss of trees in the District over the years and the difficulty encountered in establishing new trees in new developments because of the exposed coastal climate and dry soils, policy AB25 of the Local Plan firmly aims to retain existing trees. It states that permission will only be granted if the trees affected by new development are of poor health or appearance or of little public amenity value. AB24 states that consent for felling trees subject to TPO will not normally be granted. There is also a statutory duty placed on Councils under section 197 of the Act to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees and to make TPOs as necessary in connection with the granting of permission whether to give effect to the conditions or otherwise.

In this instance, the proposed road itself would entail the removal of a large number of small trees (about 25), plus a further 15 are shown removed in order to give sufficient headroom to use the proposed road. Most of these are small and of poor, scrubby appearance, but collectively provide a screen. This tree removal would expose the development site to greater view from Middle Road, albeit at a distance of 180m, and also from the parking compound and the rear gardens of the end 2 houses at Church Green.

However, as compared to the first (withdrawn) application, the proposals do now retain the group of more substantial mature trees at the western end, which include large elms and an evergreen oak.

The plans also show new tree and shrub planting to replace the trees removed and provide a screening effect. It is felt that, in the longer term, provided they include evergreen species and provided they are adequately maintained, this would provide a more effective screen that would outweigh the short-term harm.

The proposed test track is needed for a testing process which is an essential component of a long-established industrial business in Shoreham. Without such a facility, the future of the business at Dolphin Road appears likely to be jeopardised. It is considered that this factor tips the balance in favour of granting permission. However, justification for the proposed roadway to be as wide as proposed has been sought.

The proposed steel palisade fence and barrier would appear unattractive from the existing road but, in the context of an industrial estate, is unlikely to warrant refusal.

Residential amenity

The nearest houses are those in the south-west corner of Church Green. The two terraced houses at No's 36 and 37 have rear gardens backing onto the eastern extremity of the proposed roadway, the intervening distance being approximately 12m at its closest point (as compared to 21m from the existing roadway).

However, the testing activity is intermittent and has not previously resulted in any complaints and would be heard against the background of vehicles accessing the proposed new units. Provided a condition is imposed restricting hours of use to 8.30am to 5.30pm Monday-Friday, excluding public holidays, it is not considered that there should be unacceptable disturbance to residents.

Highway safety

On this latest application, the access has been re-sited away from the turning head at the end of the public highway so as to satisfy WSCC.

Recommendation

Subject to receipt of sufficient justification of the need for the roadway to be as wide as 6m, APPROVE for the reason that :-

The proposed development is within the built-up area and is a facility necessary to the continued existence of an industrial business of significance to the local economy. Subject to sufficient tree and shrub planting and restriction of hours of use, it would not detract from the appearance or character of the area and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties or to highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AP7, AB23-27, DP.AE2, AT12), the Adur Development Plan Submission Core Strategy (R1, E1-2, T4, ENV5, ENV10) and the West Sussex Structure Plan (LOC1, NE1, NE5-6, ERA1, DEV1, DEV4-5)

Subject to:-

1. C1Ci (Standard time limit)
2. C7Ci (Details of fencing) (amended)
3. C9H (Details of construction and drainage of proposed roadway) amended)
4. C10B (Restriction of hours of use of proposed roadway to 8.30am-5pm Monday to Friday, excluding public holidays) (amended)
5. C11Ai (Landscaping scheme to be approved and implemented and replacement of those that die)
6. C11D (Protection during construction of existing trees to be retained) (amended)
7. C18Ri (Ground contamination investigation)

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