Expiry Date -

Development Control – Delegated Officer Report

Application Number: **Recommendation – APPROVE**
AWDM/0301/13

Site: **Unit 1A, 1-5 Block 3**
Chalex Industrial Estate
214 Manor Hall Road

Proposal: **Erection of 6 no. industrial units (B1 use), together with 52 parking spaces and cycle store (20 car parking spaces relating to units 1A and 1-5 Block 3)**

Neighbours checked: Y
Additional neighbour notifications: N

Proposal, Site and Surroundings

The proposal is for a row of 6 B1 building units with allocated 20 car parking spaces and a 5 bike store. The entire building will measure (at max) 7.1 metres in height, 46 metres in length, and 13 metres in width.

Chalex Industrial Estate is a local industrial estate of 1.9 hectares located adjacent to Fishersgate Railway Station. Current occupiers include Autofit (car servicing/repair). The site is located within and accessible from a primarily residential area with a tight turning off Manor Hall Road into the site.

The site contains approximate 3,800 sq. m of employment floor space comprising a mix of industrial and warehouse floorspace. Properties are of varying ages, with some of recent construction and some older more dated workshop/industrial units.

Relevant Planning History

ADC/0097/06
Partial demolition of existing building and refurbishment of remainder with additional storey to east part to provide 15 Class B1/B8 units in 2 blocks with 57 parking spaces
Approved Conditionally 04/08/2006

Consultations

West Sussex County Council:

No objection in principle however 51 spaces too high and needs to be modified in line with current standards. Require further information regarding parking and turning strategy to support. Existing site currently houses part demolished office building with 51 car parking spaces. Existing access provides sufficient width of 5m allowing two vehicles to pass each other, and provides good visibility, albeit through parked cars, onto Manor Hall

Road/Shelldale Road. Mfs guidance suggests general occasional obstacles to visibility not large enough to fully obscure whole vehicle or pedestrian i.e. child or wheelchair user will not have significant impact on road safety. Proposed re-development of building will create 6 single storey light industrial units on footprint of previous building. Once units completed will provide 575sqm of unit space with potential to attract 6 new employers which will increase vehicle trips number currently associated with units. Current guidance for B1 use recommends 1 parking space for every 30sqm. Equates to 19 spaces for new units. Relaxation of guidelines would be accepted by WSCC to 1 parking space for every 25sqm, in line with WSCC threshold of 500sqm as re-development only slightly over this. Would allow up to 23 spaces as maximum. Proposal to keep original 51 spaces not acceptable in sustainability terms and should be reduced in line with up to date standards for car parking. Provision for turning of large goods vehicles and disabled parking spaces (at least 5%) should also be included in your parking strategy along with swept path diagrams to show these movements can be achieved. Considering site is in sustainable location, ideally located to local bus and rail networks, beneficial for industrial estate to promote workplace travel plan. Applicant created cycle storage area to provide 5 cycle storage spaces, in line with current guidance of 1 space per 150sqm for staff and 1 space per 500sqm for visitors. Ideally covered and secure to encourage staff/visitors. Area considered within sustainable location for cycling or travelling by train and; in line with NPPF guidance, are realistic alternatives to using the car.

2nd Consultation: Drawing (no 1009/02) shows development will provide 20 car parking spaces for the 6 industrial units. This is in line with WSCC recommended guidelines for 1 space for every 25-30sqm. Considering remaining un-used car parking spaces (which amount to 17 in total) satisfied these spaces are only likely to be used on informal basis. In addition congestion already experienced on Manor Hall Road/Shelldale Road from parked cars cannot cope with any further parking, therefore this informal provision will act as additional visitor/overspill parking to keep any industrial unit related parking within confines of development. As proposed development will not pose intensification of use, satisfied swept path diagrams, are not vital. Envisaged movements currently or previously undertaken will continue to take place considering no change to original layout. Agree given small size of units difficult to manage green travel overarching plan however recommend each unit should consider council's Workplace Travel Plan Officer for advice. Recommend contacting neighbouring local authority regarding industrial unit access onto public highway. Construction management plan criteria WSCC asked for in our recommended conditions and confirm all of points covered to our satisfaction. Reviewed revised plan and satisfied cycle parking provision provided in line with WSCC parking standards

Adur & Worthing Councils: Environmental Health:
Require addition of full contaminated land condition if ground works are involved. No additional EH comments to make

2nd consultation following receipt of contamination report, summarised:

As highlighted in Ashdown Site Investigation's report (ref.: LW24115/ds) for the above site, there is a low/moderate risk posed by inhalation of soil gases which may have become contaminated from the historic brickfields to the west and historic landfill to the east; the latter of which lies in Brighton & Hove's district.

In order to mitigate against this risk, intrusive investigation may be required. A suitable alternative, however, would be the installation of a gas membrane beneath the site. This will need to be evidenced with suitable photographs demonstrating correct installation and provision of purchase receipts or I would be happy to visit site to 'witness' the membrane once it has been laid. Appropriate measures should be taken regarding service pipes etc. during installation and construction.

The precautionary condition will be sufficient providing that mitigation of the potential risk is agreed in writing/e-mail by the developer.

***Brighton & Hove City Council** – No comments received*

Representations
Objection received by occupier of No. 212 Manor Hall Road, content summarised:

Someone needs to look at access road which most days has cars, lorries blocking it. People going to and from Fishersgate station normally have to walk in the road. Development of rest of industrial estate can only increase this problem and deliveries in and out every day will add additional pressure on road too small to handle

Relevant Planning Policies and Guidance
Adur Local Plan: AG1, AH7, AE2, AE4, AE15, AE16, AE17
National Planning Policy Framework

Planning Assessment

Principle

A row of 6 B1/B8 two-storey industrial units on the footprint of a demolished industrial building was approved in an earlier application (ADC/0097/06 refers), but never built. This application is now to build out a row of single storey units in a similar position to these, but for B1 use alone.

Investment in this estate is welcome and fully compliant with Policies within the Adur Local Plan directed toward protecting and diversifying the local economy and promoting the District as a location for employers.

Visual amenity

The design of the new industrial units would be similar to what was earlier approved, and resemble other existing units in the estate. There has been

some attempt to add visual interest by coloured detailing and the cycle store, although somewhat rudimentary in its design, is not offensive. No visual harm would arise from this development.

Residential amenity – effect on existing occupiers

The new industrial units would be positioned well inside the estate, away from residential neighbours. The proposed B1 use is compatible with preserving the amenities of residents and existing businesses. Potentially it would have less impact than the previously approved B8 use (no restriction on business operations was sought in the earlier scheme, apart from vehicle loading). Also, existing businesses and residential neighbours already experience a good deal of background noise and disturbance from industrial uses currently operating on the estate.

When set against this backdrop, the exterior activity generated by the proposed units would not be materially harmful to the living conditions of residents and/or business operations of adjacent units.

To be consistent with the earlier approval and safeguard the amenities of residents, the restriction on loading/unloading of vehicles imposed on the earlier approval should be re-imposed.

Parking and Accessibility

This application seeks to introduce six new industrial units that would increase the level of footfall and traffic flow to this estate, impacting on the existing highway network. At present no parking in the estate is allocated to individual units, and parking both in the estate and on street in nearby residential streets is limited.

However any highway impacts from this proposal should be viewed against those impacts that would have arisen from the earlier approved scheme, and which were deemed acceptable. The units previously approved were larger in size units than the ones currently proposed, and benefited from a mix of B1/B8 uses. In this latest application the B8 use is omitted and the units are smaller, which would ease issues of future traffic flow and parking demand (B8 potentially could involve HGVs).

Unlike before, the highway authority does not object on highway grounds. It is of the opinion that the intensified use of the existing vehicular access poses no highway safety danger. It states the 20 car parking spaces for the 6 industrial units, with the remaining spaces given over to overspill and other businesses in the estate, is in line with West Sussex County Council parking guidelines. Current parking on the estate is haphazard with no demarcation of individual spaces. Allocating the communal parking reduces flexibility, but this is compensated by the guarantee of spacing for B1 uses which would generate more individual traffic flows than B8 uses. Overall parking provision in the estate is similar to that approved previously (52 compared to 57 spaces).

The proposed level of car parking remains a satisfactory compromise between discouraging reliance on journeying to the site by private car and not creating

excessive pressure for on-street parking. There is not sound justification for any greater number of car parking spaces.

The immediacy of Fishergate railway station to the estate and well serviced bus routes within 100m of the site offer very real alternatives to the private motorcar. There is also a parking bay dedicated for motorbikes/scooters. The earlier 15 industrial unit scheme secured 14 exposed bike stands to serve the entire estate. Now only covered and secure storage for 5 bike stands is proposed. This is a regrettable retrograde step, but the highway authority has not raised objection to this level of provision. It is highly likely some businesses would arrange their own informal cycle storage for staff at the back of their units, and the railway station also offers secure storage for bikes.

The highway authority confirms the submitted construction management plan is acceptable, and, if adhered too would avoid highway danger from arising when the scheme is being built out.

Given the earlier approval and the highway authority's lack of objection to the revised scheme, it would be difficult to resist this development for highway reasons alone.

Contamination and other environmental issues

Dedicated areas for trade waste are proposed, hidden from public view.

The site is contaminated. However agreement has been secured by the developer for appropriate solutions as mitigation against this potential risk if contaminants be found during groundwork.

Conditions imposed on the previous application controlled oil, fuel or chemical storage and treatment of surface water. However neither condition was a requirement of Environmental Health and/or Environment Agency. On the basis this scheme involves no new hard standing and that B1 uses are unlikely to involve of oil, fuel, or chemical storage beyond what is controllable under other statutory legislation, re-imposing these conditions is not necessary.

Recommendation

APPROVE for the following reason:
The proposed development is within the built-up area and would help meet the need for additional employment provision and economic and environmental regeneration without detracting from the local environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It would consequently not conflict with the relevant 'saved' policies of the Adur Local Plan AG1, AH7, AE2, AE4, AE15, AE16, AE17 and the planning policies set out in the National Planning Policy Framework

Subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

To comply with Section 91 of the Town and Country Planning Act 1990

2. The development (including all external surfaces of all the buildings) hereby permitted shall be carried out in accordance with the following approved plans:-

   Drawing No. 1009/01 titled Location Plan date valid 14-03-2013
   Drawing No. 1009/02 titled Site Plan [showing coloured car parking] date valid 08-04-2013
   Drawing No. 1009/02 Rev A titled Site Plan Bicycle Covered Stand Details date valid 24-04-2013
   Drawing No. 1009/04 Rev A titled Elevations date valid 08-05-2013
   Drawing No. 1009/03 titled ground floor plan date valid 14-03-2013

For the avoidance of doubt and in the interests of proper planning

3. If during development, any visible contaminated or odorous material, (for example asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

Mitigation of the potential risk shall be done by either pursuing intrusive investigations in order to quantify potential risk or by direct installation of a gas membrane beneath the site, as previously agreed in email correspondence dated 9 May 2013. This will need to be evidenced with suitable photographs submitted to the local planning authority demonstrating correct installation and provision of purchase receipts. Appropriate measures should be taken regarding service pipes etc. during installation and construction.

Reason: As a precautionary measure, to prevent danger to human health and pollution of groundwaters from disturbance to any contamination of the site by the proposed works in accordance with relevant planning policies set out in the National Planning Policy Framework

4. No development or works of demolition shall take place unless in strict adherence throughout the construction period with the Construction Management Plan detailed on Drawing No. 1009/06 titled Site Plan – Construction Management Plan date valid 24-04-2013

Reason: In the interests of highway safety in accordance with relevant planning policies set out in the National Planning Policy Framework

5. No building unit shall be occupied until the car parking and motorbikes/scooters spaces, and cycle storage has been constructed and demarked out on the land in accordance with the approved drawings and agent's email dated 09-04-2013. The car, motorbikes/scooters, and cycle facilities shall be retained for that purpose thereafter.

Reason: To ensure adequate parking provision in the interests of highway safety in accordance with relevant planning policies set out in the National Planning Policy Framework

6. No building unit shall be occupied until the trade waste storage facilities have been provided in accordance with the approved drawings. The facilities shall be retained for that purpose thereafter.

Reason: In the interests of visual amenity and highway safety in accordance with relevant planning policies set out in the National Planning Policy Framework

7. 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.

Reason*:* In the interests of amenity and highway safety in accordance with relevant planning policies set out in the National Planning Policy Framework

8. 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 building shall not be extended or altered externally or any incidental building erected.

Reason*:* In the interests of amenity and the environment in accordance with relevant planning policies set out in the National Planning Policy Framework

9. No loading/unloading of vehicle shall take place on the premises except between the hours of:-

7.00 am and 7.00 pm of the same day Monday to Friday
8.00am and 1.00 pm of the same day on Saturday
Nor at any time on Sundays or Public/Bank Holidays

Reason: In the interests of residential amenity and to comply with relevant planning policies set out in the National Planning Policy Framework

Informative

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.

Case Officer signed: Matthew Porter Date: 9-5-2013

Authorised and signed by: Peter Barnett Date: 9-5-2013