Development Management - Delegated Officer Report

Application Number: AWDM/0877/19 Recommendation – Approve

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

Proposal: Variation of condition 2 of approved AWDM/1132/18 to remove the reference to 'aviation-related uses' to enable general uses within Classes B1, B2 and B8 with ancillary A1 use.

Date of site visit: 13 June 2019

Neighbours checked: Y

Additional neighbour notifications: N

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 in 2018 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*."

Permission was subsequently granted for the variation of Condition 2 to enable aviation-related use of the premises within Classes B1, B2 or B8 with ancillary A1, A3 or other uses (AWDM/1132/18).

The current application seeks to vary Condition 2 of that permission which currently reads as follows:

"*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*."

The application seeks to remove reference to the requirement for aviation-related uses.

The application is accompanied by a Planning Statement and Marketing Report which provides more information on the proposal.

The Planning Statement states that the ground floor of the building is currently occupied by Transair (UK) Ltd, a supplier of pilot supplies. The first floor of the building is currently vacant and has been for some time. Transair wish to relocate their business but have been unable to find a viable occupier/purchaser from the aviation sector. The statement points out that the building does not enjoy direct access to the airfield and there are no openings (other than windows) facing the airfield. The building is not a hangar and was purpose built for B8 use. It has been used for office and distribution purposes which have not needed an airfield location.

The Statement advises that a runway link could be created but it would be expensive to construct and would also require costly alterations to the building. Furthermore, there has been no viable interest from an aviation-related business to justify such alterations.

The Marketing Report confirms that the building has been marketed by Flude Commercial since May 2018. The report advises that Transair are relocating because the building is too large for their requirements, with online sales having reduced the sales team and stock. Instability and uncertainty over the future of the airport also contributed to their decision to leave.

The building has been widely advertised regionally as well as online. Some interest was shown but mainly by non-aviation related businesses. One business involved in flight training was interested but they did not require all of the building. However, the lease prevents sub-letting in part.

The report concludes that there is no viable interest from aviation-related businesses for the application property and the current planning restriction is preventing the property from being sold or let.

Relevant Planning History

L/171/98 - Warehouse with Ancillary Shop & Offices (Including Access Road And Parking)

ADC/0696/07 - Extension to west of warehouse/offices (for use as hangar and offices) NB this application included the provision of a hangar and the construction of a new taxi way to the airfield – it was recommended for approval but ultimately refused, but only due to lack of progress with securing

a sustainable transport contribution and the lack of a satisfactory flood risk assessment

AWDM/0791/18 - Removal of Condition 2 of approved L/171/98/TP storage and distribution of pilots 'supplies (with ancillary shop and office) and for no other purpose within class B8 – refused due to likely negative impact on the operational viability of the airport

AWDM/1132/18 - 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 – approved

Consultations

West Sussex County Council: The **Highways Authority** has no objection.

Adur and Worthing Councils: The **Head of Place and Economy** supports the application if this is an unsuitable space for aviation

The **Engineer** advises that the site is within flood zone 3 and only an appropriate use should be permitted

The **Environmental Health** Officer has no objection

Brighton City Airport Managing Director:

- Shoreham Airport suffers from a lack of fit for purpose aviation buildings, however restricting the planning use on building Unit 29 is not of benefit to Brighton City Airport and the airport operations.

- It is clear that the building has been marketed for some time and whilst we believe demand from aviation occupiers exists at Shoreham, it relates to useable space that is modern and therefore accommodates the requirements of modern aviators – Unit 29 does not provide this and as such we would be content, should the council decide that planning restriction is to be lifted.

- In expressing this opinion we must emphasise that this view is based on the specifics of the building in question (Unit 29) and is not a blanket view that we would automatically apply to other buildings on the airport site – each would have to be considered on a case-by-case basis, were further similar applications to be submitted, as location, accessibility to the airfield and suitability to support aviation activity varies greatly.

Lancing Parish Council: Object as non-aviation use would have a detrimental impact on the operational viability of the Airport

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policies 4, 7, 25
National Planning Policy Framework (February 2019)

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.

While having an airside location, the building does not have any direct access to the airfield and does not have any openings other than windows facing the airfield.

It is important to note that the current Airport Manager has no objection to the removal of the use restriction on this particular building. He is of the view that restricting the planning use on Unit 29 is not of benefit to Brighton City Airport and the airport operations.

He believes that demand from aviation occupiers is for modern useable space which accommodates the requirements of modern aviators. This is not the case with the application property.

In the light of this lack of objection it is considered that it would be acceptable to remove the aviation use restriction on this building as this would not have a negative impact on the operational viability of the airport and would not therefore conflict with Policy 7 of the Adur Local Plan.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for purposes 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.
4. 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.

5. 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.

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 16 July 2019

Authorised by: Gary Peck Date: 17 July 2019