



Planning Committee
24 November 2014
Agenda Item 4

Ward: ALL

Key Decision: Yes / No

Report by the Director for Customer Services

Planning Applications

1

Application Number: AWDM/1453/14 Recommendation – Further information required

Site: West Site, Kingston Wharf, Brighton Road, Shoreham by Sea, West Sussex

Proposal: Consultation by WSCC (County Matter Mineral Application) for use of site in connection with permitted aggregate bagging operation on adjacent site for a temporary period until September 2016 (WSCC Ref: WSCC/073/14/SU).

2

Application Number: AWDM/1508/14 Recommendation – To delegate the Decision to the Planning Services Manager to await the expiry of the Consultation period, with a view to granting planning permission if no new material issues are raised during the consultation period

Site: 25 Cecil Pashley Way, Shoreham (Brighton City) Airport, Lancing, West Sussex

Proposal: Variation of condition 2 of approved application ADC/0132/06 to provide English lessons to foreign students and extend all aspects of aviation training.

3

Application Number: AWDM/1028/14

Recommendation – Refuse

**Site: Unit 7, Chartwell Business Centre, 42 Chartwell Road,
Lancing Business Park, Lancing, West Sussex BN15 8FB**

**Proposal: Change of use from Use Class B1/B8 (Business/Storage or
Distribution) to gym (Use Class D2 Assembly and Leisure).**

4

Application Number: AWDM/1154/14

Recommendation – Approve

Site: 12 Benbow Close, Shoreham by Sea, West Sussex BN43 5RY

**Proposal: Replacement of weather-damaged metal railings to a balcony
with toughened glass panels in a stainless steel frame.**

Application Number: AWDM/1453/14

Recommendation – Further information required

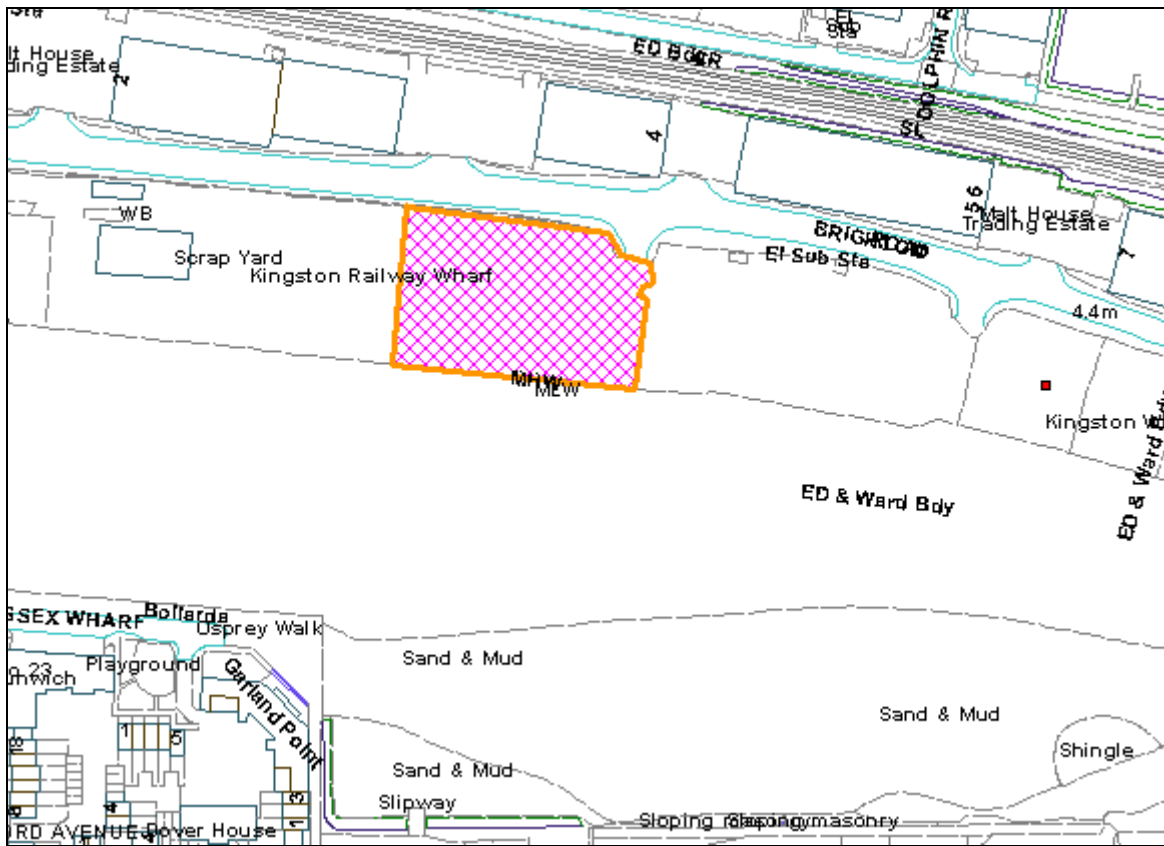
Site: West Site, Kingston Wharf, Brighton Road
Shoreham-By-Sea, West Sussex

Proposal: Consultation by WSCC (County Matter Mineral Application) for use of site in connection with permitted aggregate bagging operation on adjacent site for a temporary period until September 2016 (WSCC Ref: WSCC/073/14/SU).

Applicant: Day Group Ltd

Ward: St Mary's

Case Officer: Peter Barnett



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Proposal, Site and Surroundings

The application, submitted by Day Group Ltd on land owned by the Shoreham Port Authority (SPA), constitutes a 'County Matter' and therefore the decision is made by WSCC and not this Council.

The site (0.44ha) is on the A259 comprising the western part of Kingston Railway Wharf, part of a site formerly used in the 1980s and early 1990s by Pioneer/UMA for aggregates processing and concrete batching, plus part of a wharf to the east used for a variety of temporary storage uses. To the east, is Stamco builders merchants, and on the opposite side of the A259, Travis Perkins builders merchants. On the opposite side of the river there are flats.

A 3 year temporary permission was granted in 2010 for the use of the eastern part of the site for the bagging of aggregates (ADC/0227/10 and WSCC/074/10/SU). This was subsequently renewed in February 2014 for a further 3 years expiring 29 September 2016 (AWDM/1122/13 and WSCC/081/13/SU).

The applicants have recently expanded their operations on to the adjacent western site. This application seeks to regularise the use of that site for the following:-

- Unloading of water borne material from barges and storage of this material
- Loose aggregate storage bays
- A bulk bag storage area and a 25kg bag storage area
- Storage within a container
- Mobile bulk bagging plant used on ad-hoc basis
- 16 car parking spaces
- HGV overnight parking area

The mobile bagging plant has been installed on a temporary basis as its use will be spread across Day Group sites depending on demand, including their sites at Lydd and Southampton. It is expected to be at the Shoreham site for approximately 4-5 months per year. The mobile bagging plant is used to bag 'Vulkatec' which is 'green' roofing material imported to the site by boat.

Site access by road is shared with the existing bagging operations on the eastern site. A temporary bund has been formed along the southern boundary in the form of bulk bags.

A temporary permission is sought to correspond with the temporary consent on the eastern site until 29 September 2016.

The applicants have stated that the application is made without prejudice to the permitted development rights afforded by Part 17B of the GPDO which allows development required in connection with the embarking, disembarking, loading, discharging or transport of goods at a dock, pier or harbour.

Relevant Planning History

WSCC/003/11/SU (ADC/0019/11) - Temporary use of land for the crushing and screening of reclaimed concrete and chipping of timber with associated open storage

of materials and erection of a prefabricated steel-framed shed and portable office building – application withdrawn.

WSCC/074/10/SU (ADC/0227/10) - Proposed erection of a building and associated facilities in connection with the use of the site for the purposes of bagging aggregates – 3 year temporary permission granted until December 2013.

WSCC/061/11/SU (AWDM/0832/11) - Variation of condition 7 to allow HGVs to leave the site between 6am and 7am Mondays to Saturdays - approved.

WSCC/081/13/SU (AWDM/1122/13) - Variation of conditions 1 and 2 of Planning Permission WSCC/061/11/SU to extend temporary period of use for a further 3 years and regularise design changes – approved until 29 September 2016.

Consultations

Under the relevant Regulations, all consultations and publicity are carried out by WSCC.

Adur & Worthing Councils: The **Environmental Health** officer requests that any permission should contain conditions reflecting those in the current bagging plant permission issued in 2010 and additional conditions to ensure stock piles are managed properly to minimise dust from the process. He understands that there are no specific planning conditions for the control of dust contained within WSCC/074/10/SU and the informal dust controls agreed for this site were based on the fact that materials would be stored in enclosed areas.

With regards to the new development, he advises that we can all read what the guidance says, but what is more pertinent to know is how the applicant is proposing to manage dust from stockpiles. His view is that if aggregates are to be delivered by boat and left on quayside, then they should be bagged as soon as possible or moved into bunded areas to prevent wind whipping. Obviously the nature of the aggregate or material will determine the urgency of this matter.

He has no objections to the application and states that these concerns can easily be rectified, but he would prefer that they are agreed now and formalised rather than left to chance.

Relevant Planning Policies and Guidance

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE7, AE8, AE9, AT4

Shoreham Harbour Interim Planning Guidance (2011)

Western Harbour Arm Development Brief (2013)

Consultation Draft Shoreham Harbour Joint Area Action Plan (JAAP) (2014)

West Sussex Minerals Local Plan (WSCC 2003) (saved policies) Policy 36, 40

National Planning Policy Framework (March 2012) Paragraphs 14, 111, 143, 196, 203-206

Relevant Legislation

Section 54(4) Planning and Compulsory Purchase Act 2004 requires the district planning authority to provide a substantive response to a consultation before the county planning authority grant any permission, approval or consent under or by virtue of the Planning Acts. Part 3 of the Town and Country Planning (Development Management Procedure) Order 2010 provides for the duty to respond to consultation and the procedure to be followed.

Before a county planning authority determine an application, they must give the district planning authority time to make recommendations about the manner with which the application shall be determined, and the county shall take any such recommendations into account.

Planning Assessment

Principle

The use of the site for the port-related purposes to which the application relates accords in principle with the Adur District Local Plan because the site is within an area of wharves on the north side of the river which are identified for port-related use under Local Plan policies AE7-9 and AT4. These policies are subject to the environmental effects, including the effects of HGV traffic, being judged to be acceptable.

The draft JAAP identifies this area, the Western Harbour Arm, for residential led mixed use schemes, to include employment uses. The long-term aim is to relocate the existing large industrial and open storage premises, such as this site.

The site is not a 'safeguarded' mineral site. However, paragraph 143 of the NPPF advises local planning authorities to safeguard existing, planned and potential sites for concrete batching and the handling, processing and distribution of aggregate material. Policies 36 and 40 of the West Sussex Mineral Local Plan are consistent with this.

The development forming the subject of the present application is clearly at odds with the type of mixed use largely residential type of development identified in the Harbour Development Brief. However, the application relates to the expansion of an existing business on to the site for a temporary period of 3 years only, to correspond with the existing permission on the adjoining site.

It is recognised that the redevelopment of the area is not a short-term process and that this site and the adjoining ones are unlikely to be suitable for any potential "quick wins". It has to be recognised that actual redevelopment proposals may take a while to achieve and, on balance, the extension of the existing business operations on to this site for 3 years is considered to be reasonable in the circumstances and would not conflict with the implementation of the Development Brief.

Residential amenity

The site is within an area of industrial and commercial activity on Brighton Road. Across the river there are residential properties which have the potential to be affected by dust, noise and intensity of activities. A dust management scheme has been submitted with the application which identifies several potential sources of dust emissions and the need for adequate management controls which rely on water suppression, containment of storage bays and good working practice.

The Council's Environmental Health Officer has requested that further information is provided in respect of how the applicant is proposing to manage dust from stockpiles. His view is that if aggregates are to be delivered by boat and left on quayside they should be bagged as soon as possible or moved into bunded areas to prevent wind whipping. At the time of your officer's site visit, the roofing material, 'Vulkatec' was in stockpiles on the quayside and not in an enclosed area. It is understood that it is not bagged unless the company receive an order for the product. There is some concern that this could cause dust problems in drier, windier weather. The applicants have confirmed, however, that they do use water to suppress dust.

With regard to noise, a noise management scheme has also been submitted. The Environmental Health Officer has confirmed that he has not received any noise complaints since the use began and in his view any noise from the bagging process blends in to the general background.

The proposed operating hours are 7am to 6pm Monday to Friday and 7am to 1pm on Saturdays, with no machinery or plant operating on Sundays or Bank Holidays. HGVs will leave the site to make deliveries between 6am and 7am but they are pre-loaded the day before. All vehicles have 'white noise' reversing sounders fitted which are quieter and less irritating than beeping alarms.

It is therefore considered that, subject to there being effective dust and noise controls in place, the development is not anticipated to result in harm to residential amenity.

Traffic

The site is accessed from the A259 Brighton Road. Bagged aggregates are exported by road. The existing permission on the adjoining site restricts the number of HGV movements to a maximum of 44 each day (22 entering and leaving the site), with a daily average of 34 (17 entering and leaving). It is not clear how many additional HGV movements will arise as a result of the site expansion and it is noted that WSCC Highways have requested further information including confirmation of the proposed traffic movements, as well as a vehicle routing plan. At the time of writing, this information was still awaited. Any recommendation to West Sussex County Council should therefore be subject to receipt of this important information.

Visual amenity

There are no permanent structures on the site and it is largely screened from the road by the existing fence. Bulk bags provide a temporary bund to the riverside.

Flood Risk and Drainage

It is noted from the West Sussex website that Southern Water has objected to the application as the mobile bagging plant is close to the surface water sewer that crosses the site. They have requested that this is relocated. However, subject to its revised position being agreed, the relocation is not expected to result in any increased harm to residential or visual amenity.

The site lies with an area of flood risk and the bags which provide a bund on the southern boundary would result in floodwater that might have flowed across the site being diverted elsewhere. This has not been taken into account and a revised Flood Risk Assessment has been requested.

Recommendation

A number of matters are still outstanding which makes it difficult for the Planning Committee to properly consider the full impact of this proposal within the time constraints for the determination of the application by West Sussex County Council. It is therefore recommended that the final views of this Council be delegated to the Planning Services Manager, in consultation with the Chairman of the Planning Committee.

In the interim, it is recommended that WSCC be advised that further information is required in respect of the number of lorry movements and the routing of those lorries; details of the revised siting of the mobile bagging plant; and details of the revised Flood Risk Assessment before the application can be determined. If satisfactory information is provided then WSCC should be advised that no objection is raised to a temporary permission being granted until 29 September 2016 subject to the imposition of conditions that include requirements to comply with the submitted Noise and Dust Management Schemes with further consideration given to requiring 'Vulkatec' to be bagged or stored in enclosed areas within a reasonable timeframe after delivery to the site, including limitation of working hours to 7am-6pm Mon-Fri and 7am-1pm Saturdays, with pre-loaded HGV's allowed to leave the site between 6am and 7am Monday-Saturday and control over the number of lorry movements.

Application Number: AWDM/1508/14

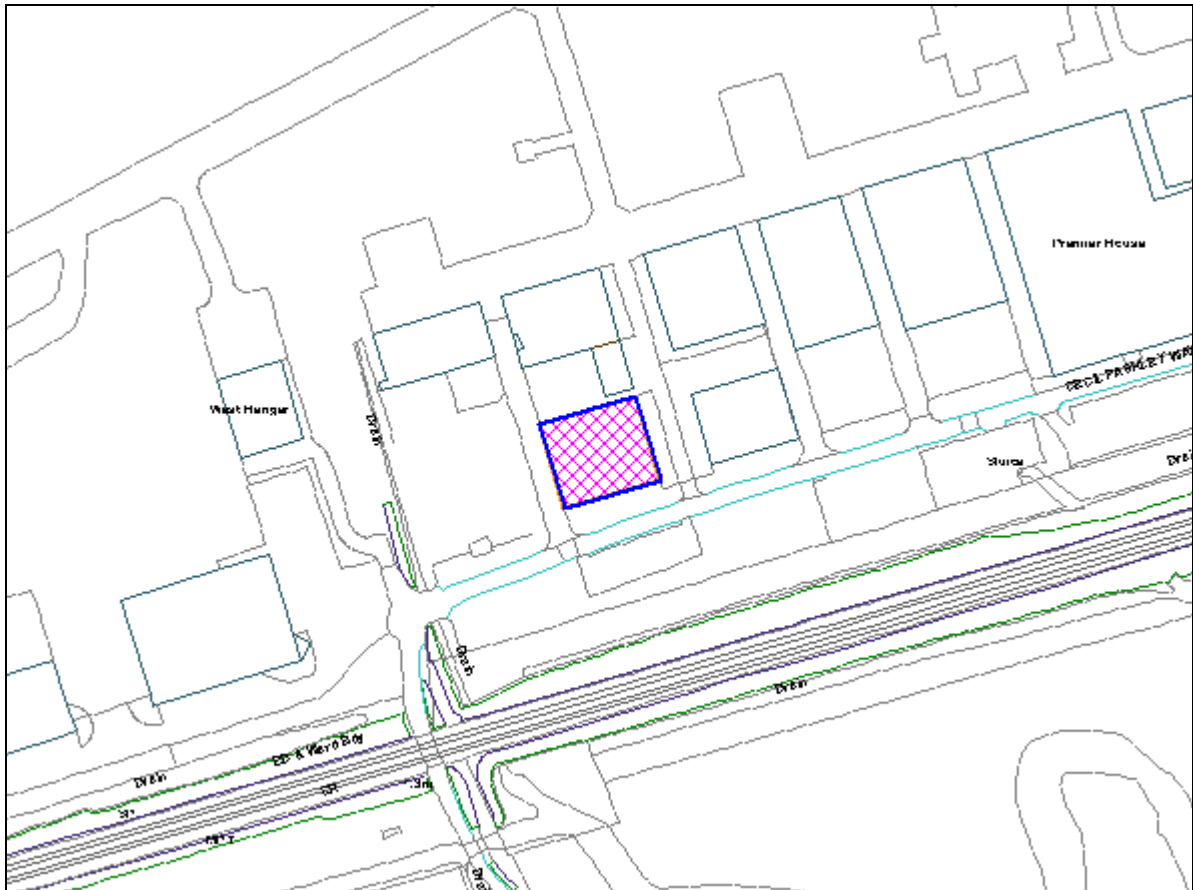
Recommendation – DELEGATE
with a view to granting
planning permission

Site: 25 Cecil Pashley Way, Shoreham (Brighton City) Airport,
Lancing

Proposal: Variation of condition 2 of approved application ADC/0132/06
to provide English lessons to foreign students and extend all
aspects of aviation training

Applicant: Mrs Jacqueline Verrall
Case Officer: Gary Peck

Ward: Mash Barn



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Proposal, Site and Surroundings

This application seeks full permission for the variation of condition 2 of the permission approved under reference ADC/0132/06 to provide English lessons to foreign students and extend all aspects of aviation training.

The application site consists of a currently vacant industrial unit at Shoreham Airport. The unit sits towards the western end of the airport, just to the east of the New Salts Farm Road entrance to the Airport which runs underneath the railway line. The unit faces the access road and is not directly facing onto the airfield as there is another line of units immediately to the north. The application site is therefore located within a range of other industrial units, with the nearest residential properties being located to the south on the other side of the railway line.

Relevant Planning History

The unit was constructed in the mid 1990s. Permission was granted in 2006 for the change of use from aircraft hangar/workshop to air traffic-control training premises with alterations including viewing platform/tower above roof, mezzanine floor and additional windows (ADC/0132/06). A condition on the permission restricted the use of the building to air traffic training control purposes only.

Consultations

Economic Development comment: The Regeneration Manager comments that,

‘Economic Development has been working with English Language Homestays since February 2014, to try to identify a suitable new premises for this business in Adur. Unfortunately we have only been able to identify temporary accommodation in Adur, but no long term solution has become available to ensure that this business could remain in Adur and continue providing income to Adur host families.

This application seeks to extend condition 2 of the previously approved application ADC/0132/06, to include all aspects of aviation training and English lessons for foreign students, to meet current market demand. Economic Development note that the variation of condition 2 applies to the ground floor of Unit 25 and Economic Development are keen to encourage a dedicated aviation related business to occupy the rest of the building. Economic Development also note that this variation applies to an non-airside unit.

Economic Development therefore supports this application.’

Any comments from consultees will be reported verbally at the meeting.

Representations

Any representations will be reported verbally at the meeting.

Relevant Planning Policies and Guidance

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AT9, AE10-14

Draft Policy 7 of the emerging Local Plan

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

Shoreham Airport is located outside the built-up area and is subject to saved policies AT9 and AE10-14 which allowed for the limited development of sites within an identified development area for Enterprise Workshops in accordance with the objectives of a Business Development Plan for Shoreham Airport to help overturn an operating deficit. Policy AE10 and the supporting text (paragraph 10.67) make it clear that priority will be given to uses which require an airport location because of the nature of the individual business concerned and subject to 'local access and environmental considerations'.

AE12 states that conditions will be imposed to restrict usage to the specific purposes applied for and AE14 relates to noise from industrial processes.

Draft Policy 7 of the emerging Adur Local Plan states that within the existing developed area located at the southern end of the Airport, new development for aviation related B1, B2 and B8 uses, as well as other appropriate ancillary employment generating uses will continue to be supported. Existing B1, B2 and B8 uses will be protected. Non-aviation related uses will only be permitted in exceptional circumstances where it can be demonstrated there are significant regeneration benefits. Appropriate aviation-related training uses will also be supported in this location.

English Language Homestays are the proposed occupiers of the building and are a local training company primarily based in Shoreham and Lancing providing English lessons for a range of industries. The company has been located recently in Adur Civic Centre which is only a temporary solution pending the sites redevelopment. The Company, with the assistance of the Council's Economic Development officers has been searching for alternative premises but have been unable to secure anywhere in the local area. The applicant states that the only premises which has come forward to meet its needs is the current application site.

Based on the current business, the company cannot be said to fully comply with the requirements of the policy to be an aviation related business and as such the proposal is contrary to planning policy.

There are, however, several factors that also need to be taken into account. The building itself is vacant and there appears to have been opportunity for an aviation related business to take possession of the building if so required. It is perhaps one of the less attractively located buildings for an aviation related building being located to the western end of the airport and not directly facing the airfield itself.

The Economic Development has been seeking to assist the business in finding alternative premises but this has been unsuccessful and therefore in essence this is a local business with no premises to relocate to in the short-term. Notwithstanding the situation, and having regard to the policy, this is a situation that could be repeated with a number of non aviation related businesses in the area and could set a precedent for occupation of a number of units on the Airport on a similar basis.

The applicant is aware of the policy restriction and has stated that she is looking to expand the business into the Aviation industry. The supporting information submitted with the application states that the company already offers training in Aviation English skills over a fairly intensive programme and some of those undertaking the training have specific aviation careers in mind. However, it is further stated that with its presence on the Airport, this area of the business could significantly expand.

It is understood that the Company only requires the ground floor of the building at present and therefore the opportunity remains for a company with more direct links to the aviation industry to occupy the rest of the building.

On balance, therefore, although there is at present a policy conflict with the nature of the business being operated at the moment, it is quite likely that the company will be able to develop closer links with the aviation industry. It is quite clear in any case, that the company is in a difficult short-term situation with no other premises to relocate to, despite attempts to find alternative buildings to relocate to. The potential loss of the company is considered have more far reaching implications than the conflict with policy that may occur in this instance and therefore it is recommended that planning permission be granted.

Recommendation

To delegate the Decision to the Planning Services Manager to await the expiry of the Consultation period, with a view to granting planning permission if no new material issues are raised during the consultation period and subject to the following conditions:

- 1) Standard time limit
- 2) Development in compliance with approved plans

- 3) Ground floor of the premises to be restricted to the provision of English lessons to foreign students including lessons based around training purposes related to the aviation industry

24th November 2014

Application Number: AWDM/1028/14

Recommendation – REFUSE

Site: Unit 7 Chartwell Business Centre, 42 Chartwell Road
Lancing Business Park, Lancing, West Sussex, BN15 8FB

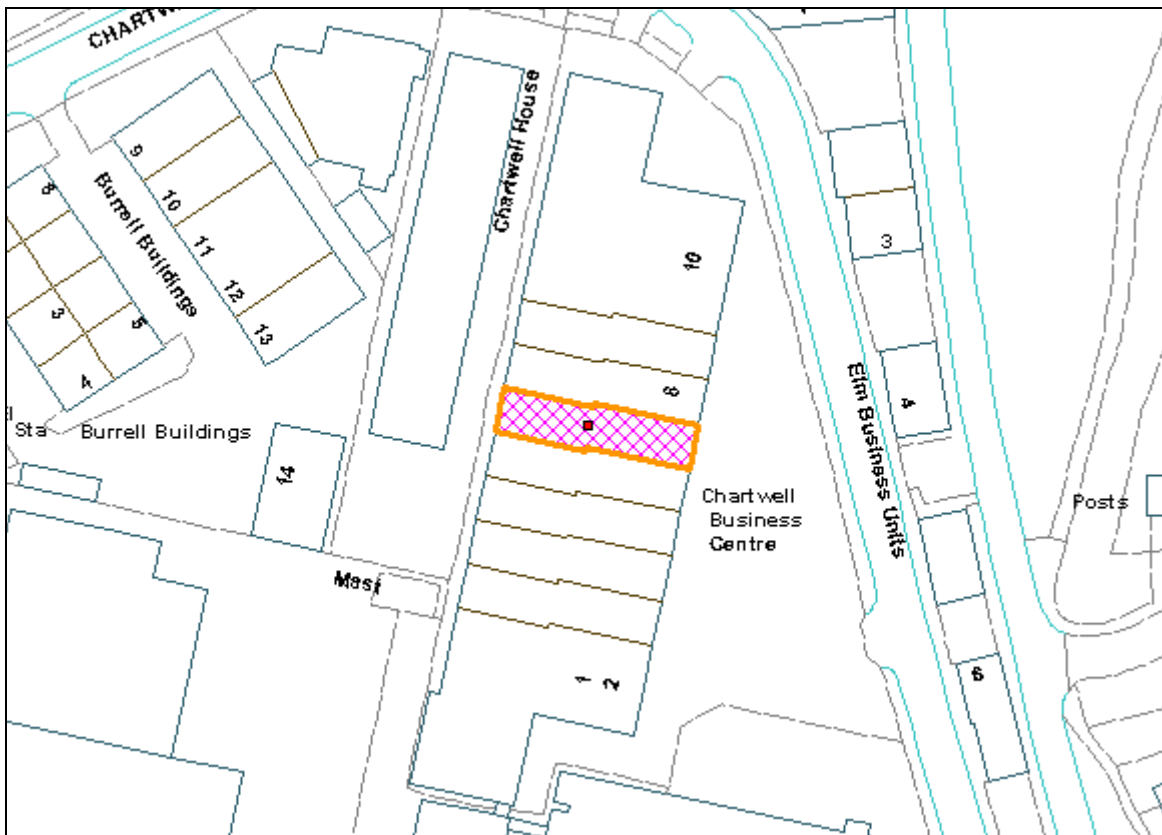
Proposal: Change of use from Use Class B1/B8 (Business/Storage or Distribution) to gym (Use Class D2 Assembly and Leisure).

Applicant: Mr Neil Donohue

Ward: Churchill

Case Officer:

Peter Barnett



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Proposal, Site and Surroundings

The application relates to a business/storage unit (Class B1/B8) within the Chartwell Business Centre on Lancing Business Park. It has a floor area of approximately 380sqm and it is proposed to convert it to a gym (Use Class D2). The unit has 5 designated parking spaces in front of the unit within a larger car park comprising 67 spaces which are used by other units within the Business Centre (61 marked spaces and 6 additional spaces available at the end of the aisles).

The supporting information submitted with the application suggests that the gym would not be a mainstream gym but more of a weight training facility. Unit 10 within the Business Centre is occupied by Wickers Gym, which specialises in providing gymnastics sessions for children. The other units are in industrial use.

Relevant Planning History

ADC/0480/06 - Alterations to convert factory into 11 units for Class B1/B8 purposes – Approved June 2007

ADC/0383/08 - Change of use from Class B2 industrial to gymnastics facilities (D2) (Unit 4) Approved September 2008

ADC/0305/10 - Change of use from Class B2 industrial to gymnastics facilities (D2) (Unit 10) Approved November 2010 (subject to cessation of D2 use at Unit 4)

ADC/0306/10 - Change of use of Unit 4 from gymnastics facility (Class D2) to light industrial (Class B1) Approved September 2010

AWDM/0940/13 - Change of use of unit 7 to children's soft play centre. Withdrawn November 2013

Consultations

West Sussex County Council: No objection from a transport/highways aspect. Having assessed the applicant's parking review, which gives a better indication of potential vehicle movements to the site, it would appear that the peak demand for this proposed use is likely to be in the evening after 6.00 pm, which is unlikely to be in conflict with the other uses on the business park which would predominantly be during the day up until 5.30/6.00pm. Some on street parking could occur as a result. There are in any case comprehensive parking restrictions in place along Chartwell Road which should prevent parking in areas that may cause a highway safety issue.

Adur and Worthing Councils: The **Economic Development Officer** strongly objects. Lancing Business Park is the main employment location for Adur, with more than 200 companies based on the park. She has compared the updated Adur Commercial Property Register for Autumn 2014 data with that of Autumn 2011 and found that the total number of available industrial units has reduced by 62.5% down to 18 units compared with 48 in Autumn 2011.

The number of units between 3,501sq ft to 5,000 sq ft has reduced from 10 down to 5 units and the number of units between 10,001 sq ft to 20,000 sq ft has reduced from 9 down to zero units currently available within this size bracket in Adur. Economic Development have now viewed Unit 7 and have identified the potential for this unit to be joined with the vacant Unit 8 and 9, to provide a 15,000 sq ft industrial unit, which would help to fill this current gap in Adur's industrial market.

It is important for the local economy that there is a range of available industrial units in Adur to enable indigenous industrial companies to expand and to encourage inward investment to support our local supply chain. Economic Development therefore objects to this application for change of use to D2 and is now working with the landlord to help identify an industrial occupier for one or more of these high quality industrial units.

The **Environmental Health Officer** has no objection.

Lancing Parish Council: Committee objected to this application as this was a reduction in the number of business units in an area intended for manufacturing type industry which should be resisted.

Representations

1 letter of objection received from the Lancing Business Park Co-ordinator on the grounds that the proposal is against what the Business Park represents. It would result in a loss of valuable employment space. We are actively seeking to retain units for industrial use due to severe lack of commercial units on the business park. Proposal will result in excess traffic entering and exiting the property into the one way system. There is a lack of parking facilities at the property. Vehicles will park on the highway and cause an obstruction.

1 letter received from the property managers for Chartwell Business Centre explaining that the landlord has spent a considerable sum of money refurbishing the property to a very high standard, completing an overhaul of the site in 2009. It now contains 11 units and is one of the most attractive buildings on the estate. Due to the recent recession, slow economic recovery and very high rates levied on the units, four of the units have proved impossible to let despite intensive marketing and the offer of very generous rent incentives. Units 5, 7, 8 and 9 have never been fully occupied, with only temporary tenants. Over past 18 months, they have been approached by 3 different parties keen to rent the units for non-business uses. Wickers Gym is a great success story, gaining recognition and funding from Sport England. They would like to rent the adjoining unit (Unit 9) in order to increase and diversify their gym equipment. However, both Wickers and the gym proposed for Unit 7 have come up against planning objections, relating to inadequate parking and increased traffic. These units have stood empty for so long despite marketing. They should be used to bring more life and employment to the area rather than standing empty and unused which does nothing to enhance the ambience of the business park.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE2, AE4

Proposed Submission Adur Local Plan (2014) Policy 26

National Planning Policy Framework (CLG 2012)

West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)

Relevant Legislation

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The site is located within Lancing Business Park which is subject to policies AE2 and AE4 of the Adur Local Plan which support B1 and B2 uses (as well as B8 uses where a development is comprised of a mix of uses). The policy does not support any other uses and is inflexible in this regard. Policy 26 of the Proposed Submission Adur Local Plan also protects Lancing Business Park for B1, B2 and B8 uses with no flexibility for other uses. This policy will gain increasing weight in decision-making as it has recently been approved by the Council for submission to the Secretary of State for Communities and Local Government for examination in public.

One of the key objectives of the NPPF is to secure and support economic growth. It states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and land allocations should be regularly reviewed. The Adur Employment Land Review (2014) found that existing employment areas in Adur are reasonably well occupied and any loss of employment land to other uses is likely to have a detrimental impact on the economy in the longer term. There is a limited amount of employment floorspace in Adur and the retention of existing business units for B1, B2 and B8 purposes is considered to be essential to sustaining economic growth.

The application is not accompanied by any marketing report, although the letter from the property manager did include a letter from Michael Jones Commercial. That letter confirms that they are one of eight commercial estate agents appointed in 2007 to market the units by use of a marketing board on the unit and at the entrance to Chartwell Business Centre, a colour brochure was produced and they appeared on the Michael Jones website, plus 200 contacts on their database were sent details of the property. Rents were reduced from £8 per sq ft to £6 per sq ft but despite this marketing there has been very little interest shown from industrial users. Various gym operators did express interest though.

However, the Council's Economic Development Officer strongly objects to the proposal and considers that the unit should be retained for industrial purposes, in accordance with the saved policies of the Local Plan. The previous permissions

should be seen as exceptions and do not set a precedent, particularly in view of the strong policy support for retaining industrial uses on this estate. It should be noted that the current permission for Wickers Gym was for the relocation of the existing successful gym from another unit on the estate with the vacated unit reverting to business use (ADC/0305/10). The gym was originally allowed as an exception only because it was seen as providing a valuable community facility for those children wishing to train competitively as gymnasts, and was supported by the Council's Wellbeing team and British Gymnastics.

The current proposal, by contrast, is for a weight-lifting gym with limited community benefit. It is not considered that there are compelling circumstances to allow an exception to planning policy in this case. The retention of the business accommodation for business purposes is more important for the economic growth of Adur and Worthing.

Economic Development have viewed Unit 7 and have identified the potential for this unit to be joined with the vacant Units 8 and 9, to provide a 15,000 sq ft industrial unit, which would help to fill a current gap in Adur's industrial market. Furthermore, they are now working with the landlord to help identify an industrial occupier for one or more of these high quality industrial units. On this basis, the current application for a change of use to a gym cannot be supported in principle as there would appear to be a reasonable prospect of the site being used for industrial purposes in the future.

The applicants have referred to 4 full time staff and 2 part-time staff proposed to be employed in the gym. While this is commendable, the principle of allowing non industrial (B1, B2, B8) uses on the estate should be resisted for the reasons outlined above. To allow this current application would make it very difficult to resist the loss of other units to non-business uses in the future.

Accessibility and parking

The applicants have also had a Car Parking Demand Study prepared by transport consultants. Using TRICS data it is estimated that a typical gym would generate a maximum parking demand of 13, which would occur during the early evening, with an average demand of between 4 and 6 during the day. The applicants would like the proposed gym to be open between 6am and 11.30pm every day. It would have a membership of approximately 100 who would attend on average 3 days a week, staying for an hour each time.

Only 5 parking spaces can be provided on the site during normal daytime working hours. The applicants have stated that they will target people who work on the business park who would be able to walk to the gym and will not therefore generate additional traffic or parking demand during the day. During the evening, the car park is likely to be less full and gym members would be likely to be able to park safely without adding to congestion in the Business Park. Furthermore, the site is in a relatively sustainable location and non-car modes of transport are available.

A survey of the existing car park use has been carried out by the consultants which found that there was a maximum total parking demand of 55 (leaving 12 spaces available) at 10.30am. At other times the parking demand was between 40 and 50, reducing to between 25 to 40 in the late afternoon. With the proposed use in operation, it is anticipated that the maximum total demand within the Chartwell Business Centre car park would occur between 4pm and 5pm with 62 vehicles parked. This would leave 5 spaces available which is expected to be sufficient to accommodate gym members.

The consultants' report also refers to Wickers Gym which has a similar operating profile to that proposed by the applicants, with peak demands at the start and end of the day, which is complementary to those of the existing units on the site. The operators of Wickers Gym have written a letter confirming that there have not been any parking problems, with members parking in the public car park opposite Manhattan Furniture if all spaces are occupied. However, at weekends and evenings, when most of the gym's activities take place, there are no parking problems.

Based on the findings of the parking demand study, West Sussex Highways have not raised an objection to the proposal.

Recommendation

REFUSE for the reason:-

1. The local planning authority is not satisfied that no effective demand exists or is likely to exist in the future to use the building for employment generating activities. Consequently, the proposed change of use of the unit to a non-business (Use Class B1, B2, B8) use would reduce the number of available business units and is likely to have a detrimental impact on the local economy in the longer term, contrary to saved policies AE2 and AE4 of the Adur District Local Plan, Policy 26 of the Proposed Submission Adur Local Plan 2014 and the relevant paragraphs of the National Planning Policy Framework which seek to support sustainable economic growth.

Application Number: AWDM/1154/14

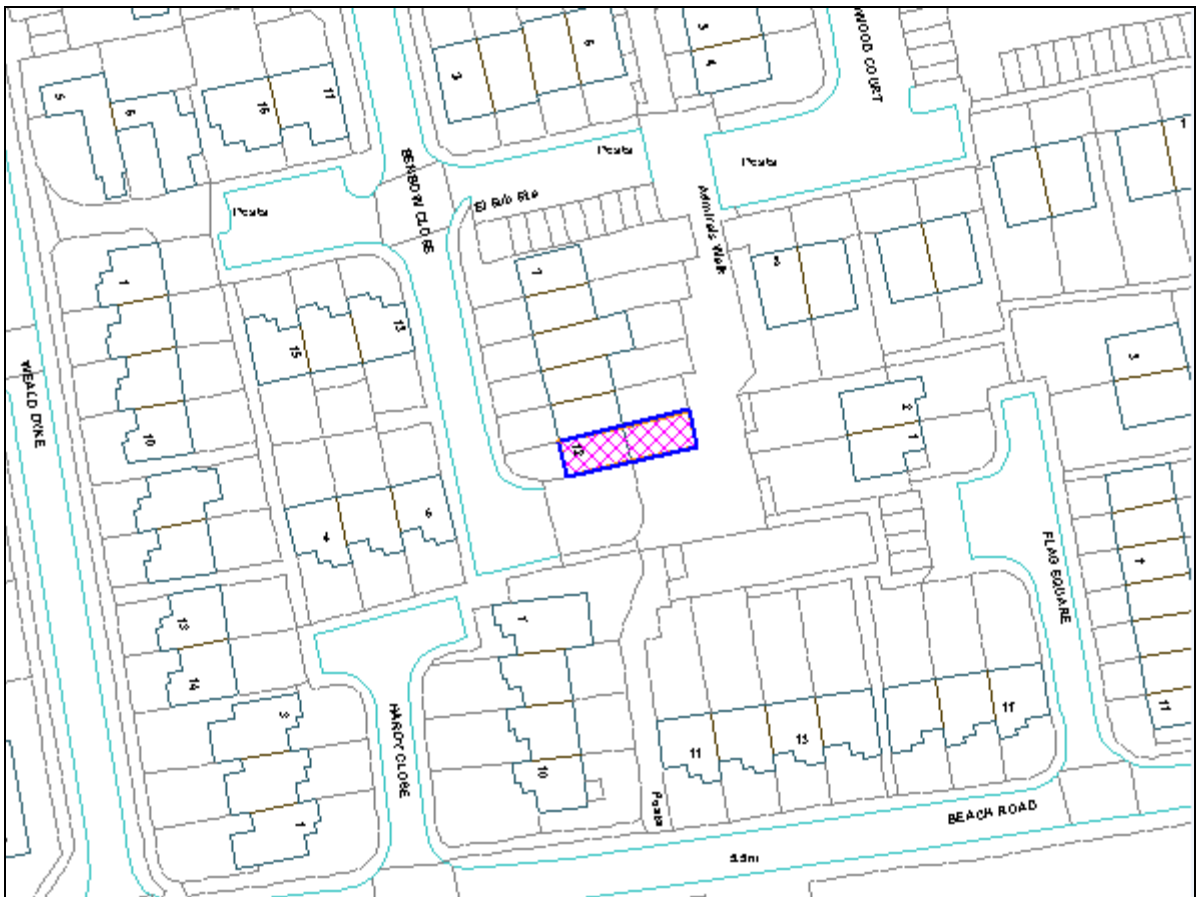
Recommendation – APPROVE

Site: 12 Benbow Close, Shoreham-By-Sea West Sussex BN43 5RY

Proposal: Replacement of weather-damaged metal railings to a balcony with toughened glass panels in a stainless steel frame

Applicant:
Case Officer: Gary Peck

Ward: Marine



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission for the replacement of existing metal balcony railings with toughened glass panels in a stainless steel frame.

The application site is the southernmost of a group of 3-storey townhouses facing to the west in Benbow Close which is located on Shoreham Beach. The subject property forms part of a group of 6 townhouses all with metal railings, some of which are showing signs of wear and tear, most likely through weather damage.

The more general character of the area is mixed, and in terms of balcony designs there are differing examples across the Shoreham Beach area.

Relevant Planning History

There is no planning history directly relevant to this property, but members should be aware of an appeal decision at 7 Hardy Close which is visible from the application site to the south west. An application for a replacement balustrade to the existing balcony on front elevation with stainless steel posts and opaque panels was refused and dismissed at appeal (AWDM/0113/14).

Consultations

None required

Representations

No letters were received in response to the public consultation process, but 5 letters of support were received with the application from the other 5 property owners in the row of 6 dwellings in which the application site is located.

The letters of support state that the design and material for the balconies is now 40 years old and has reached the end of its life. The damaging effect of the weather has meant that the railings have become an eyesore and weakened their structural integrity. The design of the proposed balcony is similar to that used on the Adur Ferry Bridge and therefore will enhance the character of the area. Each of the letters indicates that if this application is approved, then the remaining property owners in the row will seek to make their own application.

Relevant Planning Policies and Guidance

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7
Development Control Standard N.03 Extensions and Alterations to dwellings

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

In principle, there is no objection to the refurbishment or upgrading of the existing housing stock within the defined built-up area but, as with any application, this is suitable to the proposal maintaining or enhancing the visual character of the area.

Relevant appeal decisions are a material consideration in the determination of planning applications. In respect of this application, member's attention is drawn to an appeal decision at nearby 7 Hardy Close which is less than 25 metres away from the application site. Indeed, because of a pavement cut through between Hardy Close and Benbow Close, it is possible to stand in front of the Hardy Close property and view the current application site in the background.

The Hardy Close application sought permission for the erection of a replacement balcony with stainless steel posts and toughened glass panelling in a road characterized by metal balconies, albeit that the balcony serving this property had been removed at the time of the application.

The application was refused under delegated powers for the following reason:

'The proposal, by reason of its design and use of materials, would be out of keeping with the existing architectural form of the balconies in the rest of the terrace. It would be detrimental to the locally distinctive qualities of the street scene by disrupting the visual cohesion and uniformity of the terraces within it. If permitted, the local planning authority would find it difficult to resist similar proposals related to the other properties in the cul-de-sac, the cumulative effect of which would be to harm the character and appearance of the area. The proposal is therefore contrary to saved Adur District Local Plan Policy AH7 and the relevant planning policies set out in the National Planning Policy Framework.'

The applicant subsequently appealed the decision but the appeal was dismissed. The comments of the Inspector in dismissing the appeal included:

'The properties date from the 1960s and the materials used in the construction of the balconies are therefore approaching the end of their useful life... The proposal seeks to replace the existing metal railings with stainless steel posts and opaque glass panels. In the context of the consistent design and appearance of the existing balconies, the introduction of a different style and materials would be highly visible from the remainder of the street. The use of opaque panels would introduce a sense of enclosure to the balcony, increasing its visual prominence in relation to the host property and the surrounding area. In my view this would appear incongruous and would be disruptive to the repetitive features that characterise this residential estate. On my site visit I saw that in some places other balconies have been replaced. The introduction of new elements such as thicker posts, different materials and even modest changes to the height of the panels has affected the appearance of individual buildings with adverse consequences for the terraces as a whole...I therefore conclude that the proposed replacement balcony would be harmful to the character and appearance of the host property and the surrounding area. It would be contrary to

saved Policy AH7 of the Adur District Local Plan, which requires the design and materials used in alterations to dwellings to be sympathetic to the both the original building and the area in general.'

Since this application also seeks a stainless steel framed balcony with toughened glass, there are clear comparisons with the scheme dismissed at appeal. The application site sits within a terrace of 6 properties, all with metal railings, and therefore the potential for disruption to the repetitive features that characterises the area which the Inspector talks about in the appeal decision clearly has the potential to occur here. Indeed, as the Inspector referred to the 'estate' in her appeal decision, and given that the current application site is so close to the site that she was [previously considering, it would be reasonable to assume that she was aware of the character of Benbow Close and other surrounding roads in coming to her decision.

As such, therefore, were members minded to follow the appeal decision in their consideration of this application, they would be quite entitled to do so.

Since the appeal decision, though, local residents have contacted officers regarding the issue of replacement balconies on the beach. It is quite clear, as acknowledged by the Inspector, that many of the balconies on the area have indeed reached the end of their useful life and need replacing. Moreover, it is quite clear that a number of balconies on Shoreham Beach have been replaced, many without planning permission, and most often with the type of materials proposed under this application. The case officer has looked at the Beach as a whole to assess the issue and walked the surrounding roads with the applicant and other interested residents and has found that in many cases it would be difficult to justify enforcement action in respect of the seemingly unauthorized balconies.

There are also examples of applications for toughened glass balconies being permitted where applications have been submitted, such as at 11 Beach Road, which is a little further to the south of the application site. In this application, submitted prior to the Hardy Close appeal decision, the officer noted in his report that the row of dwellings in Beach Road had 'existing variations across the row of houses including garage door colour, soffit design and window configuration which, like the proposed changes, afford individuality without disruption to the basic and prevailing design concept of the row.'

The row of 6 properties in Benbow Close also has differences that affect their uniformity. 4 of the properties have converted their ground floor garages for example, so there are windows instead of garage doors at ground floor level. 2 of the properties have brick frontages at ground floor level instead of the prevalent weatherboarding and one of the central properties in fact has part brick at first floor and second floor levels as well.

The replacement of the metal railings with a glass balcony will further erode this symmetry, although it seems likely that the other residents in the row are awaiting the decision on this application and are quite likely to submit similar applications themselves if it is permitted. Certainly, some form of replacement will be needed for most

of the balconies soon. In that respect, and drawing the design approach at the Adur Ferry Bridge as a distinction, your officers feel that there is some justification for the application and it certainly appears to be supported by local residents. In your officers view, the disturbance to the symmetry of the row is not so great that such significant visual harm would occur to justify a refusal of the application. (Referring back to the Hardy Close decision, there are differences between the individual properties in that road and so members should be mindful that the Inspector in that case did feel that a change in balcony would disturb the remaining symmetry to such an extent that a refusal of permission could be justified).

In conclusion, your officers feel that on balance, and notwithstanding the previous appeal decision at Hardy Close, a grant of planning permission could be justified.

Recommendation

To GRANT planning permission 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.
Reason: To comply with Section 97 of the Town and Country Planning Act 1990.
- 2) No development shall be carried out unless and until a schedule of materials and finishes of the proposed balcony has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.
Reason: In the interests of visual amenity saved policy AG1 or AH2 of the Adur District Local Plan
- 3) The development shall be carried out in accordance with the approved plans

24th November 2014

Local Government Act 1972 Background Papers:

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
 - to promote a clean, green and sustainable environment
 - to support and improve the local economy
 - to work in partnerships to promote health and wellbeing in our communities
 - to ensure value for money and low Council Tax

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.