



Appeal Decision

Site visit made on 14 November 2023

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2023

Appeal Ref: APP/Y3805/W/23/3327190

Former Albion Street Lorry Park, Albion Street, Shoreham Port, Brighton BN42 4EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Philip Offer, Safestore Properties Ltd, against the decision of Adur District Council.
 - The application Ref AWDM/1856/21, dated 1 October 2021, was refused by notice dated 7 February 2023.
 - The development proposed is Erection of self-storage warehouse (Use Class B8) with associated parking, circulation and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of self-storage warehouse (Use Class B8) with associated parking, circulation and landscaping at Former Albion Street Lorry Park, Albion Street, Shoreham Port, Brighton BN42 4EN in accordance with the terms of the application, Ref AWDM/1856/21, dated 1 October 2021, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. During the appeal, the appellant submitted a legal agreement made as a Deed pursuant to section 106 of the 1990 Act and imposing obligations on the site (s106 agreement). I have had regard to it in reaching my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed use of the site would be acceptable with regards to development plan policies.

Reasons

Character and appearance

4. Formerly used as a lorry park, the appeal site forms a reasonably large, unused expanse of hardstanding surrounded by a metal crash barrier. It is located within a relatively built-up area which, although including some residential accommodation, is dominated by numerous commercial/industrial buildings, features and uses, and these form the site's setting. With built form in this area including various functional-looking buildings and port infrastructure, the

appearance of the surrounding area is commensurate with its commercial/industrial character. Although the scale of built form does vary, many buildings in the locality are also of a relatively substantial size, including several large industrial sheds and the tall blocks of flats to the east and west of the site. Fronting Albion Street (the A259) and adjacent to the narrow Victoria Road, the site is prominently positioned and visible in various public views. However, despite being set within an industrial area, its appearance and vacant nature detracts from the surrounding area.

5. Despite the proximity, the residential area to the north is physically and visually separated from the site by the railway line embankment, which provides a clear divide between the different areas' characters, scales and appearance. However, views of the built environment to the south of the railway line are available through the railway bridge. Some tall industrial-type features, the upper sections of the new block of flats and, what appeared on my site visit to be the top parts of the generator equipment adjacent to the embankment are, for example, also visible above the railway line from Victoria Road. The industrial character and greater scale of development to the south of the embankment is therefore discernible from the other side of the railway line, including from the residential area along Victoria Road.
6. The proposed development would introduce a large, functional-looking building with a greater height than much surrounding built form, including existing buildings to the east and on the opposite side of Albion Street. However, given its setting and the appearance and relatively large size of much surrounding built form, its design (including external facing materials), scale (including footprint and height) and overall bulk would suitably relate to its surroundings. Its set back from the site's boundaries and its façade treatment, including architectural detailing and articulation, help to break up its mass and mean that the building would not read as an unacceptably dominating or plain, box-like feature in the locality. Its height would also not be unacceptable in relation to building heights along Albion Street and the building would form part of the transition along it. In coming to this view, I have taken into account that the new residential block to the west has greater articulation, variation and visual interest than the proposed building.
7. In addition, the proposed development would introduce soft landscaping and reduce the area of hardstanding on the site, remove the crash barrier and extend the low flint wall along the western side of the building. It would also screen the somewhat unsightly generator equipment to the rear of the site. Despite the proposed fencing, the appeal proposal would therefore positively contribute to the street scene.
8. As per the submitted evidence, including the verified views, and as I observed on my site visit, the building would be visible from numerous points. This includes clear, unimpeded public views from the section of Victoria Road bounding the site, for some distance in both directions along the Shoreham-Brighton coast road, and from the railway line. Views of the building between existing built form and above the railway line would also be possible in the surrounding area. This includes from points on (and near to) Victoria Road to the north, particularly in the area closest to the railway bridge, and from some nearby properties. Although longer distance glimpses may also be possible, such as from/around Southwick Green and further along Albion Street, the increasing degree of separation and presence of intervening features means

that any such views would be, at most, very limited. However, given the site's context, the visibility of various industrial features in the wider area and my above findings, the proposed building would read in all such views (including from the residential area to the north) as a congruous feature with an acceptable appearance and scale that would suitably relate to its surroundings. Irrespective of how visible it would be from them, the appeal proposal would therefore also not harm the setting of the nearby Kingston Buci Conservation Area or the further away Southwick Conservation Area. In coming to this view, I have taken into account that the industrial area is not a purpose-built commercial zone, that the trees along the railway line are not in leaf all year and their size/number may continue to be reduced in future.

9. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with Policy 15 of the Adur Local Plan 2017 (ALP) and Policy SH9 of the Shoreham Harbour Joint Area Action Plan (JAAP). Amongst other aspects, these expect development to be of a high architectural quality, demonstrate a high standard of design that enhances the visual quality of the environment, and to respect and enhance the character of the site and surrounding area. The proposal would also be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed places.

Use of site

10. With the site being located in the Shoreham Harbour Regeneration Area (SHRA), several development plan policies are relevant to the acceptability of the proposed use. Amongst various other aspects, ALP Policies 4 and 8 and JAAP Policy SH3 seek to deliver a minimum of 16,000m² of employment generating uses in this area. The site is also identified in the JAAP and included as a priority for the Harbour Mouth area, with Policy CA6 identifying that options for alternative uses of the site will be explored and the supporting text setting out that this includes relocation of existing SHRA businesses.
11. Given its former use as a lorry park, the site did not previously provide an employment use and the development proposed, whilst not creating a significant employment generating use, would provide employment equivalent to approximately three full time employees. The appeal proposal does therefore constitute an employment generating use. In any event, the appeal proposal would provide an alternative use of the site and, as acknowledged by the Council, policy neither requires an employment use on the site nor sets out a specific level of employment to be provided.
12. It has been put to me that redevelopment of the area is leading to former industrial uses being relocated and that the site would be suitable for existing businesses to move to, with one business being interested in such a move. Although the proposed development would not relocate a business from elsewhere in the SHRA, there is no policy requirement or expectation for this, and the supporting text does not refer to the relocation of such businesses as the only alternative use for the site.
13. Accordingly, irrespective of whether the proposed development would make best use of the site, the proposed use would be acceptable and accord with the above development plan policies relating to uses of the site and employment generating uses in the SHRA. The presence of other existing and recently

approved storage facilities in the locality, the previous uses of the site and surrounding area, and the need for more homes and space for other employment (including start-up business) and training opportunities do not lead me to a different view. With the available evidence indicating that much of the storage provided would likely be used by businesses, the appeal proposal would also support existing local businesses and in-direct employment.

Other matters

14. The s106 agreement submitted with the appeal includes, amongst other aspects, an obligation covering a financial contribution towards transport projects in the locality. The available evidence indicates that this accords with the development plan and that the obligations within the s106 agreement are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to it. Accordingly, I find that the obligations in the Deed meet the relevant tests in the Framework and the requirements of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Collectively, they therefore constitute a reason for granting planning permission in accordance with Regulation 122 of the CIL Regulations.
15. A number of other matters have been raised by interested parties and I have taken them all into account. This includes: the building's overall floor space and the potential future introduction of mezzanine floor space; inaccuracies in the plans and other documents, including regarding floor levels and the building's height, the actual number and size of trees in the locality, and existing properties not being shown; land contamination; lack of consultation with residents; harm to the living conditions and mental health of existing residents, including with respect to privacy, air and light pollution, noise disturbance, personal safety and security, and loss of daylight, sunlight and outlook; the Daylight and Sunlight report not including an accurate assessment of the size of existing properties; the proposed building appearing as an imposing feature on Victoria Road and exacerbating fly-tipping and vandalism; the need for more landscaping; existing trees along the embankment having been reduced in the past and could be removed at any time; highway safety, including regarding access, traffic generation and parking demand (especially if the floor space is increased) and visibility in relation to fencing and the building's size and position; the effect on wildlife and the environment; overdevelopment; lack of compliance with other local and national policies and various Council initiatives, objectives and documents relating to the area's regeneration; drainage; the need for other uses, such as a lorry park or much-needed affordable housing, rather than for a storage building which would not provide a lively addition to the locality; and loss of the site for use by local children and the film industry.
16. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. Some of the issues raised, such as regarding landscaping, lighting and drainage, can also be covered by planning conditions.

Conditions

17. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the Planning

Practice Guidance. I have made such amendments as necessary to comply with those documents, for clarity and consistency, and to ensure that details are submitted for the Council's approval where relevant.

18. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. Given the site's position and the extent of development, a pre-commencement condition securing a construction management plan is necessary and reasonable in the interests of the safe and efficient operation of the highway and the living conditions of existing residents. A pre-commencement condition covering the protection of public sewers and the proposed means of foul sewerage and surface water disposal from the development is necessary to ensure essential infrastructure is maintained and to prevent flood risk and water pollution. For the sake of brevity, I have however combined the suggested conditions covering these matters. Based on the findings and recommendations in the Preliminary Risk Assessment & Geo-Environmental Assessment, a pre-commencement condition covering contamination is necessary in the interests of environmental protection and public health and safety. A further condition covering previously unidentified contamination is necessary for the same reasons.
19. I have imposed a condition relating to ground and floor levels in the interests of clarity, the character and appearance of the surrounding area and the living conditions of existing occupiers. However, with little substantive evidence that such details are needed prior to all works commencing on site, I have amended the condition accordingly. Conditions securing details of external materials and hard and soft landscaping are necessary in the interests of the character and appearance of the surrounding area. A condition covering construction working hours is necessary to safeguard the living conditions of existing occupiers.
20. I have imposed a condition covering parking and turning space in the interests of highway safety. Conditions covering a travel plan and cycle parking are necessary to encourage and promote sustainable transport. A condition covering renewable energy and efficiency measures is necessary to ensure an efficient use of energy. A condition requiring compliance with the identified mitigation measures identified in the flood risk and drainage assessment is necessary to ensure the safety of the development and its users. I have imposed conditions relating to external lighting and the use of the building in order to protect the living conditions of existing occupiers, and also for clarity with respect to the latter condition.
21. Although not suggested in the Council's appeal statement, a condition covering public art is referenced in the Council's Officer Report and included in the draft Decision Notice. On the basis that the appellant has proposed public art and the site plan references artistic fencing but limited details have been provided regarding what it would involve, such a condition is necessary in the interests of the character and appearance of the locality. However, I have not imposed the other additional condition referenced in those documents which seeks to restrict extensions/amendments to the building because I have little substantive evidence that such a condition is necessary to make the development acceptable. Any such extensions/amendments to the building via permitted development rights would in any event not be particularly significant, and the suggested condition would not control the provision of additional floor space through the introduction of a mezzanine.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan as a whole. The appeal is therefore allowed.

T Gethin BA (Hons), MSc, MRTPI

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing site plan (Drawing No 4687-SK01); Site location plan (Drawing No 4687-SK02(PL)); Topographical land survey (Drawing No SDS 207638.01); Proposed site plan undercroft option (Drawing No 4687-SK03(PL), Rev M); Proposed floor plans (Drawing No 4687-SK04(PL), Rev F); Proposed elevations (Drawing No 4687-SK06(PL), Rev H); Proposed street sections (Drawing No 4687-SK12, Rev D); Proposed sections (Drawing No 4687/SK13(PL), Rev D); Proposed site plan materials (Drawing No 4687-SK15(PL), Rev E); Gate and fence details (Drawing No 4687-SK16(PL)); and Landscaping plan (Drawing No 1293, Rev D).
- 3) Prior to the commencement of the development hereby permitted (including demolition), a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters: the method of access by construction vehicles during construction; the parking of vehicles by site operatives and visitors; the loading and unloading of plant, materials and waste; the recycling, removal and disposal of waste materials including an agreed traffic route for the waste vehicles; the storage of plant and materials used in construction of the development; the erection and maintenance of security hoarding; the erection of site offices and ancillary buildings; the provision of wheel washing facilities; the measures to control the emission of dust and dirt during demolition and construction; and lighting for construction and security. The approved Plan shall be implemented and adhered to throughout the entire construction period.
- 4) Prior to the commencement of the development hereby permitted (including demolition), details of the measures agreed with Southern Water to protect public sewers and the proposed means of foul sewerage and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 5) Prior to the commencement of the development hereby permitted (including demolition), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority: a remediation strategy

giving full details of the remediation measures required and how they are to be undertaken; and a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved and, prior to commencement of construction work, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

- 6) If, during development, contamination 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 7) With the exception of site clearance and demolition, and notwithstanding the details shown on the approved plans, prior to the commencement of development, details of the finished floor level of the proposed building and any alterations to the ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 8) Prior to the commencement of above ground works, a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 9) Prior to the commencement of above ground works, full details of all hard and soft landscaping works, to include additional tree planting to the south and west of the building hereby permitted and the proposed times of planting, shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be provided prior to the first occupation of the development and maintained thereafter. The soft landscaping shall be provided in accordance with the approved details. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) Prior to the commencement of above ground works, details of the proposed public art feature shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the development and thereafter maintained.

- 11) Demolition and construction works shall take place only between 0800-1800 hours Monday to Friday and 0830-1330 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 12) Prior to the occupation of the development hereby permitted, the vehicle parking and turning spaces shall be constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.
- 13) Prior to the occupation of the development hereby permitted, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.
- 14) The development hereby permitted shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 15) The renewable energy and efficiency measures set out in the Energy Efficiency & Sustainable Development Report (by Synergy building services, dated 1 September 2021) shall be installed prior to the occupation of the development hereby permitted and thereafter retained and maintained as necessary.
- 16) The development hereby permitted shall be carried out in accordance with the submitted Flood Risk and SuDS Assessment (FRA, ref: 21058-FRA-TN-01 Rev C06, dated 02/12/2022), with the following mitigation measures, as detailed within section 4.6 of the report, fully implemented prior to occupation and thereafter retained and maintained: the finished floor level of the development must be set no lower than 4.5m AOD; flood-resilient construction methods should be used up to a level of 5.6m AOD, with corresponding structural design to ensure that it is able to resist hydrostatic forces; cladding should be comprised of waterproof material for anything lower than 5.6m AOD; demountable flood boards or flood-proof doors should be used on all entrances; water-proof ducting for services, or service ducts should be taken up the outside of the reinforced concrete wall (inside the cladding) and enter the building above flood defence height; and non-return valves should be installed on foul and stormwater drainage systems to prevent internal flooding via backflow through toilets and sinks.
- 17) Prior to the installation of any external lighting, details of the proposed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.
- 18) The premises shall be used only as a self-storage warehouse and for no other purpose.

END OF SCHEDULE