



Appeal Decision

Site visit made on 4 May 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/Q3820/W/21/3283274

Southern Counties Ice Cream, Stephenson Way, Three Bridges, Crawley RH10 1TN

- 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 Miss Aneysha Hussein (Pizza Dude) against the decision of Crawley Borough Council.
 - The application Ref CR/2021/0060/FUL, dated 25 January 2021, was refused by notice dated 16 July 2021.
 - The development proposed is described as 'Change of use from B8 - storage & distribution to E(g)(iii) industrial processes (commercial kitchen for food preparation and delivery with no sales to visiting members of the public).'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited on the application form and decision notice relates to the change of use only. The main parties refer to the need for external steel extraction ducting to serve the proposed use. However, the appeal is determined on the basis of the change of use only, being the development expressly sought by the appellant and determined by the Council.
3. The main parties have come to different conclusions on whether or not the proposed use falls within the Town and Country Planning (Use Classes) Order 1987 (as amended). I have considered the proposal in relation to the site, the existing and proposed operations (as described in the supporting evidence) and the surrounding area. It has not therefore been necessary for me to make a determination on the exact classification of the proposed use.

Main Issue

4. The main issue is whether or not the proposed development would result in harmful on-street vehicle parking on Stephenson Way.

Reasons

5. The appeal site forms part of the Southern Counties Trading (SCT) site. The SCT site lies within the larger Stephenson Way Industrial Estate (SWIE) which appears to accommodate a variety of employment uses including light industrial, storage & distribution, as well as trade counters and a car showroom.

6. The proposal is to subdivide the existing building at the front of the SCT site. The proposed use would occupy most of this building, with the remaining floorspace continuing to be occupied by the current ice cream operation. A cold store located centrally within the STC site and two other workshop type buildings, located towards the rear of the site, would remain unchanged.
7. The SCT site was subject to a parking plan which was approved by the Council in 2001, as part of the permission to build one of the rear workshop units that is currently occupied by Gatwick Prestige Cars. The Council indicate that this unit had an operational requirement for 8 spaces. The approved layout for the SCT site as a whole allowed for manoeuvrability around the site and had provision for a total of 15 parking spaces.
8. At the time of my site visit there were 16 vehicles on site and a further vehicle arrived and parked whilst I was there. It did not appear to me that the site had been laid out or was operating in accordance with the approved layout. The parking was such that not all cars could easily leave the site without a number of others having to first be moved either around the site or out onto Stephenson Way.
9. I also noted that an area in front of the appeal building, which was approved by the Council for four parking spaces, was partly occupied by a food trailer and an adjacent area was coned off, presumably to allow customers to access the trailer. The Council has not indicated it is in a position to consider enforcing the approved layout.
10. The on-site arrangements and level of parking also did not appear to match the description and layout of parking operations outlined in the appellant's submissions, which themselves differ from the approved layout for the STC site. Given that some of those who work at the STC site already use Stephenson Way to park their own cars, it appears that the site is already able to generate a significant demand for vehicle parking which manifests itself both on and off site but leaves little provision for on-site manoeuvrability.
11. I undertook my main visit to the site during a weekday morning, although I also took the opportunity to pass by the site on two other occasions, with one of those being towards the end of a working day. Whilst I acknowledge that my visits only provide a snapshot, my observations of the site broadly tally with those set out in the officer report.
12. In order to address concerns over the parking arrangements, a parking management plan has been submitted with the proposal, which is said to include the agreement of all the other current operators on the site. However, it does not allocate spaces to specific uses and it is not an agreement which appears to bind future operators. Notwithstanding this, the agreement as presented does not provide a mechanism that can be linked to any planning approval. Furthermore, the layout and parking arrangement attached to the signed document differs from the parking plan submitted with the proposal and also with the approved layout for the site.
13. My attention has been drawn to the Council's Urban Design Supplementary Planning Document 2016 (SPD) which sets out parking standards for the borough. It is suggested, based on these standards, that in the light of the proposal, the combined uses would have a requirement for 12 spaces. However, such standards are an indicative minimum, setting out the level of

provision which the Council will generally expect in new developments. Therefore, a degree of caution is required in applying these standards to the current situation, especially given that 12 spaces would appear to be below the current demand and below the number set out in the 2001 approval.

14. Even with the reduction in ice cream vans using the site there would be an overall net addition to the demand for space. Therefore, given the evidence before me, the current situation and my own observations on how the site operates, it seems to me that in the first instance there would be additional parking pressure on Stephenson Way, as users of the site try to avoid adding to the existing levels of on-site congestion and operational inefficiencies.
15. It is pointed out that the proposed use would operate from 5pm until 11pm. Thus, it is suggested that this would be at a time when the other operations on site were closed and therefore there would not be an overlap, and accordingly no additional parking pressures.
16. However, if the operations commence at 5pm, employees would be likely to arrive before that time in order to begin the preparation for the day's operations and deliveries. Even if staff did not arrive until 5pm, I have nothing before me to indicate that the other operations on site are subject to any restrictions (planning or otherwise) in terms of hours of operation or that future occupiers would not be able to operate beyond 5pm.
17. Indeed, the observations from the Council and myself suggest that the operations on site do not currently cease at 5pm. Furthermore, there is also some confusion from the submitted information as to the timings of the ice cream operations. The appeal statement suggests vans visit the site at 9am and return between 8pm and 9pm but the information submitted with the application indicates the business operates from 10am to 5pm. It is also suggested that some employees take the vans home with them and so do not need to park on site in the evenings. However, this seems to be dependent upon those particular individuals and is not something which could necessarily be relied upon were different people to be employed in those roles.
18. A parking survey was not submitted with the original planning application to enable the local planning authority to determine the level of parking stress on Stephenson Way. However, my visit to Stephenson Way towards the end of the working day did not suggest that the estate or its roads were significantly quieter or less busy than earlier in the day. As with my visits at earlier times of the day, vehicles were entering and leaving the estate and there were still vehicles double parked along Stephenson Way with others parked on bends and verges, all of which interrupted the free flow of traffic; caused traffic to tail back towards the junction of Stephenson Way and Haslett Avenue East; and suggested a significant demand for parking spaces at that time of day.
19. Whilst I accept that much later in the evenings the estate and its roads may be quieter, it seems to me that there is a real likelihood that the proposal would be taking place when other operations are, or could be, open and operating, both on the SCT site as well as the wider SWIE. Given my observations on the already constrained on-site arrangements, this confluence of uses would lead to additional parking pressures along the already heavily parked Stephenson Way, which in turn would have severe cumulative impacts on the flow of traffic and thus the overall operation of the SWIE.

20. The Highway Authority did not raise an objection to the proposal. However, this was largely based on the understanding that the proposed use would be operating at times which did not conflict with other operations on the industrial estate. Given my observations above, I can give only limited weight to the Highway Authority's conclusions.
21. I therefore find that the proposed development would result in harmful on-street vehicle parking on Stephenson Way. The proposal would therefore be contrary to Policies CH3 and IN4 of the Crawley Borough Local Plan 2015 and the SPD which, amongst other things, seek to ensure that sites offer safe and proper circulation, manoeuvring and parking.
22. The proposal would also be contrary to paragraph 111 of the National Planning Policy Framework, which requires development to be prevented or refused on highway grounds if, amongst other things, there would be severe residual cumulative impacts on the road network.

Other Matters

23. The site is said to be in a sustainable location, and I note that the Council has not objected to the principle of the use on the site. The site is close to Three Bridges station and close to a bus route. However, I note that there is no provision of on site cycle storage, the hours of operation may limit the opportunities to use public transport and the nature of the operations will necessitate the use of private vehicles to distribute the prepared food. Accordingly, the weight I can give to the site's location would be limited.
24. I have had regard to the fact that the ice cream operations have suffered during the pandemic and are needing to downsize. It is important that efficient use is made of employment sites and that businesses are able to operate. However, the limited weight I could attach to this matter would not outweigh the harm I have identified and to which I ascribe substantial weight.
25. Subsequent to the Council's decision, Natural England (NE) has issued a position statement in respect of all planning applications within the Sussex North Water Supply Zone (Supply Zone)¹. The position statement outlines NE's concerns about groundwater abstraction within the Supply Zone. It explains that NE cannot, with certainty, conclude that further groundwater abstraction within the Supply Zone will not have an adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The advice of NE is that no new developments should add to this impact, which means that new development within the Supply Zone should demonstrate water neutrality. As the appeal site is located within the Supply Zone the appellant was given the opportunity to comment.
26. The appellant has indicated that as there is no restriction on how the current occupant uses water it cannot be the case that the proposed use would result in an additional demand. However, it seems to me that a business based around food preparation is likely to use a considerable amount of water. I also note that the current use is downsizing but not ceasing to operate, so there will be an additional use on the site. I need to be convinced the proposal is capable of achieving water neutrality. In the absence of any information to demonstrate whether this would be possible or how it would be secured, I cannot conclude

¹ Natural England's Position Statement for Applications within the Sussex North Water Supply Zone, September 2021 – Interim Approach

the proposal would not be likely to adversely affect the integrity of the Arun Valley SAC, SPA or Ramsar site.

27. I would need to undertake an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) if I was minded to grant planning permission. However, as I have found the proposed development would result in harm contrary to the development plan in respect of the main issue, there is no need for me to consider this matter further.

Conclusion

28. The proposal would cause harmful on-street vehicle parking on Stephenson Way and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR