

APPLICATION NUMBER:	LW/07/1022	ITEM NUMBER:	3
APPLICANTS NAME(S):	Festival Fireworks UK Ltd	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Planning Application for Temporary change of use of part of workshop building for sale of fireworks		
SITE ADDRESS:	The Workshop, Marlie Farm, The Broyle, Ringmer, East Sussex, BN8 6PH		
GRID REF:	TQ 4914		

x

1. SITE DESCRIPTION / PROPOSAL

1.1 Planning permission is sought for the temporary change of use of part of existing workshop building for sale of fireworks at Marlie Farm, The Broyle, Ringmer. The wider site has had various established business activities for a number of years, including the manufacturing of firework displays and storing or fireworks, having been licensed by the Health & Safety Executive (Explosives Inspectorate) for the last 10 years for the storage and handling of fireworks and for 22 years by East Sussex Trading Standards for the retail sale of fireworks. The site is large and located to the east of the B2192. There is a public footpath which passes through the site from the north west through to the south east. The area is in open countryside.

1.2 The site came to local and national attention following a serious fire and explosions on 03 December 2006, which resulted in the deaths of two firemen and widespread damage to the surrounding area. The Council is currently considering another application, LW/07/0692, at the site, for the rebuilding of five buildings, one of which is already complete.

1.3 The building which sales would be operated from is located to the western side of the site, fronting the B2192 and is known as the Builders Beam building. The building was damaged in the disaster but was sufficiently intact to only require repairing as opposed to rebuilding. It was thus exempt of from planning consent or building regulations. The proposal would see the southern end of the building used for the retail of fireworks to the general public. There will be no external alterations to the outside of the building, internally the southern end will be split into a sales area and store room. The sales room is needed in order to cater for the high demand for fireworks during the October to December period.

2. REGULATORY RESPONSIBILITIES

2.1 The District Council is the Local Planning Authority for the site, and so has to consider applications on their individual planning merits. Local Planning Authorities are advised by Government not to seek to control matters which are covered by other legislation.

2.2 The District Council is also the Building Control Authority, with relevant responsibilities under Part B of the Building Regulations.

2.3 The Health & Safety Executive (Explosives Inspectorate) licences and controls the storage of fireworks in buildings on the site through the Manufacturer and Storage of Explosives Regulations 2005.

2.4 ESCC Trading Standards regulate the retail sale of fireworks for the site, under the same legislation as the HSE.

2.5 Lastly, the East Sussex Fire and Rescue Service has responsibilities under the Regulatory Reform (Fire Safety) Order 2005, requiring risk

assessments and necessary fire safety measures to be put in place before buildings are used.

3. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

4. PLANNING HISTORY

LW/01/1548 – Part Section 73A Retrospective application for the continued use of retail unit as steel fabrication workshop and improvements to access – **Approved**

LW/07/0692 – Replacement industrial buildings & storage container – **Elsewhere on this agenda**

This is the most relevant history for this building. A comprehensive history for the wider fireworks operations can be found on file LW/07/0692.

5. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – No comment.

Environmental Health – This should be conditioned so that it is a temporary application only for the sale of fireworks over the bonfire night period only.

ESCC Highways – No objections.

Health And Safety Executive – The development is outside Class 2 separation distance for explosives buildings on-site and therefore have no comment to make on the proposal. If the retail sales involve the storage of fireworks in the building it will require licensing under MSER. If it is to be conducted under the name of Sussex Fireworks and Displays, then licensing of the premises under MSER is likely to be provided by the local authority.

6. REPRESENTATIONS FROM LOCAL RESIDENTS

6.1 Three letters of objection received from local residents. Objections raised regarding: Following the explosion at the site on 03/12/2006 and the huge damage to private property, no fireworks business should be allowed to re-establish on site; Any development of the site for firework uses could potentially lead to the same disaster as before; The enquiry into the explosion has not yet be completed and no development should take place until these findings are complete; The site is a rural location and there is no requirement for a retail sales outlet; The development will impact on a well used footpath; Given the disaster at the site, the type of firework being sold should not be done so to the public; and a number of other non-planning related matters.

7. PLANNING CONSIDERATIONS

7.1 It is considered that the key considerations in determination of this application are: Planning History, Need, and Public Health & Safety.

7.2 In a statement submitted by the applicant, it is stated that fireworks have been sold at the site for over 22 years and the site has been licensed by the Health & Safety Executive Explosive Inspectorate for the storage and handling of fireworks for the last 10 years. The current proposal would allow the sale of fireworks to the general public on a temporary basis, while other buildings, subject to planning application LW/07/0692, are rebuilt. The sales would take place in one end of an existing building, which was repaired following the disaster. The applicant has further stated that the consent is required for the firm's busy period of the year, which runs from October-December. Any grant of consent will be made temporary and expire on 31/12/2007. A condition restricting openings times would also be added.

7.3 Given that the site has sold fireworks for a number of years, it is not considered that a reason for refusal could be sustained in terms of impact on neighbouring properties or increased traffic movements to and from the site. There has been no objections raised by the Highway Authority and it was apparent from a site visit that there is plenty of on site parking and turning space. Normal activities will not generate any noise disturbances and the operations will be relatively low key. It is not considered that the sales would result in any loss of residential amenities or detrimental impact on the wider area.

7.4 No objection has been raised by either the Parish Council or the Health & Safety Executive. The HSE have stated that no formal comment will be passed on the proposal as the sales area is located a sufficient distance from the proposed fireworks storage container, subject of planning application LW/07/0692. A number of local residents have objected to the application on the basis of safety concerns. A number of properties were damaged and the concern raised by most local residents is that the re-establishing of firework activities back on the site could result in a similar disaster. Although these concerns are fully understood, from a planning perspective the proposed use is temporary whilst permanent new premises are constructed, and complies with the historical land use of the site. The whole industrial site is subject to safety standards subject to HSE consideration and the sales would also be licensed by East Sussex County Council. (See Section 2 of this report).

7.5 The re-establishment of fireworks sales on site will allow the business to start operating again and mean that there is no loss of trade over this busy period. It is considered that if all relevant legislation is adhered to, then the site can be re-established and operate in accordance with historical consent.

8. RECOMMENDATION

The application is approved.

The application is subject to the following conditions:

1. The use of part of the building known as the 'Builders Beams building' and as indicated on drawing number 02008/10, dated 31/7/2007, for sales purposes shall cease on or before 31/12/2007.

Reason: To allow the council to maintain control over the site in accordance with Policy ST3 of the Lewes District Local Plan.

2. The use hereby permitted shall not be open to customers outside the following times 09:00 hours to 17:00 hours, Monday to Friday; 09:00 hours to 13:00 on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect residential amenities having regard to Policy ST3 of the Lewes District Local Plan.

3. No deliveries shall be taken at or despatched from the site outside the hours of 08:00 hours to 20:00 hours Monday to Friday; 08:00 hours to 13:00 hours on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect residential amenities having regard to Policy ST3 of the Lewes District Local Plan.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	31 July 2007	1:1049
Block Plans	31 July 2007	07008/10

Summary of reasons for decision and any relevant development plan policies/proposal:

It is considered that the proposal meets the aims and objectives of Local Plan Policy and respects the character of the location, complying with Policy ST3 of the Lewes District Local Plan.