Development Management - Delegated Officer Report

Application Number: AWDM/1272/18 Recommendation – Approve

Site: 1 - 3 Eastern Avenue, Shoreham-By-Sea

Proposal: Application to vary condition 3 of previously approved AWDM/1244/17. Amendment to operating hours to be 7am to 10pm Monday to Friday and 7am to 7pm Saturday and 10am to 4pm Sunday and Bank Holidays for Albox Services Ltd.

Date of site visit: 21 September 2018

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to the Ready Steady Store storage facility on the corner of Eastern Avenue and Gordon Road. It has been operating in its current use since the start of 2017 and working hours are restricted by conditions attached to permission AWDM/1244/17 which was a variation to the original hours and which was approved last October.

Condition 3 states:

"*No operations or working shall take place on the site except between the hours of 7.30am to 8.00pm Monday to Fridays and 7.30am to 1pm Saturdays, and there shall be no working on Sundays or Bank/Public Holidays.*"

Condition 4 states:

"*During the extended hours set out in Condition 3 (6pm to 8pm Monday to Friday) access to the site shall be by car only (defined by the Vehicle Certification Agency as being motor vehicles designed and constructed for the carriage of passengers) and there shall be no access by van or lorry (defined by the Vehicle Certification Agency as being designed and constructed for the carriage of goods) and a height limiter shall be in place at the entrance to the yard to restrict access accordingly.*"

Condition 6 states:

"No Heavy Goods Vehicles shall move into or out of the service yard except between the hours of 8.00am and 6.00pm Mondays to Fridays and 8am to 1pm Saturdays"

This application seeks to vary Condition 3 to extend the operating hours for domestic customers, as follows:

"*No operations or working shall take place on the site except between the hours of 7.00am to 10.00pm Monday to Friday and 7.00am to 7.00pm Saturday and 10.00am to 4.00pm Sunday and Bank Holidays*."

Condition 6 will not change so HGV hours will remain as set out. The variation will increase the opening hours by a further 2 hours every weekday evening and by 30 minutes weekday mornings. It will also increase Saturday opening by 6.5 hours and introduce Sunday and Public Holiday opening.

The application is accompanied by a Noise Management Plan as before which suggests the same conditions as imposed in October 2017 to restrict the use of the building during the extended hours to a self-storage centre only rather than as a conventional warehouse and to limit access to the site during the extended hours to cars only (no vans or lorries). A height limiter is to be in place during the extended hours to prevent access by larger vehicles.

The application is also supported by a Noise Report which concludes:

"*5.2 Surveys have been carried out at location representative of the existing noise sensitive properties. Existing noise levels are dictated by local and distant road traffic noise, noise from adjacent rail line and crossing alarms.*
5.3 In terms of noise trading activity the following matters are relevant.
Noise from trading activity
 Noise from trading activity during 0700 – 2300 hrs will be below existing background noise levels, in accordance with the Sussex Planning advice on noise, and the impact will be low subject to context;
 Noise from trading activity during 0700 – 2300 hrs will be within the WHO day time guideline values;
 Noise from trading activity 0700 – 2300 hrs will be significantly below existing noise levels as a result the change in noise level will be negligible."

The site is at the eastern end of Gordon Road and has residential dwellings immediately abutting its western boundary, as well as opposite the entrance. The car park of the site extends to the rear of 128 and 130 Gordon Road.

Relevant site history

SU/20/85 – Use of proposed industrial units as single warehouse (with offices) – approved

ADC/0466/10 - Variation of conditions 11 and 12 of SU/20/85 to change operating hours to 7.30am-6pm Mon-Fri and 7.30am-1pm Saturdays and hours of HGV movement to 8am-6pm Mon-Fri and 8am-1pm Saturdays – approved

AWDM/1244/17 - Application to vary condition 2 of previously approved ADC/0466/10. Amendment: extend operating hours to be 7.30am to 8pm Monday to Friday, 7.30am to 1pm Saturdays and no working on Sundays or Bank/Public Holidays.

Consultations

Adur & Worthing Councils: The **Environmental Health** Officer has advised that the submitted noise report does not give her any grounds to object to the increased hours for normal business activity. The submitted noise assessment identifies that the requested extension in trading hours will not have a negative impact on residential amenity and noise levels will be within guidelines.

Representations

10 letters of objection received from the occupiers of 95, 97, 99, 101 (2 letters), 124, 126, 128, 161 Gordon Road and from 1 unspecified address:

- Extended hours would apply to the building and not its occupants. If Ready Steady Store leaves, future occupants could include anyone in Use Class B8
- Residents have fought hard against previous applications to change operating hours
- Proposed hours will have a detrimental impact on residential amenity in this quiet residential area
- Light pollution from lights on 24 hours a day
- Customers have been known to deposit items out of hours
- Cars scratched from vans and trucks entering and leaving the site
- This company is trying to continually and gradually erode the amenities of neighbours
- Nothing has changed since previous application
- Agree with previous Environmental Health Officer objections
- Residents should be able to enjoy their gardens in peace on Sundays and Bank Holidays

Relevant Planning Policies

Adur Local Plan (2016) Policy 15, 34
National Planning Policy Framework (March 2018)

Planning Assessment

Principle

The application site is not identified for any particular use or development. It lies outside the industrial area and adjoins residential development to the west, north and east, with the railway to the south. Policy 34 states that:

"*Development should not result in pollution or hazards which prejudice the health and safety of the local community and the environment, including nature conservation interests and the water environment. New development in Adur will be located in areas most suitable to the use of that development to avoid risks from noise, air, odour or light pollution*."

Residential amenity

This application follows relatively swiftly on from the last application to extend the operating hours at the Ready Steady Store premises. During the course of that application (AWDM/1244/17) the hours that were applied for were reduced following objections from the Environmental Health Officer amid concerns about the impact on adjoining residential occupiers.

The current application is supported by a Noise Report and traffic log, setting out traffic movements since the premises opened in January 2017. The log suggests that, since the variation of the hours allowed in October 2017 the number of movements has increased from 13 to 18 per day on average, the majority of which are by car.

The noise report is based upon a noise survey undertaken in November 2017, soon after the extended hours were approved in October 2017. The report concludes that noise from activity at the premises up to 10pm will be below existing background noise levels and within the World Health Organisation (WHO) daytime guideline values.

In response to the objections received from local residents, the store manager has written to explain that there have been only two incidents of customers arriving with goods outside of the opening hours.

Office hours (where staff are present) are currently 8.30 am to 5.30 pm Monday to Friday and 8.00 am to 1.00 pm Saturday. All customers have access to the store (without paying extra) during the hours of 8.00 am – 6.00 pm Monday to Friday and 8.00 am to 1.00 pm Saturday under the current permission. Customers have to pay extra to obtain access to the store within the ‘extended hours’ , i.e. within the additional hours allowed for by the current planning permission. However, the store is not open and there is no access available to the public outside of the hours allowed for by the October 2017 planning permission.

The lights are no longer left on all night as the timer issue has been resolved. A condition would be accepted to require all lights to be switched off 30 minutes either side of opening hours.

There is no evidence that residents’ cars have been damaged by vehicles using the site. There is ample parking within the site and there is no need for customers to park on the street.

Only one complaint has been received in almost two years, relating to lighting only.

The applicant’s agent has also written a supplementary letter to reiterate that an extension of the hours would not relate to the building as Condition 5 of the previous permission states that during the extended hours the site shall be used as a self-storage centre only and for no other use within Class B8, thereby preventing other uses from benefitting from the hours. The same condition will be applied here.

The agent has also emphasised that the site was previously occupied by Palace Drinks which generated far more noise, activity and traffic movements than the current use. He also questions the residents' claims that the site is within a quiet residential area, being located on a busy thoroughfare and adjacent to a railway line and level crossing.

The previous application did cause concerns at the potential for adverse impact on residential amenities. In particular, the later hours proposed (until 10pm weekdays, as well as 7pm on Saturdays and introducing working on Sundays) would typically coincide with when people are at home and want to relax and use their gardens.

However, following the submission of the traffic log and noise report, the Environmental Health Officer has advised that she no longer has any grounds to object to the increased hours for normal business activity. The submitted noise assessment identifies that the requested extension in trading hours will not have a negative impact on residential amenity and noise levels will be within guidelines.

On the basis of this advice, it is not considered that there are sustainable or reasonable grounds to continue to object to an extension of operating hours here. Numerous safeguards will be in place, namely that cars only will be able to access the site during the extended hours; HGV hours are not being altered, a previously approved Noise Management Plan will continue to be applied, and lighting will be switched off outside of operating hours.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. No operations or working shall take place on the site except between the hours of 7.00am to 10.00pm Monday to Friday and 7.00am to 7.00pm Saturday and 10.00am to 4.00pm Sunday and Bank Holidays
4. During the extended hours set out in Condition 3 (6pm to 10pm Monday to Friday, 1pm to 7pm Saturday and 10am to 4pm Sunday and Bank Holidays) access to the site shall be by car only (defined by the Vehicle Certification Agency as being motor vehicles designed and constructed for the carriage of passengers) and there shall be no access by van or lorry (defined by the Vehicle Certification Agency as being designed and constructed for the carriage of goods) and a height limiter shall be in place at the entrance to the yard to restrict access accordingly.
5. During the extended hours set out in Condition 3 (6pm to 10pm Monday to Friday, 1pm to 7pm Saturday and 10am to 4pm Sunday and Bank Holidays) the site shall be used as a self-storage centre only and for no other use within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

6. No Heavy Goods Vehicles shall move into or out of the service yard except between the hours of 8.00am and 6.00pm Mondays to Fridays and 8am to 1pm Saturdays.
7. The Noise Management Plan received 17 August 2018 shall be fully adhered to at all times.
8. Fork lift trucks, reach trucks and other similar loading vehicles used on the site shall be electrically powered only and they shall not be used during the hours of 6pm to 10pm Monday to Friday
9. The trolley bays shall be locked during the hours of 6pm to 10pm Monday to Friday,1pm to 7pm Saturday and 10am to 4pm Sunday and Bank Holidays
10. All external lighting shall be switched off within 30 minutes of the end of the operating hours set out in Condition 3 and shall not be switched on again until within 30 minutes before the re-opening of the store.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 12 October 2018

Authorised by: Gary Peck Date: 12 October 2018