expiry · 02.08.07 ·

Development Control – Delegated Officer Report

Application Number: ADC/0324/07 **Recommendation - Refuse**

Site: **Land East Of Storage Tanks Dolphin Road Shoreham-by-Sea**

Proposal: **Change of use of unit 7 from B1/B8 (business/storage) (as approved under application SU/168/05/TP) to B2 (general industrial)**

The Application

The application relates to Unit 7, of the as yet un-built, industrial development (G3 Industrial Park) of 12 units for business, industrial and warehouse use (classes B1,B2 and B3) on land to the east of the sewage tanks at the far eastern end of Dolphin Road.

The industrial development will consist of 12 units in two Blocks (east and west). The eastern block being units 1-10 and western block consisting of 11 &12. Units 1-10 are orientated with units 1-7 running north to south and No's 7-9 running east to west across the southern part of the site. Units 7-9 currently are the only units permitted to be B2 use.

The proposal is for the change of use of Unit 7 from B1/B8 (business/storage) as approved under SU/168/05 to B2 (general Industrial).

The original approval for the 12 units (SU/168/05/TP) was refused by the Council's Planning and Regulatory Committee, but later an appeal was allowed.

Particular reference was made in the inspector's decision to the conditions that were originally suggested by the Council in their appeal statement (should the appeal be allowed), as to the use classes and which units they should occupy.

Para 23.' I have considered the planning conditions suggested by the Council and agree that the northern wing of Block A (proposed units 1-7) should not be used for Class B2 (general industrial) use, in order to protect the living conditions of neighbouring residents.'

Condition 2 of the Inspector's Formal Decision states:

2) There shall be no use of units 1 to 7 inclusive (being the north wing of Block A) and units 11 and 12 (Block B) for purposes within Use Class B2 (general industrial) as defined in the Town and Country Planning (Use Classes) Order 1987; or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Consultations and Representations

Consultations/Comments

Chief Environmental Health Officer	No adverse comments.
WSCC- Highways & Transport	The site is located in an established industrial estate and I understand the adjacent units already have B2 usage permitted. I therefore see no reason to withstand this proposal.

Third Parties

An objection has been received from Councillor J. Searle regarding the proposed change of use from agreed usage of B1/B8 (business/storage) to B2 (general Industrial).
[NB. Councillor Searle has requested that the application be considered by the Committee]

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, DEV1, DEV4-5.
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP7, AE1-2, AE4, DP.AE2, AT12.
The Adur development Plan – Submission Core Strategy (ADC 2007): E1.
Circular 11/95 'The Use of Conditions in Planning Permissions'.

Planning Assessment

The main planning concerns are the effect the proposed change of use would have on the amenity of the nearby residential properties, and whether or not a president would be set for the other non-B2 units.

Policy AP7 of the District Plan states that applications should be refused that are likely to have unacceptable environmental effects. Policy DP.AE2 states that planning permission will be granted for Use Class B2 subject to local environmental considerations.

The applicant works within the motor trade which is covered by use class B2. The applicant states that the usage of the unit would be for more diagnostic and technical solutions and general light servicing and repairs rather than bodywork or MOT's, it nonetheless still represents work covered by Use Class B2, and the policing of such work would not be possible and could become more intensive.

Para 93 of Circular 11/95 – 'The Use of Conditions in Planning Permissions' states that:- There are occasions, where it is proposed exceptional to grant permission for the use of a building or land for some purpose which would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so. In such a case the permission should normally be made subject to a condition that it shall enure only for the benefit of a named person-usually the applicant. Permission personal to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.

Although the work proposed by the applicant may not have as much effect as other motor trades it is still considered that a precedent would be set if the B2 use class were permitted on one of the units which is orientated in the north to south part of the buildings, and as a result it would have a detrimental effect on the amenity of the residential properties in the vicinity.

Recommendation

REFUSE for the reason that:-

The proposed change of use is unacceptable in that it would ~~lead to a significant increase in loss of amenity to residential properties within the vicinity and~~ be detrimental to the residential amenities of nearby dwellings and would set a precedent for inappropriate uses in the vicinity and therefore... would conflict with the policies of the West Sussex Structure Plan (DEV1) and the Adur District Local Plan (AP7, AE2)

Case Officer: [signature]
Date: 09.07.07

CJ 16.7.07