Development Management - Delegated Officer Report

Application Number: AWDM/0565/20 Recommendation – Approve

Site: 106 - 112 Brighton Road, Shoreham-By-Sea

Proposal: Application for variation of condition 3 of previously approved SU/207/86 to regularise the use of the property as B8 warehouse with ancillary B1 floorspace with 284 sqm of mezzanine floor space.

Date of site visit: Not visited

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application relates to 106-112 Brighton Road, Shoreham, on the north side of the A259 Brighton Road to the south of the railway line. It has recently been vacated by Northgate PLC who previously used the property as a vehicle hire premises under personal permission reference AWDM1123/14. This application is seeking to regularise the use of the property as a warehouse (B8) with ancillary B1 floorspace and to rectify the amount of mezzanine floorspace already constructed.

Permission is sought to vary condition 3 of the original outline planning consent (SU/207/86) which states:

"*The use of the premises shall be primarily as a warehouse falling within Class X of the Town and Country Planning (Use Classes) Order 1972 and the proposed Class III 'light industrial' use shall be incidental to this main use and shall be confined to the proposed mezzanine floor (which shall not exceed 185 square metres in floor area).*
Reason: In the interests of the residential amenities of the properties to the east and in the interests of highway safety"

It appears that the size of the mezzanine as built exceeds that approved in 1986 and measures 284m2. It is believed to have been constructed more than 10 years ago.

Relevant Planning History

• SU/207/86/TP/2249 – Outline application for warehouse with mezzanine floor for light industrial use. Approved on 6th January 1987;
• SU/233/87/TP/1638 – Application for approval of reserved matters of SU/207/86/TP/2249. Approved on 19th January 1988;
• SU/16/87/TP/1100 – Variation of Condition 11 of SU/207/86/TP/2043 to enable hours of working to be extended to 6.30am to 9.30am. Approved on 2nd March 1987;
• SU/288/88/TP/304 – Variation of Condition 3 of SU/207/86/TP to increase size of the mezzanine floor area to 1022m2. Approved on 6th February 1989;

• SU/94/89/TP/210 – Alterations to windows and doors. Approved on 13th June 1989;
• SU/131/05/TP/22002 – Change of use of 1st floor offices to private members snooker club with incidental bar and food area. Temporary approval granted on 16th August 2005;
• AWDM/1123/14 – Change of use to commercial vehicle hire and ancillary sales with associated servicing and vehicle wash. Approved on 13th October 2014.

Consultations

None

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 25
Shoreham Harbour Joint Area Action Plan 2019 Character Area 7
National Planning Policy Framework (February 2019)

The application site is located within Character Area 7 (Western Harbour Arm) in the Shoreham Harbour Joint Area Action Plan 2017. Whilst the properties on the south side of the A259 are designated for mixed-use redevelopment (B1 & C3 uses), the application site is not subject to any site-specific allocations.

Planning Assessment

The proposal will allow the property to continue to be used for its original warehouse purpose, but with a less restrictive ancillary B1 use (not confined to the mezzanine). The correct mezzanine floorspace of 284sqm will also be regularised. This is less than the 1022sqm approved in 1989 but greater than that approved in 1986.

The proposal will allow the premises to continue to be used for business purposes and will therefore comply with Policy 25 of the Local Plan. There are no planning objections.

A number of previous conditions will need to be updated including the use restriction (B8 with ancillary B1), no external storage, removal of PD rights for future extensions (to include no increase in the extent of the mezzanine), working hours and no subdivision.

Other conditions on the original permission are not considered to necessary to be repeated, including a control over the storage of hazardous waste (now controlled by other legislation), restriction on signage and conditions relating to the original construction.

Recommendation

APPROVE

Subject to Conditions:-

1. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for purposes within Use Class B8, with ancillary B1 use, as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.
2. No raw materials, finished or unfinished products or parts, crates, packing materials, nor any other items shall be stacked, stored or displayed on the site except within the building or within enclosed storage areas approved in writing by the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order with or without modification), the building shall not be extended or altered by means of any development, including an increase in the extent of the mezzanine floor, as set out within Class H of Part 7 of the Schedule to that Order.
4. No working, trade or business whatsoever (including loading/unloading of vehicles and operation of plant and machinery) shall take place on the premises except between the hours of:-

   8.00 am and 6.00 pm on Mondays to Fridays inclusive
   8.00 am and 1.00 pm on Saturdays
   nor at any time on Sundays or Public Holidays.

5. The building subject of the application shall not be subdivided or occupied by more than one business concern without the prior approval in writing of the Local Planning Authority

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 4 May 2020

Authorised by: Gary Peck Date: 4 May 2020