Development Management - Delegated Officer Report

Application Number: AWDM/1244/17 Recommendation – Approve

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

Proposal: 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 Holidays.

Date of site visit: 31 August 2017

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 the year and working hours are restricted by condition 2 attached to permission ADC/0466/10 as follows:

"*No operations or working shall take place on the site except between the hours of 7.30am to 6.00pm Monday to Fridays and 7.30am to 1pm Saturdays, and there shall be no working on Sundays or Bank Holidays*"

Condition 3 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 2 to extend the operating hours. As originally submitted the application sought the following hours:

"*Application to vary condition 2 of previously approved ADC/0466/10. Amendment: extend operating hours to be 7am to 10pm Monday to Friday, 7am to 7pm Saturday and 10am to 4pm Sunday and Bank Holidays*."

Following concerns at the potential harm that this could cause to neighbouring residents, the application has been amended to the following:

"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 Holidays."

Effectively, the only variation is to increase the opening hours by 2 hours every weekday evening. No other change to operating hours is proposed.

The application is also accompanied by a Noise Management Plan which suggests conditions to restrict the use of the building during the extended

hours to a self-storage centre only rather than as a conventional warehouse. A further restriction is proposed which is to limit access to the site during the extended hours to cars only (no vans or lorries). A height limiter is also proposed to be in place during the extended hours to prevent access by larger vehicles. The Plan also suggests that:

"*The applicant will encourage staff and visitors, both during normal hours and extended hours, to give full regard to the amenities of neighbouring residential properties. In this connection, Albox Services Limited will be encouraging good practice, for example avoiding the use of a radio in the service yard and avoiding car door slamming etc. Ready Steady Store Limited will advise existing and potential visitors of such matters by way of informing new customers who visit the store to sign up and via their website. Additionally, Albox Services Limited are prepared to put up signs on the site advising customers to respect adjoining neighbouring properties and to keep noise to a minimum. Albox Services Limited are prepared to commit to investigate any complains of noise.*

Trolleys are kept in trolley bays and are currently locked in place out of hours. Trolley bays will continue to be locked during the extended hours. Two trolleys will be made available inside the facility during the extended hours.

Albox Services Limited agree to review the noise management plan on an annual basis. "

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

Consultations

Adur & Worthing Councils: The **Environmental Health** Officer has concerns about the potential impact of noise on nearby residential properties. Noise from vehicle movements, movements associated with loading/unloading vehicles and vocal noise etc is of concern, especially during the evening from 7pm - 10pm, given the close proximity of the residential properties.

She appreciates the applicants attempts to manage the noise but the proposed height barrier will still allow Luton vans onto the site, some of which can have tail lifts fitted and reversing alarms which have the potential to further increase noise levels. They also propose to encourage staff and visitors to give full regard to the neighbouring residential properties. However,

their other sites are only manned during office hours so if this is also the case here, it is difficult to see how they will manage the noise levels during the hours when there are no staff on site which are also the more sensitive hours.

Further comments following receipt of revised hours and Noise Management Plan plus suggested conditions: If they could push back the Saturday start to say 7.30 or 8am then we would be ok with this. I would define the later hours though.

Representations

5 letters of objection received from the occupiers of 101, 126 Gordon Road and 2 from unspecified address

- Site is within a residential area
- Previous application to extend the hours was successfully fought
- Existing users are good neighbours and have no objection to the application relating personally to them only
- If hours are extended generally then other users may cause more disturbance
- Loss of residential amenity
- Applicants were aware of the hours when they took on the premises
- Increased noise and disturbance
- Disturbance from security lights
- Increased traffic
- Loss of privacy

Relevant Planning Policies

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE15-16
Submission Adur Local Plan (2016) Policy 15, 35
National Planning Policy Framework (March 2012)

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. Saved policy AE16 states that alterations to existing business premises in residential areas required to improve the efficiency of the existing business will be permitted providing on-site parking and access is satisfactory and “there are no significant effects on the amenity of nearby residents”.

Residential amenity

The application as originally submitted was not considered to be acceptable due to 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. It is reasonable to assume that neighbouring residents are likely to have bought their properties having checked the operating times of nearby commercial premises and would expect that the planning process would safeguard them against intensification in the use of these premises.

Following discussions with the applicants, a revision to the proposed hours has been agreed, namely an extension to 8pm on weekdays only with no other changes. During the extended hours (6pm – 8pm) access is proposed to be limited to cars only and the premises will be a self-storage centre only to prevent access by larger vehicles. A height limiter will also be in place to reinforce this restriction.

It is not considered that any change to the current weekend and holiday opening times is justified in view of the close relationship with residential dwellings. The site is unusual in that it is not located within an industrial estate where there would be less likelihood of there being any conflict with residential dwellings and where longer operating hours would be reasonably acceptable.

The site is located adjacent to residential properties and there is concern that any increase in operating hours would have an adverse impact on residential amenities. However, following discussion and careful consideration, it is concluded that an extension until 8pm every weekday only would not result in serious harm, provided the extra conditions and Noise Management Plan are fully adhered to.

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 7.30am to 8.00pm Monday to Fridays and 7.30am to 1pm Saturdays, and there shall be no working on Sundays or Bank Holidays.
4. 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.
5. During the extended hours set out in Condition 3 (6pm to 8pm Monday to Friday) 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 19 September 2017 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 extended hours set out in Condition 3 (6pm to 8pm Monday to Friday).
9. The trolley bays shall be locked during the extended hours set out in Condition 3 (6pm to 8pm Monday to Friday).

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: 6 October 2017

Authorised by: Gary Peck Date: 6 October 2017