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25th March 2020

Dear Sir/Madam

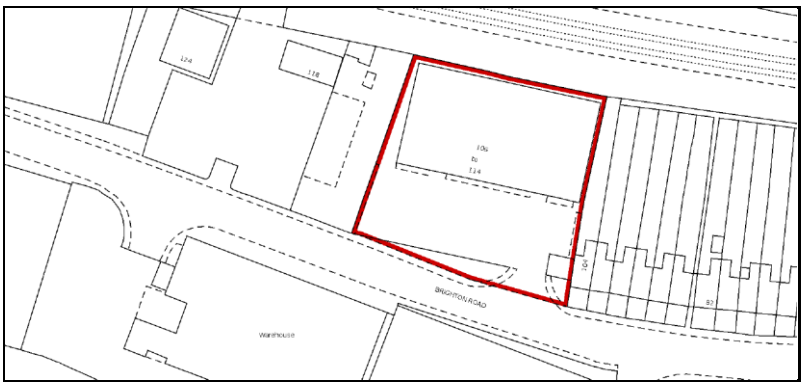
106-114 Brighton Road Shoreham-by-Sea BN43 6RH
Section 73 Application to vary Condition 3 of Planning Consent SU/207/86/TP/OA

We write in relation to 106-114 Brighton Road, Shoreham which has recently been vacated by Northgate PLC who used the property as a vehicle hire premises. The owner (Mrs Judith Hobden) is now 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 therefore sought to vary condition 3 of the original outline planning consent (SU/207/86/TP/OA) which restricts the use of the building to Class X of the Town & Country Planning (Use Classes) Order 1972 with incidental Class III 'light industrial' uses confined to the mezzanine floor. An application under Section 73 of the Town & Country Planning Act 1990 is enclosed accordingly.

Application Site

The application site is located on the north side of the A259 Brighton Road to the south of the railway line. The surrounding area is predominantly industrial in character, although a residential terrace is located immediately to the east of the site.



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The property is not statutory listed, locally listed or located within a conservation area. The site is located within Flood Zone 2 as identified by the Environment Agency.

Planning Application History

There are several planning applications relating to this site listed on the Adur & Worthing Councils planning register including the following:

- **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 1022m^2. 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.

SU/207/86/TP/2249

Outline planning consent was granted subject to several conditions including the following (Condition 3):

"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.""

SU/16/87/TP/1100

Planning consent to extend the operating hours of the premises to 6.30am until 9.30pm was approved in March 1987. This permission was subject to the following condition (No.2):

"This permission shall enure for the benefit of The Grange Press only and shall not enure for the benefit of the land

Reason: To enable the Local Planning Authority to retain adequate control over hours of working at the premises to safeguard the residential amenities of the nearby dwellinghouses."

On the basis that The Grange Press no longer operate from the premises, this planning consent has since lapsed.

SU/288/88/TP/304

Consent to vary Condition 3 of application SU/207/86/TP/2249 (see above) was also subsequently granted in February 1989. The approved variation included the following condition (No.2):

"Notwithstanding the provisions of the Town & Country Planning Use Classes Order 1987, the premises shall be used primarily as a warehouse as defined by Class B8 of the above Order and shall be used for no other purpose except for design, artwork and platemaking by mainly photographic means in connection with a printing business being limited in respect of such use to a maximum floor area of 500 square metres.

Reason: To ensure the adequacy of parking facilities and in the interests of residential amenity."

It is unclear from the relevant planning application history whether this permission was implemented or not.

AWDM/1123/14

More recently, planning consent for a change of use to a commercial vehicle hire premises with ancillary sales and an associated vehicle wash (sui generis) was granted on 13th October 2014. This consent was also subject to a 'personal' planning condition:

"This permission shall enure solely for the benefit of Northgate PLC in both its implementation and the use of the premises thereafter and shall not inure for the benefit of the land.

Reason: To enable the Local Planning Authority to control the special circumstances under which this permission is granted in the context of the Masterplan for Shoreham Harbour having regard to saved policies AE7 and AE8 of Adur District Local Plan and adopted Shoreham Harbour Interim Planning Guidance (2011) and Shoreham Harbour Joint Area Action Plan (2014).

On the basis that Northgate PLC no longer operates from the premises, this planning consent has since lapsed.

Land Use Summary

Planning consents SU/16/87/TP/1100 and AWDM/1123/14 were both subject to 'personal' planning conditions which did not benefit the land. Given that the premises are no longer occupied by The Grange Press or Northgate PLC, these permissions have since lapsed.

The lawful use of the property therefore reverts back to the previous approved use which is either of the following:

- Warehouse with ancillary light industrial use confined to the mezzanine level (185m^2) - SU/207/86/TP/OA;

- Warehouse with larger mezzanine (1022m^2). Permitted use also includes design, artwork and platemaking in connection with printing business (maximum of 500m^2) – SU/288/88/TP/304.

Section 73 Proposals

The enclosed application is submitted under Section 73 of the Town & Country planning Act 1990 and seeks to vary the wording of Condition 3 of the original outline application SU/207/86/TP/OA. The purpose of the application is to regularise the use of the property as it exists today (i.e. a B8 warehouse with ancillary B1 floorspace and to secure the mezzanine floorspace as built (284m^2). We therefore propose the following wording for a new condition:

"The use of the premises shall be primarily as a warehouse falling within Class B8 of the Town & Country Planning (Use Classes) Order 1987 (as amended) together with ancillary B1 floorspace. The mezzanine shall not exceed 284m^2 in floor area unless otherwise approved in writing by the Local Planning Authority."

Planning Considerations

The proposed condition will allow the property to continue to be used for its original warehouse purpose, but without the onerous restrictions set out in the 1989 permission (SU/288/88/TP/304) and with the correct mezzanine floorspace approved.

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.

The fine tuning of the original outline planning consent will allow the premises to continue to contribute to the local economy and generate skilled employment. The amendments will also help to attract future tenants with the potential for upgrading the premises and creating visual improvements along the A259 corridor in accordance with Adur Local Plan Policy 25 (Protecting & Enhancing Existing Employment Sites and Premises).

For the reasons set out above, we trust the District Council will support the proposed amendments and vary Condition 3 of permission SU/207/86/TP/OA accordingly.

Application Documents

- Section 73 Application Form;

- ADC Decision Notice dated 6th January 1987 (SU/207/86/TP/OA);

- Site Location Plan (Land Registry);

- Block Plan (8191138-1000 PA1);
- Existing Ground Floor Plan (8191138-1002 PA1);
- Existing 1st Floor Plan (8191138-1003 PA1);
- Existing Elevations (8191138-1004 PA1);
- Existing Sections (8191138-1001 PA1).

If you require any further information, please contact Paul Burgess MRTPI on the number above.

Yours faithfully

Lewis & Co Planning

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