Expiry Date -

Development Control – Delegated Officer Report

Application Number: **Recommendation – APPROVE**
AWDM/0607/13

Site: **Unit 1, Block 1 Chalex Industrial Estate**
Manor Hall Road

Proposal: **Change of use from warehouse (B8) to MOT station with ancillary repairs (sui generis)**

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The proposal is for change of use of an industrial unit from warehouse B8 to MOT station with ancillary repairs (sui generis).

Chalex Industrial Estate is a local industrial estate of 1.9 hectares located adjacent to Fishersgate Station. Current occupiers include Autofit (car servicing/repair). The site is located within and accessible from a primarily residential area with a tight turning off Manor Hall Road into the site.

The site contains approximate 3,800 sq. m of employment floor space comprising a mix of industrial and warehouse floorspace. Properties are of varying ages, with some of 1990s construction and some older more dated workshop/industrial units.

Relevant Planning History

None

Consultations

West Sussex County Council:
Existing use as B8 warehouse could have generated "drop in" customers. From supporting information and from evidence available on OS it appears that garaging and servicing has existed previously at the site for a number of years to the rear of the site. Whilst both the existing and former use may have resulted in some short term parking in the vicinity, the proposed change of use is unlikely to materially alter the traffic patterns to and from the site

Adur & Worthing Councils: **Environmental Health** *raises no objections*

Representations

None

Relevant Planning Policies and Guidance

Adur Local Plan: AG1, AH7, AE2, AE4, AE15, AE16
National Planning Policy Framework

Planning Assessment

Principle

The site is not identified or allocated for any particular use in the current Adur District Local Plan. The proposed Sui Generis use resembles an industrial B2 use in terms of its operational activities. This type of use would be compatible with the other business uses currently on the estate. It is a business that would be inappropriate in other places, such as a residential street.

Also the applicant has agreed that any forthcoming planning permission would be conditional to the adjoining unit (from which the applicant is relocating) being marketed as an open B-Class use. This would help maintain the amount of industrial B-Class use floor-space in the estate.

As a consequence, due to the particular merits of the applicant's business model, which closely resembles a B usage, no objection is raised to the principle of this development as it is compliant with the aspirations of Adur's relevant planning policies relating to industry.

Visual amenity

No external changes are proposed, so the proposal's visual impact is marginal.

Residential amenity – effect on existing occupiers

Immediate neighbours are in very close proximity to the application site, separated by only by a narrow pedestrian walkway to the station. The new use has the potential to cause direct noise and disturbance onto these adjacent residents, and this would impact on their living conditions.

However when judging if these impacts are *materially harmful* to the living conditions of neighbours it is essential to consider the present situation.

The fact is that both units 1 and 2 benefit from 'open' planning uses as B8 (Storage) and Sui Generis MOT and auto repairs respectively. There is no ability of the planning authority to influence the operations of businesses occupying each of these units, provided they operate within their respective authorised uses. No planning conditions exist that restrict operating hours, times of deliveries, or outside working. All these aspects of business operations have the potential to be harmful to the residential amenities of a neighbour. There is also the additional background noise generated by the railway and other businesses on the estate; a good deal of background noise is not untypical in this urban environment.

Against this background it would be unduly onerous for the planning authority to restrict the applicant's business operations by way of condition as the impacts *additional* to what is already experienced would not be severe. Whilst it is true the applicant's business would be physically closer to the residential properties and occupy a larger sized unit, the applicant is simply locating from one unit to an adjoining one and unit 2 benefits from an open yard and roller shutter doors that directly face onto those neighbours. Neighbours therefore already have direct experience of how the applicant's business operates without apparent complaint, and Environmental Health have raised no objections to the proposal.

The applicant has agreed for any forthcoming planning permission to be conditional to restricted hours of operation and limits on outside working. This would mitigate the worst of aspects of un-neighbourly noise and disturbance associated with the business use. This will result in tighter controls over un-neighbourliness to the benefit of neighbours compared with the present unrestricted situation. Given those existing freedoms it would be unreasonable to penalise the applicant further by additional restrictions.

Parking and Accessibility

Parking on the wider industrial estate is extremely limited, and surrounding residential streets have little capacity to accommodate additional on-street parking. As the business provides MOT service and motor repairs the vast majority of generated trips would be by car, which will exacerbate these situations.

Nonetheless, the business unit has its own dedicated area for parking fenced off from the rest of the estate. The number of spaces in this area is reasonable to accommodate the parking demand generated by the use, so the impact on the parking within the estate would be marginal.

In addition, this future situation has to be judged against the present circumstance whereby the present B8 use of the premises could generate considerable traffic trips and parking demands in its own right. This would include HGVs.

When set against this, the impacts on the surrounding highway network resulting from this proposal would not be so material harmful as to impinge safety.

The close proximity of Fishersgate train station may offer limited opportunity for staff trips.

Recommendation

APPROVE for the following reason:

The proposed development is within the built-up area and would help meet the need for additional employment provision and economic and environmental regeneration without detracting from the local environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It would consequently not conflict with the relevant

'saved' policies of the Adur Local Plan (AG1, AH7, AE2, AE4, AE15, AE16) and the planning policies set out in the National Planning Policy Framework.

Subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) This permission shall inure solely for the benefit of a sui generis MOT station with ancillary repairs operated by Car and Van Services Ltd in both its implementation and the use of the Unit 1 Block 1 thereafter. When the premises cease to be occupied by Car and Van Services Ltd, the use hereby permitted shall cease and the land made available to business purposes within Use Classes B1 and B8.

Reason*:* To protect and maintain a sufficient amount of industrial floor space within the district and to comply with Saved Adur Local Plan Policy AE2 in order not to prejudice consideration of future proposals for the area, and to enable the Local Planning Authority to review the special circumstances under which this permission is granted.

3) Upon commencement of the use of Unit 1 Block 1 for the sui generis MOT station with ancillary repairs hereby permitted, Unit 2 Block 1 Chalex Industrial Estate shall cease to be used for sui generis purposes and shall only be used for business purposes within Use Classes B1, B2, and B8.

Reason*:* To protect and maintain a sufficient amount of industrial floor space within the district and to comply with Saved Adur Local Plan Policy AE2 and in order not to prejudice consideration of future proposals for the area, and to enable the Local Planning Authority to review the special circumstances under which this permission is granted.

4) The development hereby permitted shall be carried out in accordance with the following approved plans:-

Drawing No. 1027/02 Rev B titled SITE PLAN date received 02-07-2013

Drawing No. 1027/04 Rev A titled Proposed floor plan date valid 30-05-2013

Reason: For the avoidance of doubt and in the interests of proper planning.

5) Prior to the occupation of the unit the parking spaces (car and motor cycle) and traffic circulation area shown on the approved plans shall be provided and kept available at all times, and thereafter not used for any purpose other than for parking for visitors and staff and traffic circulation.

Reason: In the interests of highway safety and amenity having regard to saved policy AG1 of the Adur District Local Plan and the planning policies of the National Planning Policy Framework.

6) No working, trade or business whatsoever (including arrival, reception or despatch of deliveries) shall take place on the premises except between the hours of:-

8.00 am and 6.00 pm, Monday to Friday

8.00 am and 1.00 pm, Saturdays

nor at any time on Sundays or Public Holidays.

Reason*:* In the interests of amenity having regard to saved policy AE2 of the Adur District Local Plan and the planning policies of the National Planning Policy Framework.

7) No raw materials, finished or unfinished products or parts, crates, packing materials, nor any other items shall be stacked, stored or displayed on the application site except within the buildings or within enclosed storage areas approved in writing by the Local Planning Authority.

Reason*:* In the interests of amenity and highway safety to comply with saved policy AE2 of the Adur District Local Plan and the planning policies of the National Planning Policy Framework.

8) No MOT testing and/or car repairs shall take place anywhere on the application site unless confined to inside the buildings.

Reason*:* In the interests of amenity and to retain adequate off-street parking space and to comply with saved policy AE2 of the Adur District Local Plan and the planning policies of the National Planning Policy Framework.

9) No paint spraying of vehicles shall be carried out unless in accordance with a suitable emission control equipment installed to a specification which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to comply with saved policy AE2 of the Adur District Local Plan and the planning policies of the National Planning Policy Framework.

10) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification), the building units shall not be extended or altered externally or any incidental building erected.

Reason: In the interests of amenity and the environment and to comply with saved policy AE2 of the Adur District Local Plan and the planning policies of the National Planning Policy Framework.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no external plant or machinery shall be installed, erected or replaced on the application site.

Reason: In the interests of amenity and the environment and to comply with saved policy AE2 of the Adur District Local Plan and the planning policies of the National Planning Policy Framework.

12) No external lighting or floodlighting shall be installed except in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason*:* In the interests of amenity and the environment and to comply with saved policy AE2 of the Adur District Local Plan and the planning policies of the National Planning Policy Framework.

Informatives

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.

Is recommendation contrary to any representations? N/A

Case Officer signed: Matthew Porter Date: 24-7-2013

Authorised and signed by: Peter Barnett Date: 25 July 2013