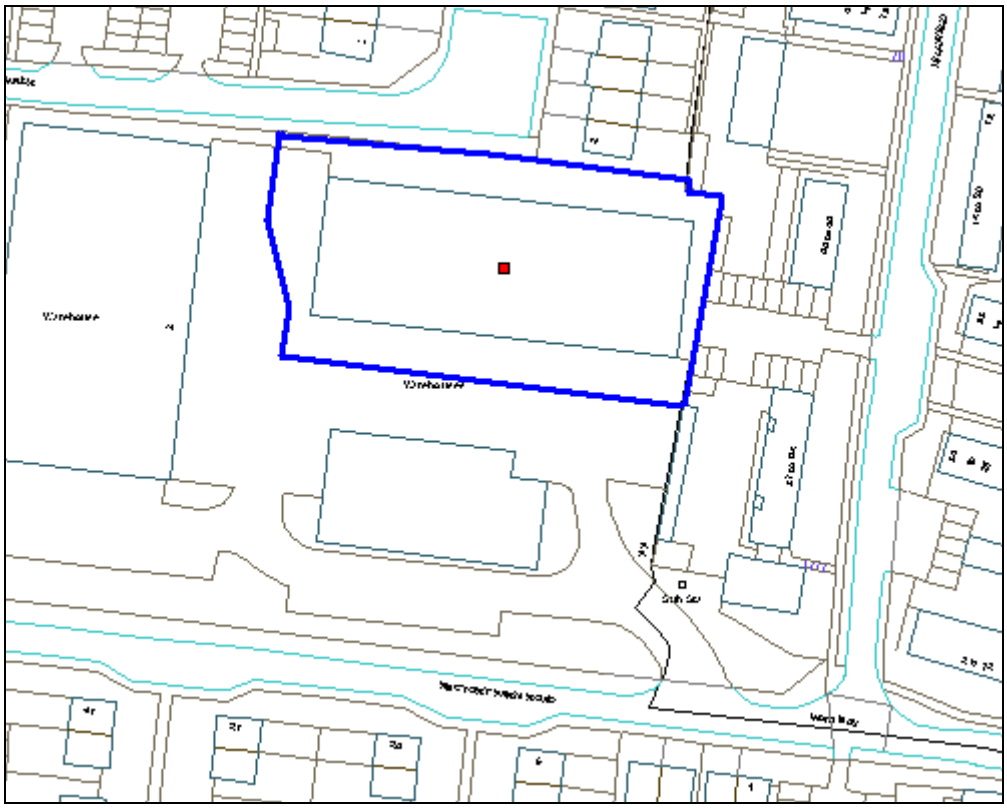
Application Number: AWDM/1059/12 **Recommendation – Approve**

Site: **Unit 3, Rectory Farm Road, Sompting**

Proposal: **Permanent variation of condition 3 of SU/63/03 to enable 24 hour working**

Applicant: James Belbin Ward: Peverel
Case Officer: Gary Peck



Not to Scale

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Proposal, Site and Surroundings

This application seeks the permanent variation of condition 3 of SU/63/03 to enable continued 24 hour working (except loading/unloading and manoeuvring of goods vehicles, trade counter custom and industrial processing) at Unit 3 which is sub divided into 5 units. 3 units are currently occupied by R & L Pet Products Ltd but the 2 western units appear to be vacant.

The application site comprises a small industrial estate on the northern side of Rectory Farm Road and the subject building is located in the north eastern part of the site. To the east are 2 blocks of flats in Millfield set on lower

ground. The flats are served by communal garage areas which are located directly to east of the subject unit itself with the 2 blocks of flats being located either side of the garage blocks.

To the south is Rectory Farm Road which contains residential housing, the majority of which are side on to the road. However, the access to the industrial estate is opposite 4 properties which front onto the road. Rectory Farm Road rises to the west and so is higher than the Industrial Estate at its western end. There is screening to the southern boundary, intermittent in places.

Relevant Planning History

The unit which is the subject of this application was part of a 3 unit development originally permitted in the 1970s. In 2003, conditional permission (reference S/63/03) was granted to sub-divide this unit into 4 for use for light industrial, research and development, storage and distribution and trade counter purposes. A subsequent permission in 2007 increased the sub division to 5 units. Under the 2003 permission, condition 3 stated that no working should take place outside the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays.

The subject building was vacant and so in 2006, temporary permission was granted (reference S/8/06) to relax condition 3 to enable 24 hour working subject to further conditions preventing loading/unloading and manoeuvring (including arrival/departure) of goods vehicles outside the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays. A condition was attached to this permission requiring a 2 metre screen fence to be erected on the eastern boundary to protect neighbouring flats in Millfield, but the fence was not erected and hence the condition was not complied with.

The permission expired in 2009 and so a further application was made and granted under reference ADC/0314/09 to enable continued 24 hour working subject to the above restrictions. Again, a temporary permission was granted which expired at the end of October 2012, hence the requirement for the current application. Members of the then Committee imposed the requirement for the screen fence to be erected in line with the 2006 permission, but again the fence has not been erected.

Consultations

Environmental Health raises no objection to the application.

Representations

None received (46 neighbouring properties were consulted regarding the application)

Relevant Planning Policies and Guidance

The National Planning Policy Framework has amongst its core principles the need to proactively drive and support sustainable economic development and to provide a good standard of amenity for occupiers of land and buildings.

Polices SCT1 to SCT4 of the South East Plan seek to give priority to appropriately sited business uses whilst protecting environmental quality.

Saved policy AE16 of the Adur Local Plan 1996 states that alterations or improvements to existing business premises which are required to improve the efficiency of the existing business will be permitted providing there are no significant adverse effects on the amenity of nearby residents.

Planning Assessment

Principle

In light of the objectives of the National Planning Policy Framework which emphasise the importance of the economic role of the planning system in contributing to the achievement of sustainable development, it is considered that the principle of the application can be supported subject to there being no adverse impacts upon the amenities of nearby residents as required by saved policy AE16 of the Adur Local Plan 1996.

It is noted that prior to the original permission to sub-divide the units in 2003, the building had been vacant for some years and then remained vacant until the permission was granted to relax the condition in 2006.

Residential & Visual amenity

The main issue is therefore the impact of the proposal upon neighbouring residents.

The subject building and its associated parking area is located adjacent to the rear boundary of 2 blocks of flats in Millfield, a residential road containing a mixture of houses and flats to the east of the site. Both blocks are about 16 metres from the north east and south east corners of the building respectively. The access to the Industrial Estate itself lies opposite numbers 1, 3, 5 & 7 Rectory Farm Road.

It is clear that the main potential for causing noise disturbance to neighbouring residents is from the use of the external parking and access areas given that the building itself is a typical industrial building with a brick elevation to the east with no openings. Unrestricted 24 hour use of the premises would be unacceptable given the proximity of the access and parking areas to residential properties. The previous permissions, with the agreement of the applicant, therefore still controlled the hours of use for the loading/unloading or manoeuvring of goods vehicles, any industrial processes and the opening

of any trade counter. If permission were to be granted for the current proposal it is essential that these restrictions are re-imposed.

Although Unit 3 has permission for sub-division to 5 units, 3 of those units are currently occupied by a single user, R & L Pet Products Ltd. The Company has previously advised that whilst its normal working hours are between 8am and 6pm, there is often the need to undertake administrative work at weekends. During the determination of this application, 'to let' signs have appeared on the 2 other units.

It is noticeable that no objections have been received from neighbouring residents regarding the current application. Similarly, there has been no objection from the Environmental Health section. At the time of the 2009 permission, there were some objections from neighbouring residents but the absence of these objections being maintained appears to suggest that the current occupiers are working on the basis of the information they have supplied i.e. working outside normal office hours to complete administrative tasks which is a situation not uncommon to small businesses.

Your officers therefore consider that a permanent relaxation for the present occupiers could be supported because of their particular circumstances and working operations. Planning guidance has previously advised against constantly renewing temporary permissions and given this is the third such application and evident lack of loss of amenity, there does not appear to be any justification for imposing a further time limited permission.

Equally, though, it has to be borne in mind that a new user or users could occupy the western part of the building which is included within the application site. Clearly, there is no guarantee that the circumstances of any new users would be similar to that of the present occupiers and were there to be multiple users of the unit, then the potential for disturbance to neighbouring properties could increase, albeit that the conditions imposed upon the previous temporary permissions if re-imposed would mitigate such potential harm to a certain degree.

Your officers therefore feel that the application should only relate to that part of Unit 3 which is currently occupied and not to the currently vacant units on the western side and accordingly amended plans have been requested to that effect.

It is noted that there has twice been a requirement to erect a 2 metre high screen fence to the eastern boundary but on each occasion the condition has not been complied with. The previous officer report suggested that the erection of such a fence would be unlikely to reduce noise levels and could appear oppressive when viewed from the ground floor windows of the flats in Millfield due to the change in levels between the respective sites.

It is considered that the comments made in the previous officer report remain valid and indeed it appears doubtful that such a condition could be justified or indeed defended on appeal. At present there is a mesh fence of about 3

metres of similar appearance to the fencing to the other boundaries of the industrial unit but higher because of the difference in levels. Despite its height, its visual impact is limited but this would not be the case if a more solid fence were erected, even if it were a metre lower. While there may be some benefit of a fence blocking car lights for example late at night, such benefits, in light of the lack of current complaints on the site, appear outweighed by the adverse effect upon the occupiers of the ground floor flats as well as a greater adverse visual impact upon the character of the area.

Accessibility and parking

There are no alterations to the existing arrangements and as such this is unaffected by the current application.

Recommendation

Subject to the receipt of an amended location plan, GRANT permission for the following reason:

Having regard to the desirability of encouraging the occupation of a previously vacant building, supporting sustainable economic development and to the particular needs of the company, it is considered appropriate to grant permission taking into account government policy contained within the National Planning Policy Framework and policy AE16 of the Adur District Local Plan.

Subject to Conditions:-

01. No loading, unloading or manoeuvring (including arrival/departure) of goods vehicles shall take place on the site outside the hours of 8am-6pm Monday-Friday inclusive and 8am-1pm on Saturdays and at no time on Sundays or Public Holidays.

Reason: *In the interests of residential amenity having regard to policy AE16 of the Adur District Local Plan.*

02. No trade counter shall be open to customers except between the hours of 8am-6pm Monday-Friday inclusive and 8am-1pm on Saturdays and at no time on Sundays or Public Holidays.

Reason: *In the interests of residential amenity having regard to policy AE16 of the Adur District Local Plan.*

03. No industrial process (including sorting and packing) shall take place on the premises except between the hours of 8am-6pm Monday-Friday inclusive and 8am-1pm on Saturdays and at no time on Sundays or Public Holidays.

Reason: *In the interests of residential amenity having regard to policy AE16 of the Adur District Local Plan.*