Development Management - Delegated Officer Report

Application Number: **Recommendation – Approve**
AWDM/0421/13

Site: **Permanent variation of condition 3 of SU/63/03 to unit 3 of application ADC/0314/09 to enable continued 24hour working**

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

Date of site visit: 9 May (and for previous application)

Neighbours checked: Y

Additional neighbour notifications: N

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. The 2 other units were understood to have previously been occupied by R & L, subsequently become vacant, but are now in the process of being occupied by Chart One Automotive, a manufacturer and distributor of car covers.

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 site 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 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. The requirement for the screen fence to be erected in line with the 2006 permission was again imposed, but the fence was not been erected.

A subsequent application submitted in 2010 (ADC/0288/10) sought to remove the fence condition and replace with a new condition requiring mesh panels to be erected to the existing chicken wire fence. The application was refused on the grounds of adverse visual impact, but it was also noted in the officer's report that the previous fence condition was unenforceable, having regard to case law, and that refusal of the application would result in there being 'no prospect of having any screen along the boundary.'

In 2012, permission was granted for the permanent variation of condition 3 of SU/63/03 to Unit 3C, 3D and 3E to enable 24 hour working (AWDM/1059/12)

Consultations

West Sussex County Council:

No comments received

Adur & Worthing Councils:

The Environmental Health Officer comments:

There seems to be an issue of light intrusion from vehicles headlamps into the flats on the opposite side of the wire fence. I understand that this matter should have been dealt with by ADC/0288/10: Removal of condition 5 of Planning Permission ADC/0314/09 and replacement with new condition requiring woven mesh shading panels to be affixed to fence on eastern boundary.

Light intrusion can amount to a statutory nuisance and thus would be detrimental to the amenity of nearby dwellings. Therefore, I would object to any permanent night operations until such time the previous planning permission is implemented or better still a close boarded fence is erected. The close boarded fence would have the added benefit as acting as a barrier against vehicle noise reaching the flats.

Sompting Parish Council:

The Parish Council objects to the proposal and wishes the condition to remain as it is.

Representations

1 letter of objection has been received on the grounds of noise from lorries coming and going at anytime day or night, the car park enables users to overlook the flats, and noise caused by the opening and shutting of the gates at the entrance to the units.

Relevant Planning Policies

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.

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 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.

Permission was granted in 2012 for the relaxation of the condition relating to the units occupied by R&L Pet Products. The applicant has subsequently confirmed that they wished the permission to relate to the whole of the unit. While at the time of the previous application, the western units were vacant they have been subsequently let and are due to be occupied by a manufacturer and distributor of car covers.

The comments of the Environmental Health Officer are noted, although no objection was received to the previous application. In respect of the provision of the fence, it was found that the previous requirement to erect a fence was unenforceable and an alternative solution was subsequently rejected by the Council, acknowledging that by doing so, it was highly unlikely that a fence would be constructed. Since the units which have not been given permission for the extended working hours are further away from residential properties than those which were the subject of the previous permission, it is not considered that a refusal could be justified on that basis.

Since the approved use of the site is for B1/B8 use, the application description seeks to exclude loading/unloading and manoeuvring of goods vehicles, trade counter custom and industrial processing from the 24 hour use, and permission has already been granted for the eastern units it is considered that having regard to the thrust of national planning policy, the application is acceptable.

Accessibility and parking

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

Recommendation

APPROVE for the reason:-

Having regard to the desirability of supporting sustainable economic development 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.*

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

Drawing No 188/001: LOC2, Location Plan, date received 10 April 2013
Drawing No 188/00: SO1 Site Plan, date received 10 April 2013

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

Case Officer: Gary Peck Date: 5 June 2013

Authorised by: Date: 5th June 2013