Application Number: **Recommendation –** Approve
AWDM/1123/14

Site: 106-112 Brighton Road

Proposal: Change of use to commerical vehicle hire and ancillary sales with associated serving including vehicle wash

Date of site visit: 29.9.14

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The site relates to a purpose built industrial unit with warehouse/distribution centre with ancillary offices (B8/B1), situated between the railway and A259 Brighton Road. The surrounding area has an industrial character, despite a residential terrace to the immediate east of the site.

Permission is sought for change of use from B8 storage and distribution to sui generis use in relation to a commercial vehicle hire operation and associated support services.

The site is in Flood Zone 2.

Relevant site history

SU/207/86/TP
Outline application for warehouse (with mezzanine floor for light industrial use)
6.1.87

SU/16/87/TP
Variation of condition 11 of SU/207/86 for warehouse and light industrial premises to enable hours of working of design and plate making studio from 6.30am to 9.30pm by a maximum of 5 people at any one time
2.3.87

SU/233/87/TP/RM
Application for approval of Reserved Matters of SU/207/86 – warehouse with mezzanine floor for light industrial use
19.1.88

SU/288/88/TP
Variation of condition 3 of permission SU/207/86 (to increase size of mezzanine floor to 1022 sq m)
6.2.89

Consultations (summarised)
West Sussex County Council Local Highway Authority: *The Applicant does not propose to alter the access arrangements to the site. The proposed*

change of use will not materially alter the level or type of traffic that could be generated under the permitted use. The LHA raises no objection to the proposed development subject to a condition for vehicular parking.

Worthing & Adur District Council Environmental Health: *No objections to the application, however, please condition the requested hours and the drainage scheme for the car wash.*

Representations (summarised)
Objections received from 100 & 106 Brighton Road and Prefab Streel Co Ltd Brighton Road: *Objection to the location of Vehicle wash. Our offices are located only 12m from proposed vehicle wash. Our steel stock is within 1 m away. Our personnel work within 2 m. Our personnel are welding within 3m. Concerned about the polluted water from the spray drifting over and affecting the health, safety and wellbeing of our personnel. Not against the change of use. However concerned about parking in Brighton Road. Already staff from local businesses park their cars outside the residential properties. This reduces an already limited provision for residents, and their visitors, parking. Plan on opening 7 days a week. Fumes it will cause and privacy of my home were fence is only low and wall down the side of factory for security reasons the lighting is it going to be lit up at night also congestion of traffic 7 days a week and would like a high fence so I don't have to see the cars and vans from my garden 7 days a week and for privacy and to block any noise or lighting out and I don't want this to affect my property if I decide to sell my property also I have brittle asthma which is very severe and all the pollution it will cause plus parking spaces as it is we don't have anywhere to park it is just going to make things worse. Where are customers customers going to park?*

Relevant Planning Policies
Adur Local Plan (saved policies): AG1, AE7, AE8
National Planning Policy Framework
Shoreham Harbour Interim Planning Guidance (2011)
Shoreham Harbour Joint Area Action Plan (2014)
Shoreham Harbour Flood Risk Management Guide – consultation Sept 2014

Planning Assessment

Principle

The application site has no allocated status in the adopted Local Plan for industry, so its 'B' use is not safeguarded. The emerging revised Local Plan is of little weight as it is not yet adopted.

Under interim policy guidance relating to Shoreham Harbour, the site is allocated for comprehensive mixed use development. The Joint Area Action Plan recognises development is unlikely to come forward in the lifetime of the Plan.

This guidance encourages development if consistent with the objectives of the Port Masterplan and relevant policies. It lists out appropriate uses that should not conflict with port operations and port-related uses. This list includes B1 business and leisure/recreation related uses, to which a commerical vehicle

hire and sales could well be judged akin to. The guidance states *B8 development that does not require a port-side location will not be normally be supported in locations identified in Port Masterplan for future mixed-use*.

Evidently then, the loss of the existing mixed B1/B8 use should not be resisted, and it is not necessary to grant a temporary period for the new use.

Visual amenity

The demarcation of the front car park would not be visually distinguishable from public perception. The jet wash would not be dissimilar to other industrial apparatus elsewhere locally.

Residential amenity to neighbours

The neighbours principally impacted upon by this development are those either side of the application site (the business to the west and the terrace of residential properties to the east). The end of terrace property has a garden abutting the site, but no windows in its flank facing onto the site.

The existing use has planning approval to operate between 8am and 6pm Mon to Friday and 8am to 1pm Sat, with no working operations on Sunday/holidays.

The hours of operation for the proposal will be the same, during the working week. It will be one hour less on Saturday. It is proposed to open on Sundays and holidays but the hours suggested are not anti-social, 10am to 2pm.

The nature of the noise and disturbance from a car rental business would not be dissimilar in its impacts to a warehouse. In many respects, an open B8 use has a worse impact, for instance B8 activity often involves fork lift trucks and HGVs.

Car parking to either side boundary is to be for staff rather than customers, which would reduce disturbance.

The Council's Environmental Health officer has raised no objection to the proposal, including in terms of any pollutants from the use. The jet wash involves a manually handled flexible hose so staff could redirect the spray, if it becomes an issue to the business to the west.

The details of the disposal of surface water runoff can be secured by condition.

Flood Risk

The site falls within Flood Zone 2, and is at risk from tidal and fluvial flooding. The proposed development falls within the Environment Agency classification of less vulnerable use.

This is the same vulnerability as the existing B8 use. In terms of putting human life at greater risk the proposed development has a similar workforce

number, and a similar means of escape as the proposed user will not seek to alter the existing warehouse building.

The submitted Flood Risk Assessment is weak as it inaccurately states no change to surface treatment whereas it is actually proposed to install drainage for the spray wash.

However the detail of the treatment of this surface water can be secured by condition to avoid exacerbation of surface water runoff, and so no increase flood risk elsewhere. The presence of this drainage scheme would have the added benefit of draining surface water in the event of flooding.

Accessibility and parking

The current B8 occupier generates a number of daily vehicle movements by staff and customers and deliveries. The site benefits from an open B8 use, so an operator dependent on Heavy Goods Vehicles could relocate to the site unhindered.

This proposal therefore has the betterment of reducing traffic congestion along the A259 by removing a use potentially disruptive to the local highway network, to which port operations are reliant upon.

Conversely, the new use could well operate with a comparable amount of daily movements as staff would drive the rental vehicle to the customer. Cycle storage is also proposed whereas now there is none.

The Highway Authority has not raised an objection to the proposal, subject to a condition retaining the on-site parking spaces, which satisfy the Council's adopted standards for parking provision.

Recommendation

APPROVE

Subject to Conditions:-

1. Standard time limit
2. Approved Plans
3. This permission shall inure 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)

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

- 8.00am and 6.00pm each day Monday to Friday,
- 8.00am and 12.00am (noon) Saturday, and
- 10.00am and 14.00pm Sunday and Bank/Public holidays

Reason: To safeguard the amenities of neighbouring land uses, and to enable the Local Planning Authority to control the special circumstances under which this permission is granted.

5. Vehicles for sale shall at all times only total 30% of the vehicles stored on site at any one time, and their display for sale shall be restricted to the spaces immediately behind the southern boundary wall to the Brighton Road A259 in the spaces shown on the layout plan accompanying the approved plans and shall not be displayed in any other positions.

Reason*:* In the interests of highway safety and amenity and 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)

6. The development, hereby permitted, shall not be first occupied and brought into use until such a time that the parking spaces defined for visitors and staff and the traffic circulation area shown on the approved plans have been provided and kept available at all times and not used for any purpose other than for parking for visitors and staff and traffic circulation.

Reason: To provide sufficient car parking for the development and to prevent obstruction of the site access in the interest of road safety having regard to the relevant planning policies of the National Planning Policy Framework

7. No finished or unfinished products or parts, crates, packing materials, nor any other items shall be stacked, stored or displayed on the 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 and to provide sufficient car parking for the development, having regard to the relevant planning policies of the National Planning Policy Framework

8. Details of any floodlighting and/or external lighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Thereafter, any floodlighting or external lighting shall conform with the approved details.

Reason*:* In the interests of amenity and to comply with the relevant planning policies of the National Planning Policy Framework.

9. No operation of the jet wash shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. These drainage works shall be completed in accordance with the details and timetable approved by the Local Planning Authority.

Reason: To prevent pollution of controlled waters and ensure that the proposed development is adequately drained and to avoid the risk of localised flooding having regard to the relevant 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 shall not be extended or altered externally or any incidental building erected.

    Reason*:* In the interests of amenity and the environment having regard to the relevant 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), except as approved under this permission no external plant or machinery shall be installed, erected or replaced on the application site.

    Reason: In the interests of amenity and the environment having regard to the relevant planning policies of the National Planning Policy Framework

12. No operation of the jet wash shall be commenced until a screen has been erected in accordance with details to be submitted to and approved in writing by the local planning authority. The approved screen shall thereafter be permanently retained while the jet wash is in operation.

Informative:
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation?

Case Officer: Matthew Porter Date: 10-2014

Authorised by: Peter Barnett Date: 13 October 2014