

Recommendation Report for Planning Permission

REF NO: AL/89/19/PL

LOCATION: Unit 4 Lees Yard
Lidsey Road
Woodgate
PO20 3SU

PROPOSAL: Change of use from Storage (B8 Storage or Distribution) to Light Industrial (B1 Business)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposed the change of use from storage (B8 storage or distribution) to light industrial (b1 business) use.
SITE AREA	7980 sq/m
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Mixture of tree lining and hedgerow planting along northern, eastern and southern boundaries. Western boundary provides vehicular and pedestrian access to the site and comprises metal rail fencing.
SITE CHARACTERISTICS	The application site comprises an existing commercial site outside the built up area boundary. The site features 3 no. existing agricultural buildings which appear to have been more latterly converted for employment generating purposes. The south of the wider site is characterised by open air storage. To the western portion of the site are a number of single storey residential buildings within the boundary of the wider site. These appear to be functionally linked to the operations of the employment site.
CHARACTER OF LOCALITY	The site falls within a semi-rural locality which is characterised by dwellinghouses arranged in a loosely knit layout. The surrounding area comprises fields, though adjacent fields to the north, east and south are allocated for development as part of Strategic Development 5 (Barnham/Eastergate/Westergate) which will be used to deliver 2,300 homes throughout the plan period. This adjacent land will also be used to deliver a further 700 homes beyond 2031 within the next plan period. The character of the area is therefore subject to considerable change throughout the plan period.

RELEVANT SITE HISTORY

AL/89/19/PL

AL/88/10/	Change of use to car storage for Area 2 - Bay 4 and associated new Portable unit in Area 2 - Bays 2/3	ApproveConditionally 18-10-10
AL/43/07/	Relocation of existing access to the site 4 metres to the south to allow for safe vehicle ingress & egress	ApproveConditionally 24-05-07
AL/48/06/	Replacement double garage with store.	ApproveConditionally 08-08-06
AL/113/04/	Demolition of timber garage & stores & erection of double garage & store. (Resubmission of AL/49/04).	Refused 03-12-04 Appeal: Dismissed 07-09-05
AL/49/04/	Demolition of timber garage & stores & erection of double garage & store	Refused 09-07-04
AL/50/04/	Change of use of yard space for motorcycle training.	ApproveConditionally 22-06-04
AL/70/01/	Change of use from saw mill to storage units internally and provide new external cladding.	ApproveConditionally 05-11-01
AL/61/01/	Change of use for permission for storage of building related materials by Hawthorn Building Supplies with existing woodyard	ApproveConditionally 03-10-01
AL/83/00/	Demolish existing low standard buildings & replace with one new workshed incorporating saw mill & dip shed & dust extract. Relocate existing sales office.	ApproveConditionally 21-12-00

None relevant.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

None received.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

None received.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

- Lidsey Treatment Catchment
- Area of Special Control (adverts)

DEVELOPMENT PLAN POLICIES[Arun Local Plan 2011 - 2031:](#)

DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WSP1	W SP1 Water

[Aldingbourne Neighbourhood Plan 2016 POLICY EE1](#) Supporting existing employment and retail

Aldingbourne Neighbourhood Plan 2016 POLICY EH1 Resist development outside

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and the Aldingbourne Neighbourhood Development Plan 2019 - 2031.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Neighbourhood Plan has passed Regulation 19 stage and therefore carries material weight for the purposes of decision taking.

Policies EE1 and EH1 of the Aldingbourne Neighbourhood Plan are considered relevant to the proposed development.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that they support the enhancement of an existing employment site in accordance with Development Plan policies and there are no material considerations that would outweigh this accordance.

OTHER MATERIAL CONSIDERATIONS

There are no material considerations that have been identified that would warrant a decision otherwise than in accordance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application proposes the change of use of an existing previously developed building on a wider existing site in employment use from B8 storage or distribution use to B1 light industrial. Policy EMP SP1 of the Arun Local Plan states that the Council will promote the sustainable growth of the District's economy by protecting and enhancing existing and allocated employment sites.

Policy EMP DM1 of the Arun Local Plan states that the Council will seek to protect and enhance existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet the needs of business and the local economy.

Policy EMP DM1 states that the Council will promote and support positive measures to upgrade existing employment areas through supporting appropriate proposals for development/re-development of employment floorspace, upgrading or modernisation of existing premises and/or proposals which make more efficient use of under-used employment sites and premises.

Made Aldingbourne Neighbourhood Plan policy EE1 states that development proposals to upgrade or extend existing employment sites will be supported provided that the impact on the amenities of surrounding properties is acceptable and subject to other policies in this Plan.

On the basis of the above, the Development Plan is supportive of the effective use of existing employment sites within the District in principle. However, all planning applications are assessed against the Development Plan when taken as a whole, balanced against any other material considerations.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policy QE DM1 of the Arun Local Plan requires new noise generating development to seek advice from an early stage to determine the level of noise assessment required.

In this instance, the proposed operations would comprise light industrial and would be restricted solely to the servicing and repairing of mobility vehicles. These operations typically do not involve intensive machinery or operations and are undertaken by hand. On this basis, the proposed operations would not be considered to comprise a noise generating activity.

Any noise generated from the use of this unit would be heard within the wider activities of the site which allow for the use of heavy machinery, large movements of vehicles associated with the collection of items from the open air storage etc. Therefore, any noise generated from the proposed use would not be discernible to any material extent over and above the existing operations of the wider site.

The nearest receptors of noise would comprise the 2 no. residential dwellings to the west of the site. However, these dwellings are sensitive to the site as a whole and the proposed unit is not the closest unit to either of these properties. The proposed unit falls within the middle of the wider site and therefore any operations in the form proposed are unlikely to have a significant impact upon residential amenities. Such characteristics accord with Local Plan policy.

The application proposes a B1 use which includes both light industrial uses and business uses. The Use of Classes Order 1987 (as amended) makes clear that light industrial operations comprise those which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

On the basis of the above, the development would not result in any material harm to the amenities of nearby properties and would therefore accord with Policies QE SP1 and QE DM1 of the Arun Local Plan.

HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 of the Arun Local Plan states that the Council will support transport and development that has been designed to accommodate the efficient delivery of goods and supplies and consider the needs of people with disabilities by all modes of transport.

The proposed development would require the loading and unloading of mobility vehicles which are required to be delivered and collected from the unit for servicing. It is likely that the service provider will go and collect such vehicles from customers addresses and utilise the floor space to undertake their operations. However, it is not unsurmountable that some owners of mobility vehicles will deliver them to the site themselves for servicing and repair operations.

In either eventuality, sufficient space exists around the proximity of the unit, within the site, to ensure the efficient delivery of goods and supplies to the unit. This could be undertaken without detriment to highway safety within the site. Wider access to the site along the western boundary provides safe and sufficient access with adequate visibility splays.

On the basis of the above, the development would accord with Policy T SP1 of the Arun Local Plan.

SUMMARY

The proposed development supports an existing business located on a wider employment generating site that does not cause any significant demonstrable harm to the amenities of nearby residents, nor

does it result in any wider impacts upon transport or highways safety. There have been no material considerations raised or identified throughout the assessment of this application that outweighs the conformity with the policies contained within the Development Plan.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans Location Plan, Site Location Plan and Ground Floor Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy EMP DM1 of the Arun Local Plan and policy EE1 of the Aldingbourne Neighbourhood Plan.
- 3 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.
- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.