

PLANNING APPLICATION REPORT**REF NO:** A/4/10/**LOCATION:** The Vinery
Arundel Road
Poling**PROPOSAL:** Continuance of use without compliance with condition no. 6 imposed under planning reference A/17/08 - to allow for industrial B8 use**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Condition 6 required the premises to be used only within use class B1(c).
SITE AREA	0.11 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Site is raised up from the road to the east and the open land to the south of the site.
TREES	Hedging along the south boundary.
BOUNDARY TREATMENT	Varying hedging and metal fencing enclosing the site.
SITE CHARACTERISTICS	Existing light industrial site currently B8 storage with some B1 uses. Predominantly clad with blue cladding, providing a uniform appearance within the industrial site. Some 40 existing units on the site edged in blue within B8 and B1 uses and 3 further units within the red edged site. To the far west of the site is a gas storage yard and a site with an extant permission for in-vessel composting.
CHARACTER OF LOCALITY	Site is located outside the built-up area boundary, with fields to the south, terraced of residential properties to the east, A27 trunk road and the other industrial units to the north and west of the site.

RELEVANT SITE HISTORY

A/123/97	Extend the existing production building and erect six holding rooms.	Approve Cond 11-03-1998
A/14/05/	Change of use of site from mushroom production facility to industrial B1 and B8 uses. Retention of portable building & cladding on units 1 - 8.	Approve Cond 23-11-2005

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A/11/05/	Change of use from mushroom production facility to in- vessel composting unit for green and kitchen waste to include new buildings, concrete maturation pad & perimeter fence. This application is accompanied by an Environmental Statement. Dual Parish with PO/1/05. This application is a County Matter and will be determined by West Sussex County Council.	ApprvdCond-WSCC 23-01-2006
A/28/06/	Retention of building for the storage of scaffolding	Approve Cond 09-08-2006
A/141/06/	Use of the land for the storage of bottled gas, erection of security fencing, locating the portacabin on site (Dual Parish with PO/1/06/)	Withdrawn 20-10-2006
A/182/06/	Use of land for the storage of bottled gas, erection of security fencing, locating portacabin on site (revised application following A/141/06/) Dual Parish with PO/4/06/	Approve Cond 31-01-2007
PO/4/06/	Use of land for the storage of bottled gas, erection of security fencing, locating portcabin on site. (Revised application following PO/1/06/) Dual Parish with A/182/06/	Approve Cond 31-01-2007
A/191/06/	Proposed buildings to house in-vessel composting unit for green and kitchen waste including maturation area, bio-filters, administration/canteen building and perimeter fence. Revised application following A/11/05/. (Dual Parish with PO/5/06/) This is a County Matter to be determined by West Sussex County Council)	Refused - WSCC 17-07-2007
A/138/07/	Removal of condition 5 from planning approval A/14/05/ granted 23rd November 2005 requiring the provision of an enlarged diverge taper (deceleration lane) from the A27.	Refused 15-11-2007 Appeal: Allowed 08 09 2008
A/37/08/	Proposed buildings to house in-vessel composting unit for green kitchen waste including maturation area, bio-filters, administration/canteen building and perimeter fence. Revised application following A/191/06/ & PO/5/06/. This application also falls within the parish of Poling. This is a County Matter to be determined by West Sussex County Council	ApprvdCond-WSCC 28-05-2008

A/17/08/	Erection of 2 no. industrial buildings (Class B1)	Approve Cond 29-05-2008
A/120/08/	Relocation and renovation of existing industrial buildings -Use for B8 Storage and distribution	Approve Cond 23-12-2008
A/80/09/	Application for removal of condition 9 (highway improvements) from planning permission A/37/08 - This application is a County Matter and will be determined by the WSCC	No Objection 31-07-2009

REPRESENTATIONS**Representations received:**

Angmering Parish Council

Parish Council representation:

Objection; No reasons can be seen to vary condition No.6 imposed under planning reference A/17/08 which had been imposed in compliance with local development plans.

Comments on Representations received:

Comment on Parish Council representation:

The site is located within an existing Industrial Estate which has a mix of B1 and B8 uses, therefore the continuance of B8 use within this unit is considered to be acceptable and is not considered impact upon the amenity of nearby residential dwellings nor the existing industrial estate.

CONSULTATIONS**Consultations responses received:**

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Outside the Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN3 GEN7	Protection of the Countryside The Form of New Development
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PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial Development
PPS7	Sustainable development in rural areas

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The proposal seeks permission for the continuance of use without compliance with condition No.6 imposed under planning reference A/17/08/ to allow for B8 use. The site is occupied by commercial uses, with B8 and B1 uses directly abutting the application site and a compound for the storage of gas to the north-west and in-vessel composting to the west.

CLASS USE

The existing building would run parallel to the residential dwellings to the east of the site. A B1(c) use is for any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of unacceptable increases in noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Whilst a B8 use is for storage or distribution.

Further a B1 use would normally be able to change to a B8 use without the need for planning permission provided that the area is not more than 235sqm. Which is the case with each of the buildings forming the application. However Condition 6 of A/17/08 took away that permitted development right restricting it to B1(c) use only. However it is not considered that the B8 nor B1 use would result in unacceptable harm onto the residential properties.

SUMMARY

The proposed B8 use given the sites location within an established industrial estate with a mix of B1 and B8 uses is considered to be acceptable and it is not considered to result in unacceptable loss of amenity to the nearby residential properties. The variation of Condition 6 is considered acceptable within this locality.

It is therefore recommended that the application be approved subject to the following conditions.

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 use hereby permitted shall not be operated on Sundays or Public Holidays or at any time otherwise than between the hours of 0700 to 1800 on Mondays to Fridays and 0700 to 1300 on Saturdays.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The equivalent continuous A-weighted sound pressure level over any 15 minute period (LAeq 15min), arising from machinery and operations at the site shall not exceed the background noise level (LA90, 5min) by more than 5dB(A), when measured at the boundary of any residential property.

The maximum noise level (LAmax) from machinery and operations at the site shall not exceed 60dB(A), when measured at the boundary of any residential property. All noise measurements shall be made according to the main procedural requirements of BS 4142:1990

Reason: To safeguard the amenities of neighbouring residential properties and their occupiers in accordance with policies GEN7, GEN32 of the Arun District Local Plan.

- 4 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the buildings shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general and in order to control the development in the interests of the character and appearance of the buildings which are outside the built-up area, as defined, where normally only that development essential in the interests of agriculture/forestry is permitted in accordance with policy GEN7 of the Arun District Local Plan.

- 6 The premises shall be used only for purposes within Use Class B1(c) and Use Class B8 as defined in the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties in order that the

Local Planning Authority may regulate and control the use of the premises in accordance with policy GEN7 of the Arun District Local Plan.

7 **INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995**

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN3

NATIONAL POLICIES: PPS1, PPG4, PPS7, PPG13

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.