SL/11/06

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Continuance of use without compliance with Condition 10 imposed under planning permission SL/47/05 relating to the site and buildings not being subdivided into separate units Camelia Court, Shellbridge Road, Slindon

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.72 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Flat
TREES	N/A
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The site is a single storey office/warehouse with a side extension currently under construction.
CHARACTER OF LOCALITY	Rural, with housing opposite and woodland to the rear.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
SL/40/99	Change of use from turf farm to B1 business use. Conversion of existing workshop to store, erection of extension to existing office and erection of crèche/staff rest room building.	Approved Conditionally 18.02.00
SL/38/00	Alterations to amenity building/crèche (amendment to approval SL/40/99)	Approved Conditionally 10.01.01
SL/10/01	Demolition of existing workshop building. Erection of replacement storage office and workshop building.	Approved Conditionally 04.07.01
SL/6/02	Erection of replacement storage, office and workshop building, including demolition of existing workshop building.	Approved Conditionally 15.04.02
SL/3/03	New building to link existing office/store with previously approved store/workshop.	Approved Conditionally 22.05.03
SL/22/04	Variation to Condition 4 SL/40/99, SL/10/01 and SL/6/02 to permit use for B1(A) & (C) office purposes.	Approved Conditionally 17.11.04
SL/34/05	New office building involving amendments to existing permission SL/6/02 and SL/3/03.	Approved Conditionally 26.10.05

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RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
SL/47/05	Continuance of use without compliance with Condition 10 imposed under planning ref. SL/34/05 relating to the site and buildings not be sub divided into separate units and used solely for the benefit of Nissan UK Limited.	Approved Conditionally 15/2/05

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Slindon Parish Council	Objection - the effect would be to create a multi user industrial/commercial site. This is contrary to the intension in 2000 to restrict the use to the application IQC. AONB policies apply and the site will be within the proposed National Park. The condition was imposed on SL/3/03 and not as agent states. The condition was imposed because this development would not normally be permitted in this location. SL/34/05 was for 5 staff and 6/7 vehicles per day, if lifted this would be greatly increased. The application was aware of the condition when purchasing the site.
Local Groups	None
14 letters 5 standard letters	Objection: Nissan did not request a multi use in their application. Stoneyfield Farm has already been sub divided between IQC and Nissan UK, further sub division will detract from the countryside. If Nissan want the site as a head office why do they need to lift the restriction? The site is outside the built up area boundary and abuts an AONB. The condition was imposed because development of this nature would not normally be permitted in a rural area. It would set a precedent. Nissan's application was for 5 staff and 6/7 vehicles per day, if the condition is lifted this would increase. The site will become a national park. Nissan UK are a property investment company and that business is at odds with the original principle of regenerating disused agricultural buildings. The applicant was aware of the condition when they purchased the site.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
None	

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Class B Road Tree Preservation Order

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC1, LOC2, DEV1
Arun District Local Plan : GEN3, GEN7

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PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development
PPS7 - Sustainable Development in Rural Areas

POLICY COMMENTARY

The above policies combine to describe the development control criteria against which all proposals will be determined by the authority particularly with regard to the effect on the countryside and the relevance of a restrictive condition.

COMMENT ON CONSULTATION RESPONSES

None

COMMENT ON REPRESENTATIONS RECEIVED

The site is not included within the Area of Outstanding Natural Beauty. The site is outside the built up area boundary which means that countryside policies apply. The site was formally an agricultural site and the extensions previously approved were to replace existing barns on the site, so the footprint was not significantly increased. Under policy DEV1 disused farm buildings are permitted to be converted without a condition to restrict sub division. A property development office would be suitable for a B1 use.

ASSESSMENT OF PROPOSAL

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 the use of the site is for a B1 use and provided the use is for any purposes within the Town and Country Planning Act (Use Classes Order) 1987 as amended, then sub division of the site would not cause any significant effects on the countryside. A restrictive condition would therefore be unreasonable to prevent sub division.

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

Stoneyfield Farm was originally an agricultural site with disused barns which were granted consent under application SL/31/90 to change the use to a turf cultivation business. SL/40/99 was approved to change the use from a turf farm to a B1 use which it has been ever since, this application also established a managed woodland to the rear of the site.

The history of the site as an agricultural site would entail frequent comings and goings to the site with heavy farm plant and equipment. This history is taken into consideration when determining change of use applications. Also this is reflected in Local Plan Policy DEV1 when establishing a preference for a commercial use when considering conversion of rural buildings, SL/40/99 was in accordance with

CONCLUSIONS

this principle. In application SL/100/01 permission was granted for the demolition of the existing workshop building and the erection of a replacement building. This application also included the demolition of an adjacent barn which was then granted a link through the originally converted barn by SL/3/03. Jointly these applications have established the scale of the site with the footprint remaining predominantly as per the original farm buildings.

A restrictive condition was placed on application SL/3/03 in order to permit a replacement building rather than conversion and to assist in the growth of a local business. It also allowed the Local Planning Authority to monitor the effect of the use in a location close to residential properties. There is no evidence of the B1 use causing any demonstrable harm on either the countryside or on local residents.

Therefore the application is to remove a restricting condition. Circular 11/95 concerns the use of conditions in planning permissions states that conditions should only be imposed where they are both necessary and reasonable, enforceable, precise and relevant. With regard to removing conditions the circular states that a condition should not be retained unless there are sound and clear-cut reasons for doing so. Conditions should be tailored to tackle specific problems rather than impose unjustified controls.

The original application SL/40/99 did not have a restriction regarding the sub division of the site and this application was the primary application which determined its use to a B1. Similarly with SL/10/01 which was to demolish and reconstruct new office/warehouse accommodation, and SL/6/02. The condition was imposed to reassure neighbours that the development would not cause any detrimental effects on neighbouring amenities. Technically the condition was not necessary because the 2no. separate buildings were already in existence (with applications to redevelop) and the B1/B8 use applied to these buildings. The small link between these effectively had no significant impact on the development site.

The users of the site are irrelevant because it is the land use which is the important factor. The use will be the same no matter how the internal arrangements (sub division) are arranged. Therefore this condition is unreasonable and not relevant to the use of the site, and it is recommended that the application is approved subject to the conditions set out overleaf.

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Continuance of use without compliance with condition No.10 imposed under planning permission SL/47/05 relating to the site and buildings not being subdivided into separate units.

Camelia Court
Shelbridge Road
Slindon Common

RECOMMENDATION

Approve Conditions

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.

2 The development shall not proceed until details of the proposed surface water and foul drainage and means of disposal have been submitted and approved by the Local Planning Authority. Surface water drainage shall be carried out in accordance with such details and in conjunction with associated building works. No building shall be occupied until the foul drainage works have been carried out in accordance with such details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN9 of the Arun District Local Plan.

3 The premises shall be used only for purposes within Use Class B1 (A) and (C) as defined in the Town and Country Planning (Use Classes) Order, 1987.

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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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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 or storage areas at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

5 No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN33 of the Arun District Local Plan.

6 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

REASON: In order to prevent pollution of the water environment in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

7 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

Reason: In order to prevent pollution of the water environment in accordance with policy DEV1 of the West Sussex Structure Plan and policy GEN7 of the Arun District Local Plan.

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8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the building 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: In order to control the development in the interests of the character and appearance of this building group which is outside the built-up area, as defined, where normally only that development essential in the interests of agriculture/forestry is permitted in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.