

Recommendation Report for Planning Permission

REF NO: A/147/20/PL

LOCATION: Roundstone Van Centre
Roundstone Lane
Angmering
BN16 4AT

PROPOSAL: Variation of condition 3 imposed under A/73/19/PL concerning hours of operation for loading/unloading.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks an increase in working hours for the new workshop building approved under A/73/19/PL to include Saturday 0800-1600 hours. The building is located at the west edge of the site set it back from Roundstone Lane/Mayflower Way frontages.

Condition 3 of planning permission A/73/19/PL states:
No loading/unloading associated with the use of the building hereby approved shall take place on the site outside of the hours of 07.00 and 20.00 Monday to Friday and 08.00 - 16.00 Sunday and Bank Holidays.

The applicant wishes to amend the wording of this condition to read:
No loading/unloading associated with the use of the building hereby approved shall take place on the site outside of the hours of 07.00 and 20.00 Monday to Friday and 08.00 - 16.00 Saturday, Sunday and Bank Holidays.

BOUNDARY TREATMENT Area is enclosed by wire mesh fencing

SITE CHARACTERISTICS Car Sales area with several single storey buildings within the site. The site forms part of an existing commercial site off Roundstone Lane/Mayflower Way comprising of a series of various businesses carrying out mainly vehicle body repairs & spraying, maintenance, MOT facilities, car sales and valeting.

CHARACTER OF LOCALITY Mixed area. Residential on opposite side of Roundstone Lane. Area is used for car sales. Adjacent site is overgrown and allocated in the Local Plan for housing.

RELEVANT SITE HISTORY

A/73/19/PL New workshop. This application is a Departure from the ApproveConditionally

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REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No Objection to bringing Saturday hours in line with Sundays and bank holidays.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area

Within Angmering and Rustington Settlement Gap

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
EMPDM1	EMP DM1 Employment Land: Development Management
TSP1	T SP1 Transport and Development
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment

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 Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

There are no relevant policies in the Angmering Neighbourhood Plan.

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 there would be no materially adverse impact on residential amenity resulting from the proposed extended hours.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

EMPLOYMENT

Policy EMP DM1 of Arun Local Plan seeks to enhance employment sites and premises, including promoting 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. The proposal to increase hours of operation to include Saturdays accords with this policy.

Government policy in the form of the NPPF Para 80 refers to adaptation and expansion of business and the need to support economic growth and productivity.

The relaxation of the imposed hours of operation would directly help meet the needs of a longer more flexible working week which would benefit the wider economy. The proposed addition of Saturday working hours would not give rise to significant adverse impacts on nearby residential properties. When assessed against the policies in the NPPF (Para. 80), the proposed increase in working hours would not be at the expense of additional noise and activity at times when residents would expect to enjoy peace and quiet in their homes and gardens principally in the early morning and evening hours.

IMPACT ON RESIDENTIAL AMENITY

Policy D DM1 of the ALP requires that when considering any application new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Policy QE SP1 requires 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.

Policies QE DM1 and QE DM3 set out the requirements to control noise and air pollution.

The unit is located opposite residential dwellings in Mayflower Way and consent has been granted for works to be undertaken from the premises on Sundays and Bank Holidays. The addition of Saturday working would not adversely increase the impact on the residential amenity of occupiers of these

dwelling. Activity levels and background noise levels would be greater on a Saturday than a Sunday and the proposal only seeks to replicate the consented hours of operation on a Sunday, not to exceed them.

This proposal does not significantly increase operating times and the wording of condition 3 of planning permission A/73/19/PL was an administrative error. The environmental health officer had no objection to Saturday operating hours. The Council's Environmental Health team have raised no objection to the proposed increase in opening times when responding to the consultation in respect of this application. The other conditions imposed on the original would remain in place and still apply to the development.

In conclusion, the proposal would have an acceptable impact on residential amenity, in accordance with policies D DM1, QE SP1, QE DM1 and QE DM3 of the Arun Local Plan.

CONCLUSION

For the above reasons the proposal would be in accordance with relevant development plan policies and permission is recommended subject to the following conditions:

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

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 approved shall be carried out in accordance with the following approved plans:
Location

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy D DM1 of the Arun Local Plan.

- 2 No loading/unloading associated with the use of the building hereby approved shall take place on the site outside of the hours of 07.00 and 20.00 Monday to Friday and 08.00 - 16.00 Saturday, Sunday and Bank Holidays

Reason: To protect the amenity of local residents in accordance with Policy QE SP1, QE DM1 and D DM1 of the Arun Local Plan

- 3 INFORMATIVE: This permission relates to the variation of condition 3 of planning permission A/73/19PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number A/73/19/PL remain in force and must be complied with. This decision only relates to the variation of Condition 3 of that planning permission

- 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.