

Paul Airey Planning Associates Ltd

65 Harefield, Esher, Surrey KT10 9TG



Planning Dept.
Arun District Council
Arun Civic Centre
Maltravers Rd.
Littlehampton
West Sussex
BN17 5LF

4th August 2021

Dear Sir or Madam

**Proposed amendment of condition 2 (relating to hours of operation) of
planning permission A/120/08 to allow for longer hours of operation, and of
condition 6 which restricts the use to Industrial B8 only.**

The Vinery, Arundel Road, Poling BN18 9PY

1. Planning permission was granted by Arun DC on 23 December 2008 for the
*'Relocation and renovation of existing industrial buildings - Use for B8 storage and
distribution.*

Hours of operation

2. This development has been operational for a number of years and the individual
units are being let to a variety of businesses. These units provide a very flexible
option for businesses and as a result there is regular turnover of tenants moving up
and moving on to different premises. It has become clear however that the operating
hours condition is a discouragement to some potential tenants. This application
therefore seeks to justify a relaxation of the condition relating to the hours of
operation. A letter of support from the letting agents is attached to this application.
(This was originally submitted with a previous application but remains relevant.)

3. The approved hours condition states the following:

*Condition 2 The use hereby permitted shall not be operated on Sundays or Public
Holidays or at any time otherwise than between the hours of 07.00 to 18:00 on
Mondays to Fridays inclusive; 07:00 to 13:00 on Saturdays;*

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Reason: To safeguard the amenities of neighbouring properties in accordance with policies DEV 1 of the West Sussex Structure Plan and GEN 7 of the Arun District Local Plan

4. It is proposed that the revised condition should read as follows:

Condition 2 The use hereby permitted shall not be operated on Sundays or Public Holidays or at any time otherwise than between the hours of 06.00 to 20:00 on Mondays to Fridays inclusive; 07:00 to 18:00 on Saturdays;.

Approved Use

5. The original application was made for B8 use, and this use only is permitted under condition 6. Approval has however been granted for the rest of the site to be both B1 and B8 use (A/14/05), and the Use Classes Order allows B8 units of up to 500 m2 to change to B1 without the need for a planning application. Under these circumstances, there should be no objection to allowing the units to be either B1 or B8 use.

6. It is therefore proposed that the existing condition be amended as follows:

*The premises should only be used for purposes within Use Class **B1 and B8** as defined in the Town and Country Planning (Use Class) Order 1987 (as amended)*

Background

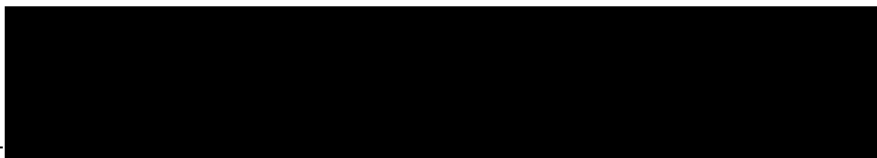
7. The operating hours restrictions at the Vinery site were originally applied in relation to the planning application approved in November 2005 (A/14/05) to allow for the *Change of use of site from mushroom production facility to industrial B1 and B8 uses*. The restrictions on this permission were the same as the current application being 07.00 to 18.00 on Mondays to Fridays and 07.00 to 13.00 on Saturdays

8. Since the original approval, there have been at least another 8 planning approvals in, or adjacent to, the site. While most of these have reflected the original restrictions on hours of operation, a number have applied different variations. The full list of

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hours of operation conditions applying to the site are attached as appendix 1, but it is noted that the following approvals granted different hours of operation.

1. The Fargo development adjoining the site - 06.00 to 18.00 on Mondays to Fridays and 0700 to 1300 on Saturdays.
2. New industrial building to accommodate specialist classic bus restoration business (industrial B2) A/79/14/PL. 8.30 a.m. and 17.30 p.m. on Mondays to Fridays inclusive and not at any time on Saturdays, Sundays or Public Holidays. This was a B2 approval
3. The Tributes building (B1/B8) A/177/19/PL for which no hours restrictions have been included in the conditions.

9. In 2013, the Fargo development (above) for a distribution warehouse on land to the rear of the Vinery was approved with less stringent operating hours, and as part of the approval were required to significantly improve the access into the Vinery site which provided the route into their site. The improved access and the overall upgrading of the site and the quality of the buildings at the Vinery, suggests that a relaxation of the restriction on operating hours can be justified. There is no evidence that the amenity of the residents adjoining the Vinery site has been compromised by the development of the site and, in fact, it is argued that the current operations at the site represent a significant improvement over the former use as a mushroom factory. The uses permitted at the Vinery site are predominantly industrial B1 (which requires compatibility with a residential environment) and B8.

10. The nearest residential development to that part of the site the subject of this application is over 100 metres away and activities at the site will not be noticeable.

11. It should be noted that a relaxation of the hours of operation will not lead to any additional traffic visiting the site, but will potentially spread visits over a longer period. In reality however, it is considered that only a limited number of companies would work on a regular basis outside the existing approved hours. The relaxation of the operating hours will however give greater flexibility to companies over how they operate, and in particular allow them to more easily respond to business pressures.

12. This is particularly important in the current economic situation caused by the corona virus. Unnecessary constraints on operations should be removed where this can be done without harming amenity, to allow firms to be more flexible with their

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working practices and also to allow peak time travel to be avoided if possible. In particular, allowing a wider time band for deliveries and dispatches would help companies to better synchronise with the operations of the wider economy.

13. Nationally, the government is encouraging local authorities to be flexible in considering reducing controls on construction working times and retail deliveries. Retiming deliveries to quieter periods has the potential to reduce road congestion while delivering a number of social benefits, such as improved air quality, reduced greenhouse gas emissions, and increased road safety during the busiest periods of the day.

14. It should be noted that part of this approved site has now been developed for a B2 use in accordance with planning approval A/79/14/PL. This approval will not be affected by the proposed changes to the current application, which will relate to the remaining 9 units constructed at the eastern end of the site.

Summary

- This application seeks a reduction on working hours restrictions for the industrial buildings approved under A/120/08, and use for B1 purposes
- The operating hours relaxation will directly help meet the needs of companies looking for a wider window in the working day. This will help the wider economy
- There are anomalies in the current working hours restrictions across the site.
- The use of the buildings for B1 purposes would be allowed under the Use Classes Order.
- The proposed changes are considered unlikely to significantly affect the amenity of residential neighbours.

Yours sincerely,

Paul Airey
Director

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