Recommendation Report for Planning Permission

REF NO: A/73/19/PL

LOCATION: Roundstone Van Centre
Roundstone Lane
Angmering
BN16 4AT

PROPOSAL: New workshop. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to build a new pre-fabricated vehicle workshop with associated facilities. The workshop building has a shallow pitched roof with a ridge height of 6.4m, an eaves height of 5m, a width of 15m and length of 30m. The size is derived from the need to accommodate commercial vehicles and to make best use of this area of the site. The elevations and roof would comprise composite wall cladding panels. The building has been located at the west edge of the site to set it back from Roundstone Lane/Mayflower Way frontages while utilising an empty part of the site. The building will be accessed from different elevations and sub-divided to allow different operations to function most effectively.
SITE AREA	0.17 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
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.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments from Angmering Parish Council.

2 No objections:
- Having lived opposite this site for over 5 years we are very impressed with how considerate the

applicant has been to keeping their operation clean, very tidy and respecting local residences. The business is very much needed in this area. There is significant direct and indirect employment contribution associated with this proposal.
- Fully support this application but would like to recommend that the entrance gates are widened to allow easier access to delivery vehicles.
- If spray painting of vehicles is included, suitable environmental controls should be in place.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be considered further in the conclusion to this report.

CONSULTATIONS

Environmental Health

Economic Regeneration

Engineers (Drainage)

Engineering Services Manager

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection. Informative requested.

County Highways - No Objection.

Environmental Health - No Objection. Conditions suggested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Two of the conditions proposed by the Council's Environmental Health department have been excluded from the recommendation as they are considered unnecessary, namely the construction management plan and ground contamination. The development is for commercial use and is in an area where a hard surface already exists so such risks are considered to be limited.

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
DSP1	D SP1 Design
SDSP3	SD SP3 Gaps Between Settlements
SDSP2	SD SP2 Built-up Area Boundary
EMPDM1	EMP DM1 Employment Land: Development Management
CSP1	C SP1 Countryside
LANDM1	LAN DM1 Protection of landscape character

TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM2	W DM2 Flood Risk
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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The Angmering Neighbourhood Plan has been made and there are no relevant policies to this 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 although the site is located in the countryside the building is of limited size and within an established employment site and would not compromise the integrity of the settlement gap, the character of the immediate/wider area or visual amenities of the area or residential amenity.

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 application site is situated outside of the built up area boundary as defined by policy SD SP2. Therefore, Policy C SP1 is relevant to the consideration of this proposal which identifies that outside of the built up area boundaries land will be defined as countryside and will be recognised for its intrinsic character and beauty.

Policy C SP1 identifies that development will be permitted in the countryside where it is in accordance with the policy. In this case the proposed development does not accord with policy C SP1 of the Arun Local Plan. However, the proposed building will abut the built up area boundary as defined by policy SD SP2 and will be situated upon an existing employment site which features a number of existing commercial buildings and car storage and sale.

The area subject to this application is mainly used for storage purposes but is currently under-utilised so with a culmination of rationalising the existing site, the new building facility and re-structuring how the business operates, the proposal will play a key role in sustaining the business and ensuring longevity of the site, business and employment for the future.

Therefore, it is considered that despite the proposals conflict with policy C SP1 the proposals will not adversely impact upon the intrinsic character or beauty of the countryside. As such, it will be necessary to consider the proposed development against relevant development plan policies to assess if the proposed structure is acceptable.

The site also lies in an area designated as a Gap between Settlements and therefore consideration against the criteria of policy SD SP3 of the Local Plan is necessary. Given the relatively inland position of the site the development has no impact on the character of the undeveloped coastline. The site is enclosed by development on several boundaries. The proposal would not physically or visually undermine the separation of settlements or compromise the integrity of the Gap. The building would be located against the back drop of car sales parking, servicing and repairs. and other commercial buildings on the site. In addition the adjacent site to the west is allocated for residential development and so will be occupied by built form in the future and there are residential dwellings to the south and east. The existing site is used for commercial purposes and this would use the part of the site which is currently under-utilised by rationalising the existing uses and re-structuring how the business operates. This could not be achieved on a different site and could not therefore be located elsewhere. The applicant requires the new facility to keep up with increasing demand for their services and will enable them to employ 2-3 more people. The proposal would therefore accord with policy SD SP3.

DESIGN AND VISUAL AMENITY

The proposed building will measure approximately 30m in length and 15.88m in width, with an eaves height of 5.2m and a ridge height of 6.6m. The proposed building will feature composite cladding panels for the wall and roof with powder coated aluminium personnel doors. The submission identifies that the colour is to be confirmed and as such a condition will be included to secure this detail.

The proposed buildings will be similar is design to those already present on the site and will be a prominent addition to the street scene of Mayflower Way. However, the proposal will appear in keeping with the established commercial character of the site. The proposed building will also be visible from Roundstone Lane but will be partially obscured by smaller existing structures present on site. The structure will not be visible from further to the north and south along Roundstone Lane with existing structures and planting obscuring the building.

The proposed structure is considered to reflect the established character of the site and as such the proposed development is deemed to accord with policy D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed development is not considered to give rise to any unacceptably adverse harm to the amenity of existing occupiers of the site and any if any additional disturbance was to take place it would not be significantly more than is already present at the site.

A planning application has been submitted for land to the west of the application site for the construction

of 24 dwellings with the nearest proposed dwelling situated approximately 27.87m from the proposed structure. If permission were to be grated and the development implemented the separation distance is considered sufficient to avoid any unacceptably adverse overbearing or overshadowing impacts on existing or future neighbouring properties. However, as this could bring noisy development nearer to residential properties a condition requesting noise details is recommended to be imposed.

The application identifies that the new unit will provide additional occupation for the existing use of the site providing 2/3 additional jobs and moving existing works undertaken outside indoors. A condition has been included as part of this recommendation restricting the hours of operation for the building to avoid unacceptable disturbance to existing or future occupiers.

Therefore, subject to the proposed conditions it is considered that the development would accord with policy D DM1 of the Arun Local Plan.

HIGHWAYS AND PARKING
West Sussex County Council as Local Highway Authority have been consulted in relation to the proposed development and have raised no objection, on the basis that the proposal would not have a 'severe' impact on the operation of the Highways network and as such does not conflict with paragraph 109 of the NPPF or policy TSP1 of Arun Local Plan.

The agent has advised that it is intended the proposal can be accessed via both Roundstone Lane/Mayflower Way with internal access through the site. Due to the nature of these businesses and close proximity there is currently a degree of internal access and manoeuvring around the site. It is not intended this proposal would lead to greater traffic around the site but more likely to lessen the vehicles movements as motors would be kept in the buildings for longer periods until completed rather than moving around the site between various buildings/areas.

DRAINAGE (ENGINEERS)
The Council's drainage engineer has been consulted and no objection has been raised to the proposed development. The proposed structure will be situated on an area of existing hardstanding and as such the building will not result in any additional risk of flooding or loss of permeable areas. As such the proposal is deemed to accord with policies W SP1 and W DM2 of the Arun Local Plan.

EMPLOYMENT

The area subject to this application is mainly used for storage purposes but is currently under-utilised so with a culmination of rationalising the existing site, the new building facility and re-structuring how the business operates, the proposal will play a key role in sustaining the business and ensuring longevity of the site, business and employment for the future. The premises are adjacent to the existing automotive sites being used for various car sales, servicing and repairs. The applicant requires the new facility to keep up with increasing demand for their services and will enable them to employ 2-3 more people. The proposal therefore accords with policy EMP DM1 which seeks to protect and enhance existing employment sites and premises. The policy supports positive measures to upgrade existing employment areas supporting more efficient use of under-used employment sites. The proposal would clearly meet this requirement.

SUMMARY
Despite the proposed development being situated outside of the built up area boundary it is considered that there are material considerations which justify a decision other than in accordance with the development plan. Therefore, the proposals are recommended for approval 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 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 Plan & Roof Plan - Proposal 02 B
· Proposed Elevations and Ground Floor Plan - Proposals 01 A

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.

3 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.

Reason: In the interests of residential amenity in accordance with policy D DM1 of the Arun Local Plan.

4 Details of any external lighting/floodlighting shall be submitted to and approved by the Local

Planning Authority, and any such external lighting/floodlighting shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with policy D DM1 of the Arun Local Plan.

5 Construction work shall not commence unless and until an impact assessment of the noise from the development on nearby residential properties has been completed and submitted in writing to the Local Planning Authority. The impact assessment shall include noise from deliveries and operation of the development and shall include a noise mitigation scheme.

The assessment shall have regard to the principles of BS 4142:2014 and achieve a difference between the measured 'rating' level and the measured 'background' level of at least 3dB. A test to demonstrate compliance with the noise mitigation scheme shall then be undertaken by a competent acoustician / consultant before the use commences.

The measures so approved shall be implemented, and permanently retained thereafter, prior to the occupation of the building hereby approved.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of Arun Local Plan.

6 The building shall be used for workshop purposes and for no other use (including any other purpose in Classes B1 or B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun Local Plan policy D DM1.

7 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.

8 INFORMATIVE: The granting of this planning permission does not in any way indemnify against a statutory nuisance action being taken should complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on (01903) 737555.