

PLANNING APPLICATION REPORT**REF NO:** R/145/10/**LOCATION:** Allangate Buildings
Station Road
Rustington**PROPOSAL:** Application for variation of condition 3 following grant of planning permission R/18/99/ so that permission shall enure for the benefit of Mike Hammond Motors Ltd**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 844 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Varying timber fencing and flint walls enclosing the site, varying from 1 to 2m high.
SITE CHARACTERISTICS	Various detached 1 and 2 storey buildings. Motor Repair Centre, buildings of varying types and styles, modern workshop centrally within the site. Various store buildings and hard-standing. Access onto the site shared with adjoining residential sites.
CHARACTER OF LOCALITY	Sited within a residential area, site enclosed by residential properties. Site set back from the highway behind residential properties fronting Station Road.

RELEVANT SITE HISTORY

R/76/95	Change of use to motor vehicle repair and associated uses and erection of replacement workshop.	Approve Cond 03-04-1996
R/18/99/	Change of use to motor repair and associated B1 uses & erection of replacement workshop (previously approved under R/76/95)	Approve Cond 03-06-1999
R/185/01/	Revised layout for new M.O.T. bay (previously approved under R/18/99)	Approve Cond 19-10-2001
R/171/02/	Proposed revisions to cladding and frame for MOT Bay previously approved under R/185/01.	Approve Cond 03-10-2002

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection

4 Letters of objection:

At present the garage does not impact upon the neighbours and the condition would ensure that when Mike Hammond ceases trading the site would be used for something more appropriate to the residential area. Condition 3 is a safeguard to residents and its removal would be to the detriment of the surrounding residential properties.

Comments on Representations received:

Comment on Parish Response:

Noted

Comment on other representations:

The application to remove the condition is considered to be acceptable as the removal of this condition is not considered to give rise to an intensification of the current use of the site. This is to be ensured with the previous Conditions relating to R/18/99 being maintained which minimise the impact of the B1 use upon the surrounding residential properties.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within the built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2 GEN7	Built-up Area Boundary The Form of New Development
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PLANNING POLICY GUIDANCE

PPS1 PPG24	Delivering Sustainable Development Planning and Noise
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POLICY COMMENTARY

PLANNING

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

PLANNING

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

The proposed application seeks permission to vary Condition 3 of planning approval R/18/99 which relates to the permission being for the benefit of Mr Michael Hammond only and not for the benefit of the land. The proposal seeks to vary this condition to be for the benefit of Mike Hammond Motors Ltd.

In 1996 planning approval previously gave temporary consent for the use of the site as a motor repair centre (R/76/95) and then a full planning approval was given under R/18/99. The full approval was considered to be acceptable as the temporary permission did not result in adverse impacts upon the surrounding residential area. This was considered to be as a result of the applicants style of operation and that a consent personal to the applicant would be a reasonable condition.

The proposed variation of condition 3 would give the permission for the benefit of Mike Hammond Motors Ltd, thereby a permission personal to the company name and not an individual applicant. Paragraph 93 of Circular 11/95 (Use of conditions in planning permission) states a permission personal to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company. Therefore given that the use has been in place without a detrimental impact upon adjoining occupiers and that a variation of condition would not be appropriate, it is considered to be acceptable to remove this condition rather than vary it for the reasons outlined above.

The previous planning conditions 2; 5; 6; 7; 8 and 9 of planning approval R/18/99 are still considered to be appropriate to ensure that the use of the site does not detrimentally impact upon the private amenity of the surrounding residential dwellings.

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 This permission relates to the following approved:
1:1250 Location Plan.

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

in accordance with GEN7 of the Arun District Local Plan.

- 2 The premises shall be used only for motor vehicle repairs or any purpose within Use Class B1 as defined in the Town and Country Planning (Use Classes) Order, 1987 or subsequent re-enactment.

Reason: To enable the Local Planning Authority to maintain control over the development in the interests of the residential amenities of the locality, in accordance with policies GEN32 and GEN7 of the Arun District Local Plan.

- 3 The use of any land for car parking is to be laid in accordance with details to be submitted to and approved by the Local Planning Authority within 3 months of the permission hereby granted and such land shall not be used thereafter for any other purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development, in accordance with GEN7 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the workshop hereby approved 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: A more intensive use of the site would be likely to cause congestion on adjacent roads through overflow vehicle parking and/or cause harmful environmental effects, and, in the interests of the amenities of the locality.

- 5 No machinery, vehicles or plant shall be operated on the site except between the hours of:-

7.00am and 6.00pm on Mondays to Fridays inclusive,
9.00am and 1.00pm on Saturdays,

not at any time on Sundays or Public Holidays.

Reason: In the interests of amenity in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

- 6 No power tools shall be operated outside of the buildings.

Reason: To protect the amenities of residents living nearby in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

- 7 No paint spraying or painting of any kind to facilitate the repair or renovation of motor vehicles shall be undertaken at the premises.

Reason: To protect the amenities of residents living nearby in accordance with policies

GEN7 and GEN32 of the Arun District Local Plan..

- 8 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: GEN2, GEN7, GEN32

NATIONAL POLICIES: PPS1, PPG24

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