Development Management - Delegated Officer Report

Application Number: AWDM/1296/17 Recommendation – Approve

Site: 117 Grinstead Lane, Lancing

Proposal: Variation of condition 3 of planning permission reference AWDM/1400/16 to increase hours of use of outbuilding (used for 3D pregnancy scanning) to between 09.00hrs and 19.00hrs Mondays to Fridays

Date of site visit: 13 October 2017

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

Planning permission was granted last year for the erection of an outbuilding in the rear garden of this semi-detached dwelling to be used in connection with the applicant's business of 3D pregnancy scanning. The building measures 10m long, 3.5m wide and 2.75m high with a flat roof. It is timber clad with a felt roof.

The building is sited along the southern and eastern boundaries, close to the boundary fences. At the front of the property there is sufficient space for 4 parking spaces, with access to the building via a gated pathway along the south west side of the building. The pathway and building are fenced off from the domestic part of the rear garden. Two people work in the building and approved business hours are 9.00am to 6.00pm Mondays to Fridays and 9.00am to 1.00pm on Saturdays.

This application originally sought to extend the business hours to between 09.00hrs and 20.00hrs Mondays to Saturdays and 10.00hrs to 16.00hrs on Sundays.

This equates to an additional 2 hours every weekday evening, an additional 9 hours on Saturdays and the introduction of Sunday working.

Following objections received from neighbours and concerns about the potential for an adverse impact on their amenity, the application has been revised to seek an additional hour only Monday-Friday, i.e. until 7pm.

Relevant site history

L/148/02 – Two storey side extension – approved

Consultations

West Sussex County Council: The **Highway** Officer has no objections. While the proposal represents an increase in operating hours the additional hours proposed are ones considered non-peak for the maintained highway

network. The business is small in scale and additional trips generated would not be considered significant in terms of the existing traffic conditions of Grinstead Lane, and the surrounding area.

I would not be minded to view that this proposal would result in a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

Adur & Worthing Councils: The **Environmental Health** Officer advises that they would need to investigate the complaints to see if there was any substance to them before they could comment on them specifically so they have registered it as a complaint on their system.

However, if we were able to include a condition requiring black out blinds to be fitted and used during darkness to prevent internal lights causing a nuisance to neighbours and putting any external lights on a timer so that they can not be left on accidentally this may go some way to reducing the complaints.

No objection to an extension of the operating hours.

Lancing Parish Council: Members did not object to the increased hours of use but they were mindful of the impact to neighbouring residents. The Committee recommends that the LPA considers the alternative hours of Monday-Friday 09:00-20:00, Saturday 09:00-16:00, Sunday Closed.

Additionally, further measures should be taken to ensure that noise and light pollution be kept to a minimum.

Representations

2 letters of objection received from the occupiers of 4 Monks Avenue and 1 Abbots Way:

- These hours are unreasonable. It is bad enough allowing Saturday mornings.
- Unreasonable to expect there to be a business use 7 days a week in a back garden
- Invasion of privacy to allow business to go ahead in the first place
- Building is less than 1m from boundary
- Noise/disturbance caused by conversation in the building
- Lighting intrusive and shines through neighbouring bedroom windows
- Overlooking from building towards bedroom windows
- Increased noise from dogs barking every time a customer arrives
- Hours should not be changed and should remain as per previous EHO advice

Relevant Planning Policies

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7
National Planning Policy Framework (March 2012)

Submission Adur Local Plan Policy 15, 35

Planning Assessment

Residential amenity

The business has been operating for just under 1 year without formal complaints being received. However, 2 letters of objection have been received to the proposed extension of hours of a commercial use in the rear garden of a private dwelling.

The building is used for scanning pregnant women and utilises quiet machinery which does not cause noise disturbance. The objector has referred to noise from conversations in the building and to light pollution from the building shining from the front (north-facing) windows. At the time of the previous application, the Environmental Health Officer recommended that hours of working was restricted to 6pm on weekdays and 1pm on Saturdays in the interest of protecting residential amenity, rather than the later hours sought at that time by the applicant. While the current EHO comments state that they have no objection to the proposed increase in hours, they were not aware of the letters of objection and have since suggested the use of blackout blinds and a timer for the lighting as a way of ameliorating any concerns.

Notwithstanding those comments, it is considered that, in view of the neighbours' objections and the position of the outbuilding in the rear garden close to neighbouring gardens, an increase in operating hours to include Saturdays afternoons and Sundays/Bank Holidays would be unneighbourly. Such times are traditionally non-working days when people are most likely to be relaxing at home or in the garden and do not therefore expect business use in a neighbouring garden. The same can be said for Saturday afternoons and weekday evenings.

The application has subsequently been amended to propose only a 1 hour increase every weekday evening until 7pm. This is considered to be acceptable and should not result in a serious impact on residential amenity, particularly with the added controls over lighting.

The building has been separated from the house by way of a pathway at the side of the house and a low fence. In order to ensure that the building is used in connection with the residential use of 117 Grinstead Lane, a condition is recommended.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Hours of use restricted to 9am to 7pm Mon -Fri and 9am to 1pm Saturday with no working on Sundays/Public Holidays.

4. The outbuilding shall only be used for 3D pregnancy scanning by the occupiers of 117 Grinstead Lane and shall not be used as an independent commercial building.
5. Use of blackout blinds during hours of darkness
6. External lighting to be switched off outside of business hours

Is recommendation contrary to letter(s) of representation? Y

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 27 October 2017

Authorised by: Gary Peck Date: 27 October 2017