expires 12/11

Development Control – Delegated Officer Report

Application Number: ADC/0369/09 **Recommendation – Permit Application**

Site: **M & D Motors Hawkins Road Shoreham-by-Sea West Sussex**

Proposal: **Continued use as vehicle repair garage including M.O.T testing with additional 4 parking spaces (renewal of ADC/0329/07)**

The Application

The application is the latest to seek to renew a temporary permission which has been granted regularly since 1998 for the use of Store 7 as a vehicle repair garage and Store 8 as an associated MOT testing station, with exclusive use of 4 parking spaces within the compound plus use of 8 other spaces during working hours if unoccupied by residents.

The application site lies within a garage / storage compound to the rear of the parade of shops in Kingston Broadway with flats above. Wadurs swimming pool and Homebase lie to the east/north east. Access is gained by a private driveway along the south side of the dwelling at 64 Hawkins Road. The building measures 6-10m deep with a maximum width of 21m and shares a forecourt with private garages and stores.

Consultations and Representations

Consultations/Comments

West Sussex County Council – The Transport Planning Officer states that from an inspection of the plans it is apparent that the parking exceeds WSCC maximum standards for this use class; however it is not anticipated to raise a highway safety issue and would allow vehicles using the garage to park within the site and not on the publicly maintainable highway.

WSCC has no highway safety concerns regarding this application, however the Southern Area Highway Manager wishes to remind the applicant that advertising of the business should not take place within the publicly maintainable highway.

Adur District Council – The Council's Environmental Health Officer has no objection to the application.

Third Parties

2 letters received from the occupiers of 39 and 45 Hawkins Road plus 1 other from an unspecified address objecting on the following grounds:

Highway safety, traffic and parking – vehicles are being parked in the street causing unnecessary obstruction and nuisance in spite of planning condition preventing such activity

1 letter received from the occupier of 60 Hawkins Road stating no objection to the application as there has not been any disturbance from the use.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993 – 2006 (ADC 1996) (saved policies): AE15, AE16

Planning Assessment

Policies

The site is not identified for any particular use in the Local Plan. Policy AE15 provides for the use of small buildings of less than 300m^2 located within the built up area but outside business / industrial areas for B1 business uses subject to there being no loss of amenity to nearby residents and on-site car parking arrangements and access being acceptable.

Residential amenity

The use of the building itself has not caused unacceptable noise or disturbance and the Council's EHO has not raised an objection to the proposed renewal.

Parking and access

The main concern locally is the alleged overflow of parked cars onto Hawkins Road and the resulting congestion it causes. Apart from 4 parking spaces specifically let to the garage business in an area adjacent to the rear of Kingston Broadway to the south of the site, parking and turning space is shared with the other garages and stores in the compound.

As previously advised by West Sussex County Council, the maximum parking standard applicable to repair garages such as this one is 9 bays. Only 4 spaces are identified in the proposal as being for the exclusive use of the garage; however, in practice, more space is available in the yard (including up

to 8 residential bays generally not used during the hours of the garage's operation).

Whilst the total number of car bays is above normal standards, in practice it is unlikely that 12 bays will ever be available or used at any one time. The 4 spaces to the south, for instance, were not fully used at the time of the site visit. 6 cars were parked in the area in front of the garage and there were 2 cars being worked on within the garage.

There have been complaints received as part of this application that cars associated with the use are still being parked in Hawkins Road and causing congestion. It was not obviously apparent at the time of the officer's site visit that cars were being stored on the road but previous consents have contained a condition preventing the parking of vehicles relating to the garage in Hawkins Road. Further monitoring may be necessary by the Council's Planning Enforcement Officer but, with that condition in place, it is not considered that the use has an unacceptably detrimental impact in highway terms.

Other issues

Circular 11/95 is clear that a second temporary permission should not be necessary where, after a trial run, the effects of a particular development have been assessed. In this case the application has been renewed on numerous occasions since 1998 and it is not considered that a condition limiting permission to a further 2 years is reasonable or necessary. With conditions in place to control hours of use, the type of use and activity and to prevent parking in Hawkins Road, it is considered that a permanent permission is justified.

Recommendation

APPROVE for reason that:

The use does not detract from the local environment, does not result in unacceptable detriment to the amenities of neighbouring properties and takes place without detracting from highway safety. It does not conflict therefore with policies AG1 or AE15 of the Adur District Local Plan.

Subject to:

1. C10B AG1
2. No external working shall take place anywhere on the premises to which this permission relates and all working shall be confined to the buildings.
   Reason – In the interests of amenity and to retain adequate off-street parking space and to comply with policy AG1 of the Adur District Local Plan

3. The premises shall only be use for light mechanical repairs, servicing, valeting and MOT-testing of cars and light vehicles only and for no other purpose.
   Reason – In the interests of amenity and to retain adequate off-street parking space and to comply with policies AG1 and AE15 of the Adur District Local Plan
4. No vehicles which have been left with or are in the control of the operators of the vehicle repair garage and MOT-testing station hereby permitted shall be stored or parked in Hawkins Road.
   Reason – In the interests of amenity and to retain adequate off-street parking space and to comply with policies AG1 and AE15 of the Adur District Local Plan

Case Officer [redacted] Date 16/10/09

Planning Services Manage[redacted] Date 19/10/09

Chair of DC Comm[redacted] Date 19/10/09