Application Number: AWDM/1673/15 **Recommendation – APPROVE**

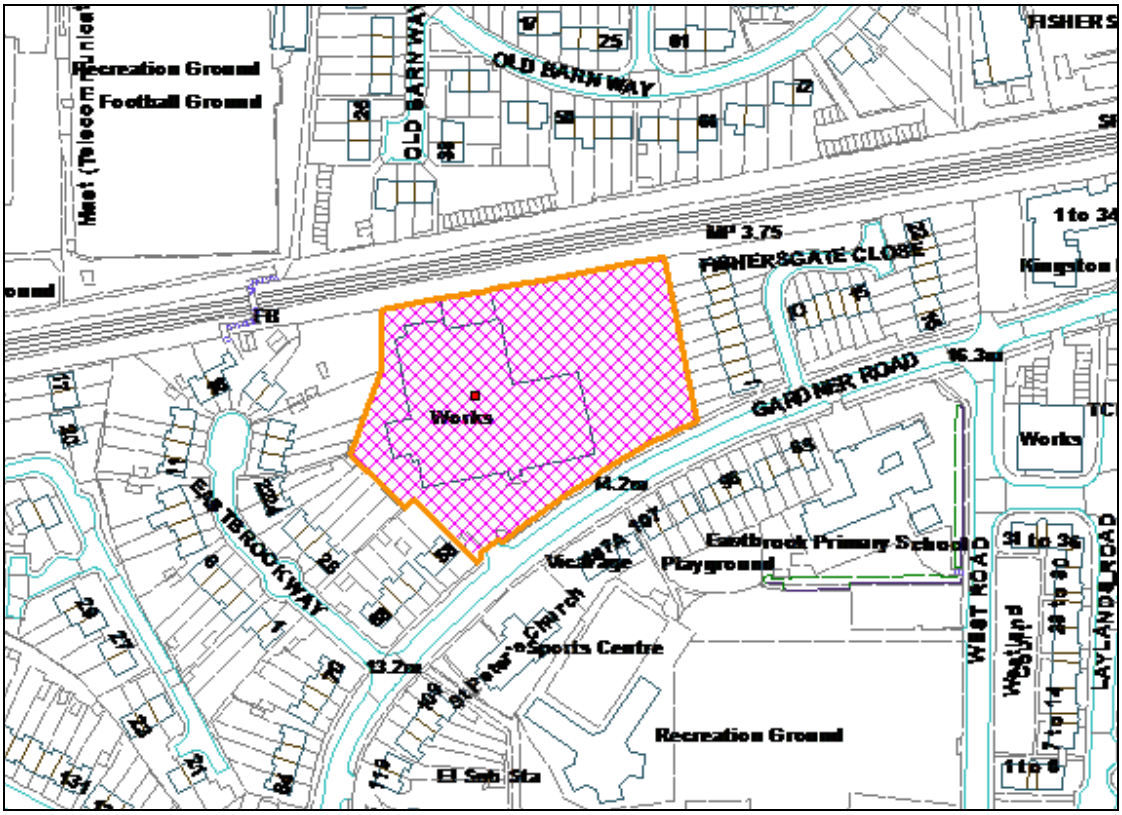
Site: **Ocean View Business Park (formerly Nynex House), Gardner Road, Southwick**

Proposal: **Part change of use from mixed Use Classes B1 (business) and B8 (storage or distribution) to mixed Use Classes B1 and B8 in addition to part internal change of use to MOT testing of applicants' own motorcycles**

Applicant: Mr D Fan

Ward: Eastbrook

Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

The application relates to the former NTL/Virgin Media building in Gardner Road, which was previously known as Nynex House but which has changed its name to Ocean View Business Park. Last year a Certificate of Lawfulness was issued to a company called Sinnis International to use the premises for a motorcycle assembly and distribution business under the lawful use of Class B1 (business) and Class B8 (storage and distribution), with ancillary showroom (AWDM/0981/15 refers).

The proposed use would involve the final finishing of motorcycles that are built in China and shipped to the UK, needing only final adjustment, primarily the fitting of the front wheel and adding of fuel. The motorcycles are otherwise complete in all respects. All work is carried out using spanners and other hand held tools only.

This application seeks to change the use of the premises to enable 16sqm of the building to be used for MOT testing of their own motorcycles and scooters both pre and post sale. The supporting statement submitted with the application states that at their current premises in Brighton the business carry out 2-4 MOTs per day. No external alterations are required as the MOT bay will be located within the existing building on the ground floor, towards the rear in the eastern part of the building.

Relevant Planning History

AWDM/0981/15 - Application for a Lawful Development Certificate for proposed use of Nynex House for a mix of B1 (business) and B8 (storage) uses with ancillary showroom - approved

Consultations

Adur & Worthing Councils: The ***Environmental Health*** officer has no objections.

Representations

2 letters of objection received from the occupiers of 7 Gardner Road and 21 Eastbrook Way:-

- Additional traffic in Gardner Road
- Where will the emissions go?
- Unsuitable in a residential area
- Badly located and unsuitable commercial sites such as this should be got rid of
- Area is becoming more popular for families priced out of Hove and Portslade

Relevant Planning Policies and Guidance

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1
Proposed Submission Adur Local Plan (2014) Policy 26

National Planning Policy Framework (March 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The site is not identified for any particular use in the Local Plan. However, emerging policy in the form of Policy 26 of the Proposed Submission Adur Local Plan seeks to protect and enhance existing employment sites and premises.

The current proposal retains B1 and B8 uses in the form of a motorcycle assembly and distribution business. The proposed B2 element in the form of the MOT testing facility is a minor element of the overall business and involves only a small percentage of the total floor area (less than 1%).

The proposal therefore retains business use at the premises and can be supported in principle.

Residential amenity

The proposal involves using a small area within the building for the testing of vehicles prior to sale and distribution as well as after sales testing of customer's motorcycles. All testing will take place within the building and will be limited to the testing of motorcycles and scooters in connection with the business only and will not be for general MOT use. This can be controlled by condition.

With regard to emissions and extraction, motorcycle MOTs do not include an emissions test so there is no need to install any new extraction equipment. Notwithstanding that, there is an existing ventilation system in the building and associated ductwork that served the previous B1 and B8 uses of the building without any known problems and which will be used by Sinnis Motorcycles for their use of the building.

In view of the location of the MOT bay contained within the building, some distance from the site boundaries and limited to a few tests per day, it is not considered that the proposal will cause a loss of amenity for nearby residential occupiers.

Accessibility and parking

The MOT testing is ancillary to the lawful use of the premises and will not have an impact on the number of vehicles accessing the site. The proposal will not therefore result in any adverse impact on highway safety.

Proximity to health and safety hazard

The site is in close proximity to the fuel storage facility at Texaco Wharf. As it handles potentially hazardous substances, the Health and Safety Executive (HSE) has designated consultation zones around the facility. Within these zones the HSE would advise against certain types of development according to their level of sensitivity.

However, the lawful use of the premises is B1/B8 and the current applicant is able to occupy the premises without requiring planning permission and the proposed use was not therefore required to be referred to the HSE. The proposed introduction of a 16sqm MOT facility for use ancillary to the overall business is not expected to increase the number of people on the site and, in the context of the lawful use of the site, it is not considered that there would be an unacceptable increase in the risk to human health arising from this proposal.

Recommendation

APPROVE

Subject to Conditions:-

1. Standard 3 year time limit
2. MOT testing shall only be carried out in the area shown on the approved proposed ground floor drawing received 20 November 2015 and shall be limited to the testing of motorcycles and scooters imported and sold by the applicant (in connection with his motorcycle assembly and distribution business) only and shall not be for general MOT use.
3. Approved plans