Development Control – Delegated Officer Report

Application Number: AWDM/1490/19 Recommendation – APPROVE

Site: Ingleside Garage, Ingleside Road, Lancing, BN15 8EL

Proposal: Change of use from B2 (General Industrial) to mixed use B2 and MOT testing. (Re-submission of AWDM/1168/18).

Date of site visit:

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to an existing building that has been operating as a garage for some time. The surrounding area is predominantly residential and there are commercial uses nearby, i.e. retail. The adjoining building at 45-49 Penhill Road, was formerly a cinema and had other uses after the cinema closed, i.e. offices, but now has an extant planning permission for redevelopment to flats. The existing adjoining buildings have now been demolished to make way for the construction.

The application site has received approval for a Certificate of Lawfulness for an existing use as a garage including car repairs for the servicing, maintenance, bodywork repairs and paint spraying of motor vehicles including tyre and exhaust fitting (Use Class B2). Also, to use the land to the west of Ingleside Road for the parking and storage of motor vehicles in connection with the garage us (Use Clase B8).

Proposal

The proposal seeks permission to add MOT testing to the approved Garage use.

***Planning History**:*

AWDM/1168/18 Change of use form B2 (General Industrial) to mixed use B2 and MOT testing. **Withdrawn 22.10.2018**

AWDM/0271/19 Application for a Certificate of Lawfulness for existing use as car repair garage for the servicing, maintenance, bodywork repairs and paint spraying of motor vehicles together with tyre and exhaust fitting (Use Class B2). Use of land to west of Ingleside Road for parking and storage of motor vehicles in connection with the garage use (Use Class B8) **Certificate Issued 25.07.2019**

Representations: None received

Consultation Responses:

Environmental Health: No adverse comments in principle

- No hours of use have been included in the application form.
- Would recommend that these be controlled by condition – Monday to Friday 0800 to 1800; Saturday 0800 to 1300; No working Sundays or Bank holidays

Environmental Health Public Sector Housing:

- No comment

WSCC Highways:

This proposal is for the change of use from B2 (general industrial) to used B2 and MOT testing. This application is a re-submission of AWDM/1168/18 to which no highways safety concerns were raised. The application was withdrawn by the applicant and an application for a Certificate of Lawful Use was submitted to the LPA under ref: AWDM/0271/19 to establish the lawful use of the site for B2 use and use of the parking area to the west for B8 use for parking and storage of motor vehicles in connection with the garage use. The application was approved by the LPA.

It appears from the site history that the site operated as an MOT testing centre until 1995, when this use ceased, although the site was in continual use as a vehicle service/repair garage. The use of the land to the west of Ingleside Road has been established as part of this site for the B8 storage use of vehicles waiting servicing/repair or collection for scrap.

In principle, the LHA would not raise any highway safety concerns to this application, given the established history of the site. However, the LHA require clarification as to whether the recently approved B8 vehicle storage area will be utilised as parking provision for the garage and MOT use of the site. If so, should this be included within the red edge?

Relevant Planning Policies

Adur Local Plan: Policy 15, 34
Planning Policy Framework (2019)
National Planning Practice Guidance

Planning Assessment

The proposal is acceptable in principle, subject to its effect on the visual and residential amenity of the neighbouring properties and the character of the street scene in general.

Visual Amenity and Residential Amenity

A Certificate of Existing Lawful Use or Development was approved earlier this year, the Certificate states that:-

"1) the use of the property within the red edge on the east side of Ingleside Road as car repair garage for the servicing, maintenance, bodywork repairs and paint spraying of motor vehicles, together with tyre and exhaust fitting (Use Class B2), and including the temporary storage of old vehicles awaiting the stripping of parts and final disposal elsewhere. The use operating six days a week 0800 to 1700 Monday to Thursday, 0800 to 1600 Fridays and 0800 to 12 on Saturdays; and

2) the use of the land within the red edge of the application on the west side of Inglesdie Road for the parking and storage of motor vehicles in connection with the garage use (Use Class B8), made up by the storing of vehicles associated with the business, customer vehicles awaiting work or collection, and the parking of a breakdown recovery truck."

The proposal now is to include MOT testing on the site which was not part of the Lawful Development Certificate. MOT tests include such matters as checks on lights; steering and suspension; wipers and washer bottle; windscreen; horn; fuel system; emissions; bodywork etc.

It is considered that the MOT testing works are not dissimilar to the B2 use which is within the approved Certificate of Lawfulness. The use class of MOT centres are considered to be Sui Generis on the basis that the use only involves inspection and testing, not activities covered by the planning definition of an industrial process, and by virtue of this, the nature of MOT centres are considered to significantly differ from a B2 use.

The site did once undertake MOT's but ceased many years ago.

County Highways comments that the parking area should be included within the red edge is understood, but as the extant Lawful Development Certificate clearly specifies the parking configuration for the use to take place, it is considered that it is already tied up.

It is not considered that the MOT use would materially affect the visual amenities or the existing residential amenities of neighbouring properties of the area over and above the approved garage use.

Recommendation APPROVE, subject to the following conditions

1. Approved plans
2. Standard time limit
3. Hours of use.

Informatives

1. Approved without amendment

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

Case Officer: Eve Hearsey Date: 24.10.2019

Authorised by: Peter Barnett Date: 24 October 2019