Development Management - Delegated Officer Report

Application Number: AWDM/0773/16 Recommendation – Approve

Site: Ocean View Business Park, Gardner Road, Southwick

Proposal: Variation of Condition 2 of AWDM/1673/15 to allow for general MOT testing limited to a maximum of 10 motorcycles and scooters per day.

Date of site visit: Seen previously

Neighbours checked: Y

Additional neighbour notifications: N

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).

A subsequent permission (AWDM/1673/15) was granted 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 stated that at their current premises in Brighton the business carries out 2-4 MOTs per day.

This application seeks to vary that permission to enable general MOT testing of up to 10 motorcycles and scooters every day rather than be limited to the applicant's vehicles only. The reason for this is that the DVSA will not issue a licence for MOT testing where there is a planning restriction on the types of vehicles tested. MOT stations are not allowed to refuse to test a vehicle on the grounds of its manufacture or model. They must be accessible to the public as they are public facilities.

Relevant site history

As above.

Consultations

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

Representations

None received

Relevant Planning Policies

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

Planning Assessment

Principle

The current proposal retains B1 and B8 uses in the form of a motorcycle assembly and distribution business with a small B2 element in the form of the MOT testing facility which 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. The main consideration as to whether MOT testing can be made open to the public will be the impact residential amenity.

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. The proposal is to enable general MOT use which could lead to an increase in the number of vehicles tested, but it is proposed to limit it to a maximum of 10 motorcycles and scooters per day.

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 10 tests per day, it is not considered that the proposal will cause a loss of amenity for nearby residential occupiers.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. 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 a maximum of 10 motorcycles and scooters per day

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

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 20 July 2016

Authorised by: Gary Peck Date: 21 July 2016