ADUR & WORTHING
PLANNING SERVICES

PLAN	AWDM/ 0773/16
DATE VALID	28 JUN 2016

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Development Control
Adur District Council
Civic Centre,
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18 May 2016

Dear Sir/Madam

RE: Nynex House, Gardner Road, Fishersgate, West Sussex, BN41 1QP

Application for a change of use from mixed B1 and B8 Use to mixed B1, B2 and B8 Use. AWDM/1673/15

We write on behalf of Sinnis International (UK) Ltd in relation to Nynex House, Gardner Road, Fishersgate.

Please accept this letter and attachments (submitted via the planning portal) as an application to vary condition 2 imposed on planning permission AWDM/1673/15

The Site

Nynex House is large commercial site located immediately south of the Brighton to Portsmouth Railway line in Fishersgate, West Sussex. The site comprises of approximately 7800m2 of land that is occupied by a single large building. The open car parking area provides around 130 car parking spaces.

The site is not in a conservation area nor is it a listed building

Relevant Planning History

A lawful development certificate for the use of the site as a mix of B1 and B8 Uses was granted by Adur District Council on the 15th September 2015 under reference AWDM/0981/15.

Planning permission was granted for Part change of use from mixed use classes B1 (Business) and B8 (Storage) to mixed use classes B1 and B8 in addition to part internal change of use to MOT testing of applicants" own motorcycles on the 20th January 2016 under reference AWDM/1673/15.

Condition to be varied

The following condition imposed on planning permission AWDM/1673/15 is sought to be varied by this application.

02. 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

Reason: In the interest of amenity having regard to saved policy AG1 of the Adur District Local Plan.

Proposed Condition

This application seeks to vary the above condition to allow for MOTs to be carried out on any motorcycle, not just those supplied by Sinnis Motor Cycles.

This application invites the Council to vary condition 2 and a suggested form of words for the replacement condition is provided below:

02. 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.

Reason for proposed variation of condition 2

The Driver and Vehicle Standards Agency (DVSA) who oversee the licensing of MOT stations will not give a licence to test for MOTs where there is a planning restriction imposed on the types of motorcycle to be tested. MOT stations are not allowed to refuse

to test a vehicle on the grounds of its manufacturer or model. The DVSA stipulate that all MOT stations must be accessible to any member of the public as they are public facilities.

In considering the recent application for planning permission AWDM/1673/15 the council found that the use of the specified area of floorpsace for the carrying out of MOT tests would be in accordance with policy and would cause no visual harm or harm to the amenity of the surrounding area, nor did it cause any harm to highway safety.

In the absence of any harm caused by the use, there is no planning reason to restrict the type of machine that can be tested.

In recognition of the Council's desire to control the MOT operation at the site, this application proposes instead a limit of ten on the number of machines that can be tested in any one day. This restriction would effectively prevent the uncontrolled escalation of the MOT activity and would thereby prevent any potential for harm to the amenity of the surrounding area or harm to highway safety.

Impact of the proposed variation of Condition 2

There would be no visual or other impact from the proposed variation of condition.

Description of development AWDM/1673/15

As set out above, the permission that was granted in January 2016 had a description of:

Part change of use from mixed use classes B1 (Business) and B8 (Storage) to mixed use classes B1 and B8 in addition to part internal change of use to MOT testing of applicants' own motorcycles.

As the proposed variation of condition would allow the testing of all types of Motorcycle and scooter, with a limit of 10 machines per day, it is respectfully suggested that in order to clarify the approved use, the new permission that is sought by this S.73 application is given a description of development as

Part change of use from mixed use classes B1 (Business) and B8 (Storage) to mixed use classes B1 and B8 in addition to part internal change of use to MOT testing of no more than 10 motorcycles per day.

Summary

For the reasons set out above it is our opinion that the proposed variation of to condition 2 would maintain the residential and visual amenity of the site and surroundings and would enable the Planning Authority to suitably control the use of the building.

This would meet the reasons for the original condition and for that reason it is submitted that there would be no undesirable impact from the proposed variation of condition.

Adur District Council is therefore respectfully requested to approve this application for a variation of condition without undue delay.

Application fee

A cheque for £195.00 is enclosed with this application begin the requisite fee for an application to vary a condition.

If you require any further information or clarification please contact Luke Carter on 01273 413700 or luke@lewisplanning.co.uk.

Yours sincerely

Lewis & Co Planning