DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO./ ADDRESS: WB/10/1010/FULL 3 Littlehampton Road

DATE OF SITE VISIT: 4 .01.11

NEIGHBOURS CHECKED : Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES):

Amended description and amended plans letter to all those originally notified – expired 11 February 2011.

SITE AND SURROUNDINGS:

The application relates to 'Becket Motor Works', a car servicing, repair and sales business, located on the south side of Littlehampton Road (at the western extremity of the neighbourhood centre shopping parade), west of its junction with Rectory Road. This in an 'L' shaped site with parking, workshop and servicing accessed from the rear, with a vehicular entrance from Highfield Road. Terraced housing adjoins the site to the west, and a Chinese restaurant adjoins the site to the east. To the south in Highfied Road is a builders yard and store, but this street is predominantly residential.

PROPOSAL:

As originally submitted, permission was sought for the change of use of a detached building in the rear yard for MOT testing and repairs with access off Highfield Road. The Design & Access Statement submitted with the application states that the building is currently in use for vehicle repairs and as a tyre fitting bay. It is 4m wide and 8.6m long, constructed of sectional concrete with a low pitched roof consisting of corrugated asbestos sheeting. There are a pair of timber doors at the western end.

The business employs 6 full time and 1 part time employees and the hours of operation are 8.30am to 6.00pm Monday to Friday, 8.30 to 1.00pm Saturdays and closed on Sundays and Bank Holidays. At present MOT testing takes place off-site involving a minimum of 2 outward and 2 inward car journeys.

There are 17 car parking spaces in the rear yard and a covered cycle store with space for 3 cycles.

The application is accompanied by a letter of support from Becket Residents Association.

RELEVANT PLANNING HISTORY:

Retrospective planning permission was granted on 14 May 2010 (WB/10/0108/FULL) for the change of use of the premises from tool hire and servicing to car servicing, repairs and sales, including the workshop the subject of this application. However, condition 1 of that permission specifically excludes MOT testing from the permission,

The original application submitted under WB/10/0108/FULL included an MOT resting facility but this element was withdrawn from the application following the advice of the EHO that permission would be granted for a temporary period of one year to allow monitoring of the MOT facility. The applicant considered that a temporary permission was not a viable proposition as the licensing authority will only licence for MOT testing for a minimum period of 5 years. Consequently this element was withdrawn from the application thereby enabling full permission to be granted in respect of the main car repair, servicing and sales activities.

RELEVANT PLANNING POLICIES:

Saved Worthing Local Plan policy TR9, S11, H18, RES7
South East plan policies CC1, CC6, RE3, T4, NRM9, NRM10, BE1
Submission Core Strategy policies 3, 4, 16

REPRESENTATIONS:

3 letters of objection have been received from the residents of 9, 17 and 19 Highfield Road raising the following concerns:-

- Extra noise of the MOT testing and increased comings and goings;
- Increased traffic in this residential road which is already used as a cut through by traffic avoiding the traffic light junction will add to congestion and pose a safety risk.
- Additional customers will add to on-street parking inconveniencing residents.
- Existing use is relatively unobtrusive and does not cause a problem.
- Proposed change in use will degrade this residential area, an eyesore.
- Petrol, oil etc. held on site is a hazard.
- Emissions testing will expose residents to an additional hazard from fumes etc.
- If approved, the existing fencing must be maintained with no additional signage.
- Concern the premises will expand and will further impact on the residential area as it is understood that the owner has bought the neighbouring builder's yard.

A letter of support has been received from the neighbouring builder's yard commenting that they have never had any complaints about the garage and small businesses need support in hard economic times to help progress, provide employment and serve the community.

RELEVANT CONSULTATION RESPONSES :

The **Economic Development team** support the expansion of this local business, to safeguard employment and provide services for the local community within the parade. MOT testing is in keeping with the current use of this commercial property and supports the existing employment occupation.

The **Environmental Health Officer** has commented that a complaint was received concerning noise when the business first started (June 2009), but this was resolved and no records of noise complaints have been received by EH since and they consider the hours of operation acceptable. However, the Environmental Health Officer considers that there would be potential loss of amenity to local residents arising from the proposed new MOT centre and although as a whole it may be

relatively quiet, activities such as emissions testing raises concern and is unlikely to be carried out inside the shed (insulated or not) and the fumes from the engines running and extra custom the Highfield Road façade is likely to have an impact. A temporary permission to monitor this aspect is recommended.

The **Highway Authority** comments as follows: "*West Sussex County Council was previously consulted on WB/10/0108/FULL to which no objections were raised.*

I believe the previous application relating to the site involved MOT testing and repairs. At the time the application was considered acceptable given the previous use of the site, on the understanding that this latest application is similar no concerns would be raised. No contributions sought as the site is below the threshold."

The **Environment Agency** has no comments.

The **Executive Head of Housing, Health and Community Safety** initially requested further information on the proposed increase in traffic movements/customers should the new activity come on-stream and the proposed hours of operation of the MOT testing. In response the applicant has provided the following additional information:

a) Traffic will be reduced by up to 100% due to the fact that cars will not be leaving the garage every 20 minutes to deliver and collect cars from the off-site test centre currently used, reducing the risk of accidents and emissions.
b) Currently there a 6-8 tests per day. The maximum target is 10 tests per day.
c) Tests could be carried out with the garage doors closed. An extractor system can be installed to deal with any emissions and this can be required by means of a suitably worded condition. Such extractors are fairly common in garages and I have seen them in action in other locations.
d) MOT testing is a relatively noiseless process as it mainly involves visual checks only – not physical tests. All repair work to the vehicles will be carried out as at present in the main workshop area.

In response to this further information it is suggested that a condition is imposed on any consent requiring details of the extraction system to be agreed, and workshop door to be kept shut while tests take place.

PLANNING ASSESSMENT:

There is no objection in principle to the proposed MOT use which relates to the substantive use of the premises for car repairs, servicing and limited car sales granted under WB/10/0108/FULL. The determining factors are the effects on the amenities of nearby residential occupiers in terms of increased activity, noise and disturbance, including fumes, and on highway safety.

The EHO initially expressed concerns about increased activity and noise associated with the proposed MOT use affecting nearby residents. A limited period consent would enable the effects of the proposed use to be monitored over a period of time to safeguard the amenities of nearby residents. However, the applicant has explained that a limited period consent is not a viable proposition in this instance.

It is notable that the existing business has not given rise to complaints from neighbours, and the proposal is supported by the Residents Association. MOT work forms part of the current business with testing currently taking place off-site, requiring

journeys to and from the MOT test centre. It is argued that this generates more activity in terms of comings and goings to and from the premises than would arise from having MOT testing on site. It is anticipated there would be 10 MOTs per day (compared to 8 off-site MOTs at present). It has been confirmed that the majority of the MOT test involves visual inspection rather than potentially noisy, physical works. The emissions test – which involves the engine running – could be undertaken inside the building with the doors shut (with extraction). Following discussions it is also proposed to block up the existing opening at the western end of the workshop building and form a new opening in the eastern end of the building (facing internally into the site) with a new roller shutter door. This would help to prevent noise emissions escaping from the building impacting on nearby residents in Highfield Road (although a condition of planning permission requiring testing to take place with the door shut would still be necessary to safeguard the amenities of No.14 (beyond the builder's yard to the south) and the rear of the terraced houses fronting Littlehampton Road.

The proposed development would not result in a significant intensification of use of the site and premises compared to the existing situation, and subject to the suggested safeguards it is considered that MOT testing could take place within the workshop building without detriment to the amenities of nearby residential occupiers.

In terms of parking and access, the Highway Authority has not raised any objection. The proposal is unlikely to alter traffic patterns to and from the site, and may result in some reduction of vehicular activity throughout the day. On the basis that the use for MOT tests is ancillary to the substantive use of the premises for car repairs, servicing and limited car sales, the 17 spaces within the yard appear to be adequate for staff and customers, bearing in mind the availability of spill-over parking in Highfield Road is extremely limited.

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

RECOMMENDATION:

Grant **planning permission** subject to the following conditions:

- Standard 3 year time limit
- Approved plans
- The use of the workshop building for MOT tests hereby permitted shall be operated solely incidental to the use of 3 Littlehampton Road for car servicing and repairs (with ancillary car sales) and shall not be used as a separate business at any time.
  Reason: In the interests of highway safety and to safeguard residential amenity having regard to saved Local Plan policies TR9 and H18.

- The premises shall not be open for trade or business except between the hours of 08.30 and 18.00 Mondays to Fridays and 08.30 and 13.00 on Saturdays and shall be closed on Sundays and on Bank or Public Holidays.
- No MOT testing or any other working associated with the approved use shall take place other than wholly within the workshop building and with the (roller shutter) door(s) closed.
  Reason: To safeguard the amenities of neighbouring residents and to comply with saved Local Plan policies RES7 and H18.
- The use hereby permitted shall not be carried on unless and until the existing opening in the western elevation of the building has been blocked-up using materials and external finishes to match the existing building and the new opening formed in the eastern end of the building and a roller shutter door installed, in accordance with details to be submitted to and approved in writing by the local planning authority.
  Reason: In the interests of visual and residential amenity and to comply with saved Local Plan policies BE1 and H18.
- The use hereby permitted shall not be carried on unless and until a means of ventilation for the extraction and ventilation and disposal of emission fumes (including details of the fans, ducting and a method of noise abatement) has been submitted to and approved in writing by the local planning authority. The equipment so approved shall be installed before the use hereby permitted begins and shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
  Reason: To safeguard the amenities of neighbouring residents and to comply with saved Local Plan policies RES7 and H18.

REASONS FOR RECOMMENDATION:

The proposed development is within the built-up area and would help support an existing local business without detracting from the local urban environment. Subject to the recommended safeguards, it can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It would consequently not conflict with the relevant 'saved' policies of the Worthing Local Plan (TR9, BE1, H18, RES7), the South East Plan (CC1, CC6, RE3, T4, NRM10, BE1) and the submission Core Strategy (policies 3, 4 and 16).

IS RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION? Y

DELEGATED

Case Officer sign..... [redacted] ....Date.....25.2.11.....

Authorising Offic sign..... [redacted] ....Date.....25/2/11.....