

APPEAL

GROUND OF APPEAL

The planning application (council ref APP/13/00982), which is the subject of this appeal, seeks permission for 'Erection of new building and lych gate following demolition of timber building and garages, and change of use from printers to MOT Test Centre.'

In November 2013, permission was granted for the development proposal subject to 12 conditions. The decision notice (enclosed) lists all the conditions, however the appellant objects to the wording of condition 3

Condition 3 states that;

The building shall be used only for MOT tests and associated minor maintenance and not at anytime for any other use including mechanical or body work repairs nor uses involving panel beating nor the use of any angle grinder, nor shall it be used as a tyre changing or exhaust repair or replacement premises.

Reason: To protect the amenities of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

The appellant wishes the word mechanical (underline and italics added by me) be removed from the condition as the inclusion would make the business unsustainable. It is part of the business plan to have associated MOT servicing (LPA describe this as 'associated minor maintenance') which entails mechanical repairs , a service normally offered by MOT Test Centres.

It is understandable that the LPA is concerned about noise generation on the site however the design has taken many measures to attenuate any noise generated and a Predicted Noise Impact Assessment (enclosed) was produced. On page 29 the report addresses the impact of associated servicing with the use of air tools, compressors, grinders and hammers and concludes that it would not represent a significant noise source.

The numerous conditions cover the restriction of excessive engineering/industrial work and the use of the building for other undesirable business and the LPA, in condition 3 and 8, agree that 'associated minor maintenance' is acceptable therefore the inclusion of the word mechanical is unnecessary and can only cause confusion and argument.

In determining a planning application, consideration must be given to the impact any decision or condition has in relation to the rights of the applicant. Any concerns regarding noise, must be balance by the legitimate aims of the applicant and both considerations should be given proper regard within the decision-making framework. In this case the wording that prohibits mechanical repairs should be removed as it would result in no unacceptable harm in planning terms bearing in mind the secondary function of vehicle servicing and noise attenuation measures to be put in place.

Accordingly, we respectfully request that the appeal be allowed.