

Planning Committee Report	
Planning Ref:	S73/2018/1873
Site:	Evans Halshaw car store, 800 Old Church Road
Ward:	Foleshill
Proposal:	Variation of conditions to allow repairs and valeting of vehicles 24 hours per day 7 days per week and deliveries to site between 0700-2300 hours everyday
Case Officer:	Nigel Smith

SUMMARY

The proposal site is located in a mixed use area, adjacent to newly constructed houses on James Fullarton Way. As such the proposed impact of the extended hours needs to be carefully considered with regard to neighbouring amenity. As the submitted noise assessment is considered to have been undertaken in accordance with best practice, and no evidence of unacceptable noise has been heard during monitoring of the site, it is not considered reasonable to withhold permission due to adverse impact upon residential amenity

BACKGROUND

The site is a car sales and leasing business at the former Acetate site at the junction of Foleshill Road and Old Church Road. As part of the business vehicles are serviced, repaired and valeted. To the north and east of the business are newly occupied houses, which were granted planning permission as part of the outline application for the whole Acetate site.

The proposal extend the permitted hours for valeting, servicing and repairs to 24 hours per day 7 days per week, whilst allowing HGV deliveries / loading / unloading between 0700-2300 hours everyday.

KEY FACTS

Reason for report to committee:	Five or more objections
Current use of site:	Car sales and leasing centre
Existing permitted hours for repairs / valeting:	0700-2000 Monday-Friday; 0800-1800 Saturday; and 1100-1700 Sundays
Existing permitted delivery hours from HGV's:	0700-1900 Monday-Friday; and 0800-1200 Saturdays

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: DS3, DE1 and JE1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The proposal is to extend the hours of operation for the business. Condition 5 on the current permission allows sales / valeting / servicing and repairs to between 0700-2000 Monday-Friday; 0800-1800 Saturdays and 1100-1700 Sundays. Condition 6 restricts HGV deliveries / loading / unloading to between 0700-1900 Monday to Friday and 0800-1200 Saturdays.

The proposal would extend the permitted hours for valeting, servicing and repairs to 24 hours per day 7 days per week, whilst allowing HGV deliveries / loading / unloading between 0700-2300 hours everyday. As part of this proposal, an existing 2m high fence to the eastern boundary of the site would be increased in height to 4m around the turning circle.

A noise assessment has been submitted with the application, which concludes that, subject to compliance with listed noise control measures, the adverse impact upon the noise climate amenity of occupants of nearby dwellings would be negligible.

SITE DESCRIPTION

The site is a car sales and leasing business at the former Acetate site at the junction of Foleshill Road and Old Church Road. As part of the business vehicles are serviced, repaired and valeted. To the north and east of the business are newly occupied houses, which were granted planning permission as part of the outline application for the whole Acetate site. To the south of old Church Road there is a church and older residential development.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Application Number	Description of Development	Decision and Date
OUT/2013/0041	Mixed use development of up to 344 dwellings, a car de-fleet processing centre comprising business (B1) general industrial (B2) storage (B8) and motor vehicle sales (sui generis) and provision of public open space, sports pitches and associated roads, footpaths, cycle routes, car parking and landscaping (hybrid application seeking full permission for commercial use and outline permission for residential element)	Granted 11.4.13 with condition 5 limiting hours of sales / valeting / servicing and repairs to between 0700-2000 Monday-Friday; 0800-1800 Saturdays and 1100-1700 Sundays. Condition 6 restricts HGV deliveries / loading / unloading to between 0700-1900 Monday to Friday and 0800-1200 Saturdays

S73/2018/0615	Variation of condition 5 to allow repairs and valeting of vehicles 24 hours per day 7 days per week	Withdrawn (2018) as it would have been refused due to an inadequate noise assessment being submitted
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POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The new NPPF published on 24 July 2018 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The new NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS3 Sustainable Development Policy
Policy JE1 Overall Economy and Employment Strategy
Policy DE1 Ensuring High Quality Design

CONSULTATION

No objections subject to conditions from:

- Environmental protection

Immediate neighbours and local councillors have been notified; a site notice was posted.

6 letters of objection have been received, raising the following material planning considerations:

- Workers are already making unacceptable amounts of noise by shouting, playing loud music from car stereos and driving around after 9pm until as late as 2am. This can be heard with house doors and windows shut. Children have been awoken by the noise and complaints made directly to the site.
- The noise will worsen with 24 hour permission.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- Impact on house values

Any further comments received will be reported within late representations.

APPRAISAL

The main issue in determining this application is the impact upon neighbouring amenity.

Impact on residential amenity

The proposal site is located in a mixed use area, adjacent to newly constructed houses on James Fullarton Way. As such the proposed impact of the extended hours needs to be carefully considered with regard to neighbouring amenity. Six neighbours have objected to the increased hours of operation, citing experience of unacceptable noise from repair work, car stereos and vehicles being driven quickly around the site.

Whilst a noise assessment has been submitted in support of the application, which concludes that the impact of the increased hours would be negligible upon local residents, it was considered that further monitoring should be undertaken, given the neighbour comments regarding existing noise emanating from the site. Therefore, the Council's Environmental Protection team undertook monitoring of the site from James Fullarton Way on at least 5 occasions, without notifying the business. This monitoring was undertaken during evening hours, as objections referred to noise at this time. On none of the occasions was any significant noise disturbance heard.

Therefore, as the submitted noise assessment is considered to have been undertaken in accordance with best practice, and no evidence of unacceptable noise has been witnessed/heard it is not considered reasonable to withhold permission due to adverse impact upon residential amenity.

Conditions are proposed to be worded so as to require the installation of the 4m high noise barrier as well as compliance with the noise control measures listed in section 8 of the submitted noise report.

Impact on visual amenity

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

The proposal includes the increase in height of the eastern boundary fence around the turning circle for delivery vehicles. This would increase in height to 4m. Whilst more prominent in the streetscene of James Fullarton Way, the fence would be set back slightly from the highway and would not cause significant harm to visual amenity.

Equality implications

There are no equality implications arising from the this development

Developer Contributions

The outline application was accompanied by a s106 agreement detailing a variety of contributions. Whilst the granting of this application gives rise to a brand new permission for the site, the previously agreed contributions remain secure due to the inclusion of a clause in the original agreement relating to future S73 applications.

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, subject to conditions. The reason for Coventry City Council granting planning permission is because the development is in

accordance with: Policies DS3, DE1 and JE1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS/REASON

1. No customers shall be on the site and no sale of vehicles shall take place on the site outside of the hours of 0700-2000 Monday to Friday, 0800-1800 on Saturdays and 1100-1700 on Sundays.

Reason: *To safeguard the amenities of nearby residential occupiers in accordance with guidance contained within the National Planning Policy Framework.*

2. No repair / servicing / valeting of vehicles shall take place on the site outside the hours of 0700-2000 Monday-Friday; 0800-1200 on Saturdays; and 11-00-1700 on Sundays unless the recommendations contained within section 8 of the submitted Noise Impact Assessment revision 3 are followed in full.

Reason: *To safeguard the amenities of nearby residential occupiers in accordance with guidance contained within the National Planning Policy Framework.*

3. No loading or unloading of motor vehicles or other deliveries/collections to/from Heavy Goods Vehicles (HGV's) shall take place on the site outside of the hours of 0700-2300 on any day. Furthermore, prior to any loading or unloading of motor vehicles or other deliveries/collections to/from Heavy Goods Vehicles (HGV's) taking place on the site outside of the hours of 0700-1900 Monday-Friday; and 0800-1200 on Saturdays, the mitigation measures contained in section 8.3 of the submitted Noise Impact Assessment revision 3 shall be implemented in full and the site will continue to be operated in accordance with these recommendations.

Reason: *To safeguard the amenities of nearby residential occupiers in accordance with guidance contained within the National Planning Policy Framework.*

4. The cycle parking approved under DC/2013/2148 shall remain in place at all times.

Reason: *To promote sustainable transport choices in accordance with Policyies DS3 and AC4 of the Coventry Local Plan 2016.*

5. Fume extraction and odour control equipment (including external ducting flues) associated with the car de-fleet processing centre approved under DC/2013/2649 shall be permanently operated and maintained in accordance with the manufacturer's specifications.

Reason: *To safeguard the amenities of nearby residential occupiers in accordance with guidance contained within the National Planning Policy Framework.*

6. Any extraction equipment provided to the preparation building hereby approved as part of the car de-fleet processing centre shall incorporate noise attenuation measures approved under DC/2013/2649.

Reason: *To safeguard the amenities of nearby residential occupiers in accordance*

with guidance contained within the National Planning Policy Framework.

7. Provision for disabled people to gain access in and throughout the buildings and site comprising the centre shall be retained in accordance with details submitted under DC/2013/2148.

Reason: *To ensure satisfactory provision for disabled persons in accordance with Policy DE1 of the Coventry Local Plan 2016.*

8. The gas protection measures detailed in paragraph 6.2.3 of the report by GIP Ltd entitled 'Ground investigation and test report for a proposed commercial development at Little Heath, Coventry' forming part of the approved application documentation for OUT/2013/0041 shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: *To protect the health and safety of future occupiers, and to satisfy the requirements of Policy EM6 of the Coventry Local Plan 2016.*

9. The site shall be operated in accordance with the Site Waste Management Plan approved under DC/2013/1244.

Reason: *In the interests of visual amenity and public health in accordance with Policies DE1 and EM6 of the Coventry Local Plan 2016.*

10. The external lighting approved under DC/2014/0225 shall remain in place at all times.

Reason: *To protect the amenity of nearby residents in accordance with guidance contained within the National Planning Policy Framework.*

11. At all times following its first occupation the car de-fleet centre hereby permitted shall incorporate on-site renewable energy generation measures in full accordance with the Energy & Sustainability Strategy prepared by Hoare Lea dated December 2012.

Reason: *To promote sustainable energy generation in accordance with Policy EM3 of the Coventry Local Plan 2016.*

12. No external storage of materials shall take place between the west and south elevations of the preparation building and the boundary of the site with nos.850-872 Foleshill Road to a height in excess of 3m above finished ground levels on this area of the site.

Reason: *To safeguard the visual amenities of nearby residential occupiers in accordance with Policy DE1 of the Coventry Local Plan 2016.*

13. Conditions 31-75 inclusive, imposed on permission OUT/2013/0041, related specifically to the residential portion of the application site. This permission does not relate to the residential portion of the site and as such these conditions are not

affected and remain extant unless they have already been discharged.

Reason: *For the avoidance of doubt.*