

## **Heatons and Reddish Area Committee**

**18<sup>th</sup> October 2021**

### **DEVELOPMENT APPLICATIONS**

#### **Report of the Corporate Director for Place Management and Regeneration**

##### **ITEM 1**

**DC/080351**

**SITE ADDRESS**

396-398 Wellington Road North, Heaton Chapel, Stockport, SK4 5AD

**PROPOSAL**

Proposed siting of external smart repair booth to the back of the site on existing car park

##### **ITEM 2**

**DC/081396**

**SITE ADDRESS**

Mercedes Benz Of Stockport, Units 7 To 8, Brighton Road, Heaton Mersey, Stockport, SK4 2BE

**PROPOSAL**

Application for the Variation of Condition 21 (Opening Hours) attached to planning permission DC/066233 to allow the extension of the permitted operating hours for the site

##### **ITEM 3**

**DC/081938**

**SITE ADDRESS**

190 Broadstone Road, Heaton Chapel, Stockport, SK4 5HW

**PROPOSAL**

Erection of two storey side extension, part single/ part two storey rear extension, front porch, dormer on rear of roof and erection of outbuilding in rear garden.

### **INFORMATION**

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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## **ITEM 1**

<b>Application Reference</b>	<b>DC/080351</b>
<b>Location:</b>	396-398 Wellington Road North Heaton Chapel Stockport SK4 5AD
<b>PROPOSAL:</b>	Proposed siting of external smart repair booth to the back of the site on existing car park
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	22.03.2021
<b>Expiry Date:</b>	Extension agreed to 15 <sup>th</sup> September 2021
<b>Case Officer:</b>	Jeni Regan
<b>Applicant:</b>	Tesla
<b>Agent:</b>	Fresh Design International

## **DELEGATION/COMMITTEE STATUS**

Heatons and Reddish Area Committee. Application referred due to receipt of 6 letters of objection, contrary to the officer recommendation to grant.

## **DESCRIPTION OF DEVELOPMENT**

Planning permission is sought for the siting of an external smart repair booth within the existing car park at the Tesla garage at 396 – 398 Wellington Road North in Heaton Chapel. The proposed booth would be sited along the rear north eastern boundary of the site on the existing hardstanding of the rear car park.

The repair booth measures 9.45m in length, 3.8m in width and has a flat roof with a height of 3.03m. It has a small cowl on the roof for extraction that sits on the roof at a height of 560mm. The booth has a roller shutter door on one end to enable a car to be driven into the booth, has a pedestrian access door on one side and several vents on other elevations. The booth is comprised of light grey metal cladded panels and is not a permanent fixture, so it can be moved off site subject to business direction.

S.M.A.R.T (Small to Medium Area Repair Technology) is the process of repairing a car using specialised tools, paint and materials on a localised damaged area. Smart repair avoids the need to remove or repaint the entire panel of the car. Smart repair can be used on a wide variety of different types of damage. The smart repair booth is for small repairs to the body work such as scratches and scuffs that can be no bigger than an A4 sheet of paper. The booth is to create a controlled environment for such repairs.

The unit is understood to be used only occasionally and may only be operational for a handful of days per year. It would only be used on demand during the daytime garage operational hours and not at night or at weekends. There would be no continuously operating plant, and no noise generation overnight.

Members should note that the repair booth is currently located along the eastern boundary of the site, adjacent to the residential development currently being completed on the land off Meadows Road to the rear of the Chapel Public House. The unauthorised placement and operation of the booth was reported to the Council's Enforcement team, who subsequently advised the applicant that planning permission was required. The smart booth has not been used since this time, while the proper planning permission is sought.

It is now proposed as part of this application, to relocate the smart repair booth from the boundary shared with the new residential development to the boundary shared with the public open space located to the north east of the site. This can be seen on the proposed site layout plan attached to this report.

The application has been accompanied by the following:

- Application Form
- Site Location Plan
- Existing Site Layout Plan
- Proposed Site Layout Plan
- Proposed Plan / Elevation of Smart Repair Booth
- Environmental Protection Act Regulations Compliance Certificate - Emissions
- Emissions Report – Paint Particle Assessment
- Noise Impact Assessment – completed by Parker Jones Acoustics

## **SITE AND SURROUNDINGS**

The site is currently comprised of the buildings and structures associated with the Tesla showroom, garages and car parking at 396-398 Wellington Road North in Heaton Chapel. The site is mainly made up of the car showroom and car storage / display area fronting onto Wellington Road North. There is a dedicated access to the front of the site accessed directly from Wellington Road North.

There is then a further large storage / workshop building located to the rear of the site accessed from an internal access road. There is a further large open storage area to the rear and the main car parking area.

The site covers an area of approximately 0.45 hectares. It is not located in a Conservation Area nor does it include any Statutory Listed or Locally Listed Buildings. However, the site is located immediately adjacent to the former Chapel House Public House, which is a locally listed building and is located directly opposite the locally listed St Thomas's Church.

The site is located on the corner of Wellington Road North and Howard Avenue. The site is bounded to the north by Howard Avenue, to the east by local open space and the residential properties on Meadows Road, to the south by the former Chapel House PH and to the west by Wellington Road North and St Thomas the Apostle C of E Church and school buildings beyond.

The application site is located within an area designated by the Saved Unitary Development Plan as a Predominantly Residential Area.

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

### **The Development Plan includes-**

- Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17<sup>th</sup> March 2011.

### **Saved policies of the SUDP Review**

Policies of relevance are as follows:

CDH1.2 - Non Residential Development in Predominantly Residential Areas

### **LDF Core Strategy/Development Management policies**

Policies of relevance are as follows:

Core Policy CS8 – Safeguarding and Improving the Environment

SIE-1 - Quality Places

SIE-3 - Protecting, Safeguarding and enhancing the Environment

T-1 - Transport and Development

T-2 - Parking in Developments

T-3 - Safety and Capacity on the Highway Network

### **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued in August 2021 replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019). The NPPF has

not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

#### National Planning Policy Framework.

Para.1 *“The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.*

Para.2 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.*

Para.7 *“The purpose of the planning system is to contribute to the achievement of sustainable development”.*

Para.8 *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective*
- b) a social objective*
- c) an environmental objective”*

Para.11 *“Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

*Para.12 “.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.*

*Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

*Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.*

*Para 81 “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

*Para.126 “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

*Para.219 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

## **Planning Practice Guidance**

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

## **RELEVANT PLANNING HISTORY**

There are a large number of applications registered against this address mainly including signage, elevational alterations and changes to boundary treatments around the site. The main applications of interest on the application site are as follows:

Reference: J/55907; Type: XHS; Address: Chapel House Garage 396 Wellington Road North; Proposal: New showroom & administration offices for motor dealership; Decision Date: 21-SEP-92; Decision: GTD

Reference: J/39041; Type: XHS; Address: 396 Wellington Road North Heaton Chapel.; Proposal: Improvements to existing motor dealership comprising of demolition of existing structures and erection of extension to form showroom/offices/store.; Decision Date: 28-MAY-87; Decision: GTD

Of interest on the immediately adjacent site are as follows:

Reference: DC/069687; Type: FUL; Address: Land To The Rear Of Former Chapel House Public House Wellington Road North Heaton Chapel Stockport SK4 5AE ; Proposal: Erection of 10 dwellings with access from Meadows Road; Decision Date: 10-DEC-18; Decision: REF; Appeal Decision: Allowed

## **NEIGHBOUR'S VIEWS**

The owners/occupiers of 46 surrounding properties were notified in writing of the original application.

Letters of objection were originally received to the application from 5 properties/land owners. The main causes for concern raised are summarised below :-

### **Noise Concerns**

We have liaised with Hann Tucker Noise Associates who are a leading acoustic consultancy. Firstly, we note that the Council's validation checklist (Explanatory Note April 2019) states:

*"An assessment is also needed for new development involving noisy activities that raise issues of disturbance (for example industrial processes, plant machinery or wind turbines) where these are proposed to be located near to noise sensitive uses. Each should be undertaken by a suitably qualified and competent person/ organisation. The following information is required:*

- *• Measurement of the existing background noise levels at the site.*
- *• Measurement of existing sources or the prediction of noise from future sources.*
- *• Evaluation of the actual or predicted value against the most relevant criteria, and assessing whether complaints from local residents are likely to occur.*



- *Measures to mitigate the impact of the noise source or limit the exposure to noise (e.g. sound insulation), and their anticipated impact on noise level reduction, where necessary.”*

Hann Tucker Associates have undertaken an initial review of the submitted information in respect of noise and commented as follows:

*With regard to noise, the statement by David Utting Engineering simply states that the Smartshop unit “operates under 10dBA above the ambient noise level”. There is, however, no technical evidence to support this. Without knowing what the ambient noise level was, and when/where/how it was measured, we cannot derive anything meaningful from the statement. Furthermore, if the Smartshop does produce noise that is approaching 10dBA above the prevailing ambient noise level then that would mean it would be dominating the noise climate and therefore likely to cause an adverse noise impact.*

*In order to know for sure, installations such as this are usually subject to a noise assessment in accordance with BS 4142: 2014. This standard provides an objective method to evaluate the risk of noise impact from fixed plant and machinery such as this, with due consideration given to the context of the site.*

The above reinforces that an assessment is required, however this also raises substantial questions regarding the noise case presented by the applicant at this stage and the appropriateness of this unit in such close proximity to residential properties.

In addition to the above, whilst the unit was in use on site, a recording of the noise output from the smartshop unit was made. This recording demonstrates the harmful noise impact that would arise from the unit if it were merely re-located.

### Odour Concerns

In addition to the noise impact, we are also concerned about the potential impact from odours. In our view the application has not been accompanied by sufficient information in respect of odour control. The Council’s validation checklist requires:

*“Details of the mechanical equipment proposed including technical specification, the location and design of any external pipe-work or flues, acoustic noise characteristics, odour abatement techniques and the means by which a chimney would be capped (where relevant) to prevent ingress by rain.”*

We do not consider that the certification of compliance information submitted by the applicant is sufficient to allow an assessment of the potential impacts in respect of odour to take place.

We acknowledge that an extract ventilation system is required to ensure that airborne contaminants such as dusts, mists, gases, vapour or fumes are taken out of the unit but this needs to be properly designed and assessed to ensure that contaminated air is not

discharged into surrounding residential properties. A properly designed extraction system will:

- Collect the air that contains the contaminants.
- Make sure they are contained and taken away from people.
- Clean the air (if necessary) and get rid of the contaminants safely.

At present we do not believe that the Council can be satisfied that the odour control will be sufficient to ensure no adverse impacts are experienced by neighbouring properties.

#### Traffic / Parking

Well who would have known that Tesla have a car park! That is how they describe their 'Free space'. The crucial question, in my view, is the difference between free space and poorly used premises.

Tesla constantly use areas marked as 'No Loading' for their transporters, often blocking access or visibility from Howard Avenue. Often the transporters are only delivering single cars, yet there are several transporters dropping off at the same time. Why use your commercial area when you can bend the rules.

Go to St Marys Way and all the car garages there have signs 'customer parking' 'Deliveries' and 'staff parking' all with handy little arrows to let you know where to go but what do Toyota and Nissan and all the other major car dealers know?

If they had some under used space on the lot it might have been used to good effect to diminish the inconvenience to local residents.

I object to any development of the site that is not solely to reduce the impact of the business on the residential area in which it resides.

#### Others

The smart repair booth is proposed to be re-located from its existing location on site, however this new location will still sit directly behind the boundary of the adjacent residential site in extremely close proximity to the plot adjacent to the site entrance. We would consider this relationship to have a detrimental impact on residential amenity.

Due to subsequent revisions and the submission of additional information, there have been 3 re-notifications of all original neighbours and contributors. This has included amended site layout plans along with additional acoustic and odour information. Since the submission of this additional / amended information and the subsequent re-notifications, further comments have been received from some of the original contributors, along with a letter from 1 additional property.

The main concerns raised are as follows:

- Tesla promotes how it protects the environment with its range of vehicles, but it fails to promote the local community and the local problems that are caused directly by Tesla.
- We have suffering from revving of engines, shouting, slamming of doors, excessive volumes of the radio, light pollution from hazard lights and high beams, and a lack of amenities at the site results in people using the area as a toilet.
- We also suffer from verbal abuse from customers charging cars at night. This happened recently at 2.30am when a car was charging with the radio on very loudly. When they were asked to turn it down, they turned it up and started to video the resident. Tesla have created an unsafe environment for residents.
- The site should have enough parking for employees and customers. All that currently happens is that our streets are swamped and cannot park outside our houses.
- Tesla should look to improve the local relations first. We have asked for signage to respect the local neighbourhood but this has been ignored.
- This site is becoming more like a service station.
- The site is busy enough, noisy enough and causes enough problems already so the application should be refused.
- We have concerns about the flammable products which are in the smart booth they are next to several used tyres which if caught fire would be highly dangerous .
- The staff are working repairing cars until around 10pm many nights a week using loud equipment, talking loudly, slamming doors and sometimes even playing loud music.
- The staff also all park very inconsiderately on our street blocking pavements entirely close to the A6 junction. They could presumably use the extra space on their property for staff to park.
- The business is inconsiderate of the fact it operates in a residential area and not on an industrial estate.
- Confused at the statement that there is ample space within the site for site parking along with additional staff parking. Why are staff not using it? There are no Tesla cars as the majority of staff do not drive them. Would like to see the 77 cars parked there as is claimed.

### Response to Noise Impact Assessment

The survey period should have covered a 72 hour period / weekend and the assessment may require the inclusion of an intermittency penalty. The EHO has commented that it is not used continuously, which could suggest that such a penalty should be applied. In respect of the comment:

We would agree with the EHO closing remark that the use should be controlled by condition limiting the hours of use. As they have stated in their application that it will be used only a handful of times in a year, applying such a condition would be relevant to the development for which they are seeking permission and would ensure potential impacts are minimised. A condition for Monday to Friday (9am- 5pm) should also be applied in our view given the survey period does not cover a weekend.

### **CONSULTEE RESPONSES**

#### **Highways**

##### **Original Response 27.04.2021**

The application refers to a loss of 4 car parking spaces resulting from the development. It is my understanding that there are individual booths within the building. Given door/framing around each it is not clear how vehicles are able to manoeuvre into and out of the booth bearing in mind other vehicle parking in the vicinity. Applicant/agent should evidence how vehicles access and egress either using computer tracking or given booth is currently in position by means of practical demonstration at a site visit.

With regards to reduced car parking capacity, no evidence is provided reviewing any impact on local residents by displacing parking from site to local streets. Such information would better enable assessment of any impact on amenity or highway safety on local streets.

#### **RECOMMENDATIONS:**

Defer for further information

##### **Further Response following visit to the site – 07.07.2021**

The site visit has confirmed that the parking plan provided in support of the application is inaccurate. A point which has been raised by objectors. It would be helpful to all if an accurate plan were prepared representing what is currently on site and what will be available following development.

In terms of the impact of the proposed booth on parking availability, the booth occupies 4 spaces with access to the booth also needing 2 spaces whilst the booth is in use. These latter spaces would be available when the booth is not in use (or indeed short term whilst in use and occupied). The (unauthorised) booth is currently taking up 4 parking spaces. The net worst impact of a permitted booth on the current situation is a loss of 2 parking spaces.

Whilst noting the inaccuracies of the submitted plans, having visited the site, reviewed the current arrangements and also observed current use of parking spaces on site, I am satisfied that the proposed development, which essentially involves the repositioning of an existing, albeit unauthorised, and currently unused car repair booth, and the consequential loss of two parking spaces from what is currently available, will not result in any severe detrimental impact on the operation of the local highway such as to justify any recommendation of refusal on highway grounds. The repositioning is to move the booth away from residential properties currently under construction.

The premises are now used primarily for maintenance and repair only, with vehicle sales deliveries and customer pickups now taking place from a remote site (Trafford Centre). Traffic to and from the site is reduced from that in recent years.

When the site visit took place (mid-afternoon; mid-week) there were 5 car parking spaces available within the rear area of the site where the booth is to be located (managed by staff) and also spaces within the other public areas on site available for customer/visitor parking/charging.

Given the observed spare parking capacity on site, even with a slight reduction in capacity (2 spaces) on site following repositioning of the booth it is not anticipated that the development will result in any displacement of vehicle parking from the development site onto local streets.

#### RECOMMENDATION:

No objection.

#### **Final Response following submission of amended plans – 15.07.2021**

As there is no difference in parking spaces available between current (albeit with non-consented booth which takes up some of the original parking provision) and proposed, given observations on site of spaces available I am satisfied that the proposed development is unlikely to result in any significant impact on the local highway or displacement of on site parking.

#### **Environmental Health (Noise)**

#### **Original Comments – 20.05.2021**

Holding Objection - Reason: Insufficient Information

Insufficient information has been submitted with the application, in order to adequately assess the noise impact of the proposed development.

In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

It is recommended that the applicant addresses this issue in future planning applications or provides this information should the application be delayed or withdrawn.

The 'Objection' would be reviewed, only, if the following information is provided, demonstrating that the proposal complies with material planning considerations.

The applicant has advised that the unit has not yet been used this year. Covid has resulted in a decrease in car journeys and therefore car scrapes/damage and the necessary repairs have declined. All vehicle resprayers have similarly reported decrease demand. SMART (small and medium area repair technique) is the spray application of a surface coating to parts of motor vehicles. This process will be undertaken within the relocated booth.

#### Complaint History

This service has no odour or noise complaint history for the site (last noise complaint, an alarm in 2013).

Light – there was a complaint in 2016, Ref: 473958: *lights come on at 5pm till 8am, light up the whole street*. Resolved informally, the security flood lights were repositioned.

#### Odour

The information submitted in support of the application is satisfactory to address odour arising from the process operations.

A Part B LAPPC permit for the re-spraying of road vehicles, would be required should the solvent consumption of the coating activity reach 1 tonne or more in any 12-month period. Process Guidance Note 6/34(11) for the control of emissions into the air from the re-spraying of road vehicles.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/583923/respraying-of-road-vehicles-process-guidance-note-6-34\\_11\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583923/respraying-of-road-vehicles-process-guidance-note-6-34_11_.pdf)

Odour control techniques are detailed in section 5 of the above process guidance note.

All paint spraying operations should be carried out in a totally enclosed booth under negative pressure so as to prevent fugitive emissions of odour and particulate matter.

Spray booths should be designed to meet the emission limit for particulate matter in PG6/34(11). The emission limits for particulate matter is 10mg/Nm<sup>3</sup>. The applicant has submitted an Emissions Report, by David Utting Engineering, Reference: Smartshop Serial No. SS25071618 – Tesla Stockport, that has calculated worst case particulate discharge to be 6.19mg/m<sup>3</sup>. Therefore, meets the particulate matter emission limit. Spray booths should be serviced and maintained in accordance with the manufacturer's recommendations so as to maintain the validity of the guarantee of emission concentration limit.

When dispersion of pollutants discharged from the stack (or vent) is necessary, the target exit velocity should be 15m/s under normal operating conditions. The efflux velocity has been calculated as 15.57m/sec, is complaint (as detailed in the document: David Utting Engineering, Reference: Smartshop Serial No. SS25071618 – Tesla Stockport).

### Noise

Such efflux velocities and the fans used to produce the velocity also create noise. The applicant has stated that: *the unit operates under 10dba above the ambient noise level of a site from general testing.* From BS4142 - A difference of around +10dB or more is likely to be an indication of a significant adverse impact. No noise mitigation has been detailed in the application, therefore a BS4142 assessment is required.

### **Further Comments following submission of Noise Impact Assessment – 21.06.2021**

EHO Objection' on grounds of insufficient information (NIA required), 20th May 2021 is withdrawn.

In support of the application, the applicant has submitted an acoustic report: Parker Jones Acoustics, 16th June 2021, 1 st Issue, Tesla Manchester, 396 Wellington Road North, Stockport, SK4 5AD

The impact of the noise from the proposed development has been assessed in accordance with: BS4142:2014 Methods for rating and assessing industrial and commercial sound. The worst-case rating level is 10 dB below the representative background sound level; demonstrating compliance with the BS4142 criteria: The rating level from all fixed plant and machinery associated with the proposed development (when operating simultaneously), shall be 10dB below background, at any time when measured at the nearest noise sensitive premises. The reports methodology and conclusion are accepted.

**RECOMMENDED CONDITION - External Plant & Equipment** In accordance with the methodology of BS4142:2014 'Methods for Rating and Assessing Industrial and Commercial Sound'. The rating level from all fixed plant and machinery associated with the proposed development (when operating simultaneously), shall be 10dB below background, at any time when measured at the nearest noise sensitive premises.

### **Further comments following additional objections and Acoustic Consultants response – 06.08.2021**

This service is satisfied that the NIA submitted by the applicant, sufficiently demonstrates that the operation of the plant at the relocated position shall operate 10dB below background noise level at this location. I understand the objector being overly cautious in this regard and employing their own NIA consultant to assess the applicants report.

The crux of the disagreement between the applicants NIA and the objectors NIA, is that a weekend period has not been measured. As stated, this service has accepted the applicants NIA - BS41542 assessment.

To overcome the disagreement between the agent and objector; the days and hours that the spray booth is permitted to operate could be conditioned; limiting its use between Monday – Friday (9am – 5pm). These are reasonable hours for a spray-booth to operate within this sector. In addition, there will be ongoing planning control via condition for the development to comply with BS4142 and statutory noise nuisance provisions (outside the planning application regime) also apply.

On balance, residential properties are being introduced adjacent to a commercial operation and noise impact was assessed during the stages of their planning application process. This service has recommended an ongoing BS4142 compliance criteria for the plant operations. Further, it was originally understood that the booth is rarely used, does not continuously operating, and does not generate noise overnight. If committee members were very concerned, an hours of operation of the booth could be suggested as above.

### **Air Quality**

As this site is within an Air Quality Management Area (AQMA), the application will need an air quality assessment to demonstrate the effect of the development on the AQMA. This is the case if it is likely to Cause a significant change in Light Duty Vehicle (LDV) traffic flows on local roads with relevant receptors (LDV = cars and small vans <3.5t gross vehicle weight). Or if there would be a change of LDV flows of more than 100 AADT within or adjacent to an AQMA, as this is seen as significant.

Following the receipt of these comments, the applicant responded to confirm that in terms of the air quality, the applicant can confirm that the proposed smart repair booth would not change the number of vehicles/ traffic flow to the site. The booth is for minor scratch repairs, which would normally be done as part of the repair by a third party. However, the booth on site will enable Tesla to carry out this element themselves, as such reducing the number of vehicle movements. The car using the booth would already be at the site for the usual repair order.

Therefore, on this basis, it was considered that a full Air Quality Assessment was not required in this instance.

### **ANALYSIS**

#### **Principle**

Core Strategy Policy SIE-1 states that development that is designed and landscaped to the highest contemporary standard, paying high regard to the built and/or natural environment within which it is sited, will be given positive



consideration. Specific account should be had of the provision, maintenance and enhancement (where suitable) of satisfactory levels of access, privacy and amenity for future, existing and neighbouring users and residents.

Saved UDP Policy CDH1.2 outlines that non residential development will be permitted in Predominantly Residential Areas where it can be accommodated without detriment to the residential amenity of adjacent dwellings or the residential area as a whole. In particular account will be taken of: (i) noise, smell and nuisance; (ii) traffic generation and safety and accessibility by sustainable transport modes; (iii) parking; (iv) hours of operation; (v) proximity to dwellings; (vi) the scale of the proposal; and (vii) whether or not the character of the area will be changed.

The application site comprises an existing commercial business with the relevant historic planning permission. This application relates only to the provision of a smart repair booth within the site boundary, in a relocated position to that currently seen at the site. Therefore, the only matters that can be considered as part of this application are those directly linked to the smart repair booth and not those of the existing garage, as the permission for the wider use has already been granted and established. These matters include siting, appearance, potential noise and odour impacts and the loss of existing car parking. These will all be covered in more detail in the report below.

### Siting and Appearance

The design of the proposed smart repair booth would be simple light grey cladded elevations with a roller shutter door in the same colour on one end, and a pedestrian access door and a number of small vents to the other sides. There is a small cowl on the roof for ventilation. As the existing servicing buildings at the Tesla garage are also cladded in light grey metal panels, the booth would match the existing buildings in appearance and materials.

As the booth would be located along the rear boundary of the existing commercial site behind the existing showroom and servicing buildings, it would not be visible from any surrounding street scenes. The site is surrounded by a solid fence and so only the top part of the repair booth would be visible from the adjacent public open space. However, the repair booth would blend in with the existing commercial buildings on the site and would not create an incongruous feature within the area as viewed from the open space.

There are also some mature trees and shrubs along some of the boundaries, again which would assist with the screening of the proposed booth. In particular, there are a combination of solid fencing, existing outbuildings and trees / shrubs along the boundary with No. 10 Howard Avenue, and therefore there would be no or very limited views of the proposed repair booth from the garden or habitable room windows of this property.

As explained at the beginning of this report, the proposals include the resiting of the repair booth following discussions with the developer building the new houses on the land off Meadows Road. The proposed siting of the booth is now away from the shared boundary with the adjacent residential development and would be screened to some extent by the existing planting in this area and the new landscaping proposals being completed as part of the new residential development. Therefore, it is not considered that the visual amenity of the future residents of this new property would be significantly impacted from the new siting of the repair booth.

Therefore, on this basis, it is assessed that the proposed repair booth would appear in keeping with the existing character and built form of the application site and would not have a detrimental impact on the visual amenity of the area or any nearby residential properties pursuant to policies SIE-1 "Quality Places," SIE-3 "Protecting, Safeguarding and enhancing the Environment," and the NPPF.

### Noise and Odours

It is acknowledged that the original application was submitted without a fully detailed Noise Impact Assessment (NIA). This was requested within the original consultation response completed by Environmental Health and so an NIA was subsequently commissioned and submitted by the applicant (Parker Jones Acoustics, 16th June 2021).

This NIA has been fully assessed by the Council's Environmental Health Officer and the comments can be seen in the Consultations section above. It is confirmed that the impact of the noise from the proposed development has been assessed in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'. The NIA confirms that following the appropriate testing, worst-case rating level is 10 dB below the representative background sound level, which demonstrates compliance with the BS4142 criteria.

The rating level from all fixed plant and machinery associated with the proposed development (when operating simultaneously), shall be 10dB below background, at any time when measured at the nearest noise sensitive premises. Therefore, the reports methodology and conclusion are accepted by Environmental Health and the resulting noise levels emanating from the equipment are considered to be acceptable on this site, in this location.

However, notwithstanding this, Environmental Health have recommended a condition that states that the rating level from all fixed plant and machinery associated with the proposed development (when operating simultaneously), shall be 10dB below background, at any time when measured at the nearest noise sensitive premises.

Due to the remaining conflicting views between the applicant's acoustic consultant and the objectors consultant, it has been suggested that restrictive conditions are

applied that limit the days of the week the booth can be used, the hours of use and limiting the use of the booth to only so many days a year. Although the applicant believes that sufficient acoustic justification and information has been provided with the application to show there would be limited noise pollution caused by the repair booth, they are happy for the suggested condition limiting hours of use to be applied. This is to limit the booth operation to Monday-Fridays only and not for use on a weekend. This would also limit the use of the booth to operational hours (9am to 5pm) to show a willingness to cooperate.

However, the applicant has confirmed that they feel it is unnecessary and unfair to impose any further restrictions limiting it to the amount of days per year as requested by an objector. This is on the basis that this has not been requested by Environmental Health, and there is no significant detrimental impact evidenced by the submitted acoustic surveys and original certificates. The Council is in agreement with the applicant, that the inclusion of a condition to limit the number of days in any calendar year would not be necessary or reasonable and would not meet the tests for a lawful condition on the basis of the NIA findings and in the absence of such a request by Environmental Health.

The comments made by local residents in relation to noise at the site are fully acknowledged. However, as outlined above, this application relates only to the provision of a smart repair booth within the site boundary, in a relocated position to that currently seen at the site. Therefore, the only matters that can be considered as part of this application are the noise directly linked to the smart repair booth and not the noise from the existing garage, as the permission for the wider use has already been granted and established.

In relation to the concerns raised about odours and paint spraying, this matter has been assessed in detail by Environmental Health and it has been confirmed that the information submitted in support of the application is satisfactory to address odour arising from the process operations.

All paint spraying operations would be carried out in a totally enclosed booth under negative pressure, so as to prevent fugitive emissions of odour and particulate matter. Spray booths should be designed to meet the emission limit for particulate matter in PG6/34(11). The emission limits for particulate matter is  $10\text{mg}/\text{Nm}^3$ . The applicant has submitted an Emissions Report, that has calculated worst case particulate discharge to be  $6.19\text{mg}/\text{m}^3$ . Therefore, the proposed smart repair booth meets the particulate matter emission limit.

On the basis of all the matters discussed above, in the absence of objections from Environmental Health and subject to appropriately worded conditions, it is considered that there would be no material impact of noise, disturbance and odours as a result of the smart repair booth. As such, the application is considered to be in accordance with Core Strategy Policy SIE-1 and saved UDP policy CDH1.2.

### Loss of Parking and Highway Implications

Policy CS9 of the core strategy states that the Council will require that development is located in locations that are accessible by walking, cycling and public transport.

Policy T2 of the core strategy states that developers will need to demonstrate that developments will avoid resulting in inappropriate on street parking that has a detrimental impact upon highway safety or a negative impact upon the availability of public car parking.

Policy T3 of the core strategy states that development which will have an adverse impact on the safety and/or capacity of the highway network will only be permitted if mitigation measures are provided to sufficiently address such issues.

Para 109. of the National Planning Policy Framework (NPPF) states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The application has been assessed by one of council’s senior engineers with regards to Highways matters and the full comments can be seen in the Consultations section above.

It is acknowledged that the original submission was lacking in detail about the proposals and the potential impact on overall parking levels at the site. More information was requested by Highways, along with up to date and accurate existing and proposed site layout plans. Following a site visit to the garage by the Highways officer and the submission of additional information and amended plans, it has now been confirmed that the proposed development is unlikely to result in any significant impact on the local highway or displacement of on site parking.

The visit to the site confirmed that in terms of the impact of the proposed booth on parking availability, the booth would permanently occupy 4 existing spaces, with vehicular access to the booth also needing a further 2 spaces when it is being used. These 2 spaces would only be out of use for a short term period while the repair is being completed and as outlined by the applicant in their submission, the booth is only used infrequently and not at weekends. The management of the parking will be arranged as and when the unit is required, which can be planned for in advance.

It should be noted that the repair booth has been on the site for some time, albeit unauthorised, and is currently taking up 4 parking spaces. These 4 spaces will become available again once the repair booth is moved to its new location. Therefore, it is considered that the net worst impact of a permitted booth on the current situation is a loss of only 2 parking spaces.

The applicant has provided additional information in relation to the current parking requirements at the site. It is stated that the parking layout shown on the submitted plans is indicative and the team manage the parking to suit the peaks during the year. The applicant has indicatively shown the flexibility of the parking within the site, whereby additional parking and the doubling up of spaces can be arranged, which is common for cars either waiting to be serviced or waiting to be collected. The site is fluid and the parking is managed daily by the staff on site within the boundary dependant on service bookings etc that day.

Customer vehicles on average are 20 per day. The average turnaround time is 2/3 hours, as customers will wait in the lounge for their car to be repaired. Repairs are pre planned for maximum efficiency and flow to maintain limited waiting periods. Therefore, not all 20 customers will be on site at the same time. 20 customers spread over 3 hour periods greatly reduces the parking numbers required. There is ample space within the service area for this level of parking along with additional staff parking.

It has also been confirmed that the premises is now used primarily for maintenance and repair only, with vehicle sales, deliveries and customer pickups now taking place from an alternative remote site at the Trafford Centre. Therefore, traffic to and from the site, including the use of transporters, is much reduced from that in recent years.

When the site visit took place (mid-afternoon; mid-week), there were 5 car parking spaces available within the rear area of the site where the booth is to be located (managed by staff) and also spaces within the other public areas on site available for customer/visitor parking/charging. An inspection of the adjacent residential streets was also completed and street parking numbers were low, with ample capacity for residents to park. Therefore, given the observed spare parking capacity on site, even with a slight reduction in capacity (2 spaces), it is not anticipated that the development will result in any displacement of vehicle parking from the development site onto local streets.

Having visited the site, reviewed the current arrangements and also observed the current use of parking spaces on site, Highways have confirmed that they are satisfied that the proposed development, will not result in any severe detrimental impact on the operation of the local highway such as to justify any recommendation of refusal on highway grounds. This is on the basis that the development essentially involves the repositioning of an existing, albeit unauthorised, and currently unused car repair booth, and the consequential loss of two parking spaces from what is currently available.

It is acknowledged that the majority of staff parking is off site, and this has been confirmed by the applicant. It has been explained that this is partly due to the fact that most staff work in shifts or need to move to other sites, and parking off site makes the management of car parking on the site much easier. It also encourages

staff to use sustainable transports methods in line with Tesla's ethos, with a number of staff (6) regularly cycling to the site as well as staff using the car share scheme (4).

However, it is important to note that this is an existing situation that would not be changed or exacerbated by the proposed siting of the repair booth as outlined above. There are no restrictions currently in place to restrict staff parking off site and it would not be reasonable to impose a condition on this permission that would restrict staff parking off site.

Therefore, having regard to the comments of the Highway Engineer, it is considered that the proposed development would not have an unacceptable impact on the existing car parking provision at the site, on highway safety, or a severe impact on the road network. The proposal is therefore, considered to be in accordance with policies including, CS9, T1, T2 and T3 of the Stockport Core Strategy, and the National Planning Policy Framework (NPPF).

### **Other Issues Raised**

#### **Abuse**

Issues have been raised by local residents about abuse from customers using the on site charging facilities, particularly during anti-social hours. Whilst the Local Planning Authority is sympathetic to this situation, this planning application is unfortunately not the mechanism for these problems to be resolved. As planning permission is only sought through this permission for the repair booth, it is not possible to consider or control / resolve these problems through this planning process. Matters of anti-social behaviour and abuse must be reported to the Police and if residents are suffering from ongoing noise pollution problems, this must be reported to Environmental Health, as these matters fall under different areas of legislation and outside of the Planning remit.

#### **Air Quality**

In terms of the air quality, as this site is within an Air Quality Management Area (AQMA), it was requested that the application should be accompanied by an air quality assessment. However, the applicant responded to this request to state that it could be confirmed that the proposed smart repair booth would not change the number of vehicles/ traffic flow to the site. The booth is for minor scratch repairs, which would normally be done as part of the repair by a third party. However, the booth on site will enable Tesla to carry out this element themselves, as such reducing the number of vehicle movements. The car using the booth would already be at the site for the usual repair order.

Detailed information has also been submitted to accompany the application in relation to odours. This has been fully assessed by Environmental Health and they are satisfied that there would be no detrimental impacts from the repair booth from an air quality or odour perspective.

Therefore, on this basis, it was considered that a full Air Quality Assessment was not required in this instance and the proposals are considered to be acceptable from an air quality perspective.

## **SUMMARY**

It is considered that the proposed siting of a smart repair booth to the rear of this existing commercial site would constitute a sustainable form of development, subject to mitigation through conditions. Such conditions would require a limit to the noise levels emanating from the site, restrictions to the use of the booth to week days only, and restrictions to the hours of use during day, with no noise emanating from the equipment at night. It is not considered that the proposal would cause undue adverse impacts upon the amenities of the occupiers of adjacent residential accommodation or unacceptable impact on highway safety, or the road network, due to the proposed scale and nature of the proposed use and development in context.

Following a detailed assessment of the potential impacts of noise, odours and displacement of car parking, the proposal would not unduly impact on the residential amenity of the surrounding properties for the reasons outlined in full above in accordance with Core Strategy policies SIE-1, T-1, T-2 and T-3.

The general design of the proposed development is considered acceptable in terms of its context on an existing commercial site, its siting to the rear of the site, the character of the street scene and the visual amenity of the area in accordance with Core Strategy policy SIE-1.

Overall, in the absence of any objections from consultees, the proposal is considered to comply with the development plan and the NPPF for the reasons set out within the report and therefore, the NPPF requires the development to be approved without delay.

## **RECOMMENDATION**

Grant subject to Conditions