

# Central Area Committee

04<sup>th</sup> August 2022

## DEVELOPMENT APPLICATIONS

### Report of the Deputy Chief Executive

#### ITEM 1

DC/083710

#### SITE ADDRESS

Sherlock House, Old Road, Heaton Norris, SK4 1TD

#### PROPOSAL

Change of use of existing building to a vehicle repair and MOT testing garage along with elevational alterations including the introduction of new roller shutter doors, recladding of the roof and front of the building along with new dropped kerb to allow vehicles to egress the site.

#### **INFORMATION**

These applications need 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/083710</b>
<b>Location:</b>	Sherlock House Old Road Heaton Norris Stockport SK4 1TD
<b>PROPOSAL:</b>	Change of use of existing building to a vehicle repair and MOT testing garage along with elevational alterations including the introduction of new roller shutter doors, recladding of the roof and front of the building along with new dropped kerb to allow vehicles to egress the site.
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	27.01.2022
<b>Expiry Date:</b>	24.06.2022
<b>Case Officer:</b>	Daniel Hewitt
<b>Applicant:</b>	Mr Colin Comerford
<b>Agent:</b>	Emery Planning

### DELEGATION/COMMITTEE STATUS

This application is before the committee today as five objections have been received and officers are recommending approval.

### DESCRIPTION OF DEVELOPMENT

The proposed development proposes the change of use of the site and the buildings on it to a vehicle repair and MOT testing garage along with associated elevational alterations including the introduction of new roller shutter doors, recladding of the roof and front of the building along with new dropped kerb to allow vehicles to egress the site.

The proposed use is considered to fall into the B2 use class i.e. a use for the carrying on of an industrial process that cannot be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The site and premises were previously occupied by a flexible foam manufacturer called Sherlock Foams but there is no definitive planning record of the use class of that business hence the description of development including a proposed change of use to a B2 use class.

The proposed physical alterations to the site and buildings (operational development) are best understood by referring to the submitted plans appended to this report but include the partial cladding of the brick building with grey ribbed metal cladding, the insertion of up and over insulated vehicle access doors (one new door with an associated new access point on the Old Road facing elevation and two new doors on the south facing elevation facing the yard area), new metal roof panelling and amendments to the buildings rooflights. These changes, when viewed as a

whole, require the express consent of the local planning authority – they are not ‘permitted development’.

The application is supported by:

- a Planning Statement;
- Noise Impact Assessments; and
- a Transport Technical Note.

## **SITE AND SURROUNDINGS**

The application site forms part of the Lancashire Hill industrial area that is designated as an employment area in the Unitary Development Plan. Nelstrop’s flour mill occupies the northern part of the area and it generates a significant amount of activity and traffic. The site is located on the western edge of the industrial area fronting Old Road. The nearest residential properties to the application site are the row of terraced houses that face the site on the opposite side of Old Road – the front facades of which are approximately 26 metres away from the building on the application site.

The site is occupied by a single storey industrial building of red brick construction with a pitched roof. There is a small strip of grass between the building and the site’s boundary with Old Road. The rest of the site is used as a hard surfaced service yard and parking area. The yard area is currently enclosed by green palisade fencing along the Old Road frontage.

## **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**

E1.1 Location of New Industrial Development

E3.1 Protection of Employment Areas

E3.2 Refurbishment of Older Buildings in Employment Areas

MW1.5 Control of Waste from Development

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

CS7 Accommodating Economic Development

AED-3 Employment Development in Employment Areas

CS8 Safeguarding and Improving the Environment

SIE-1 Quality Places

SIE-3 Protecting, Safeguarding and Enhancing the Environment

CS9 – Transport and Development  
CS10 – An Effective and Sustainable Transport Network  
T-1 Transport and Development  
T-2 Parking in Developments  
T-3 Safety and Capacity on the Highway Network

## **Supplementary Planning Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

## **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 20th July 2021 replacing the previous versions of the document (originally issued 2012 and revised 2018 & 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”.

*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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”*

*Para. 83 “Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.”*

*Para.124 “The creation of high quality 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.130 “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area*

*and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.*

Para 174. *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*... (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*

Para. 180 *“When determining planning applications, local planning authorities should apply the following principles:*

*... (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”*

Para 184. *“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”*

Para 185. *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*

*(b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

*(c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

Para. 188 *“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”*

Para.213 *“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

Reference: DC/079732

Proposal: Proposed elevational alterations to existing building to include additional windows and roller service doors and new cladding to the front, including new dropped crossings onto Old Road

Decision: Withdrawn Decision Date: 15-MAR-21

*NOTE: This application was withdrawn on the basis that the lawful use of the premises was unclear (use class B1 of B2) and there was a need to address this uncertainty to ensure any necessary change of use was incorporated into the application.*

Reference: J/46109

Proposal: Change of use to storage and office

Decision: Granted Decision Date: 04-SEP-89

Reference: J/22249

Proposal: Single storey extension to workshop with loading bay and car parking

Decision: Granted Decision Date: 12-MAR-81

### NEIGHBOUR'S VIEWS

Five written objections to the application have been received as follows:

*Have enough problems due to lorry's doing short cut on to Old Road & is causing damages to buildings on homes & paths & water supply . This is not a safe road or path due to land filled from old bulldozed houses landfilled on land. It's all sinking & further investigation is in process with highways housing & waterboard. So please take notice & taking parking from residents who live here. Not safe to have cars going on public walkways.*

*I have very worrying concerns for public footpaths. Due to bulldozed houses being landfilled in ground. The land is unsafe for vehicles to go on them as we have heavy lorry's going to Nelstrops flour mill & they are disturbing the land to slip & highways housing & waterboard are all having to come out to repair grounds due to land slipping causing damages to houses & paths & roads. This is all being monitored by*

*all. It will also take up parking on road & we have less of parking as it is on old road as well as in Stockport.*

*FURTHER COMMENT 20/07/22:*

*Residents from 47 to 61 have enough problems with parking & we feel that dropping kerbs takes parking from the road. The firm already has dropped kerbs so why take more from our little road to stop others from parking. Stockport needs parking not firms buying property & expecting planning to allow them to take more of our parking by dropping kerbs. They can tidy the building up but please don't allow them taking our parking on our little road.*

*This is the second application for this building. It is unsafe to be allowing this to happen as my porch on his house is falling from house due to heavy lorry's passing old road & disturbing the land. Highways are having to monitor road due to damage on paths & road from old houses landfilled.*

*The parking is already really bad, we struggle with HGV trucks parked on the road going to Nelstrops. Can't get round the corners as cars are parked all over the street from the garages already nearby. The noise from a garage will cause a nuisance to me.*

*I strongly object to the change of business to Sherlock House Old Road which is facing my property. We already have enough problems on this road with cars lorries and tankers which we have previously complained to the council about. If this proposal was to go ahead it would affect my mental health greatly with the noise fumes etc. We already have problems parking outside our own property which is a disabled bay for an elderly resident who suffers with asthma so the thought of all fumes etc. is very concerning. I hope all this will be considered in making your decision as I'm sure nobody wants to see this as your looking out of your window let alone the health factors.*

*I am sending this email to oppose the planning permission which as you stated in the letter 'will affect land and buildings to the address'. As I live opposite this building, with my family, this will affect us in a number of ways:*

- The road will be more of an industrial estate rather than a residential road and the transport lorry's that use this road is already affecting us but will be considerably worse if the planning permission goes ahead.*
- Parking will be a major issue. Currently we get a lot of lorries which park and leave the lorries on our road, sometimes for days, which can affect residents parking. If planning is permitted it will be impossible for residents to park.*
- The value of our property will also be reduced on the back of this due to how busy and congested the road will be.*
- The noise level will also affect all residents on this road especially elderly that live in this road and residents who work nights and sleep in the daytime.*



- *This is not an appealing site when I look out of my window, which I spend a lot of time in the room that looks out on the road.*

## **CONSULTEE RESPONSES**

### **SMBC Highway Engineer**

The site is located with easy access to public transport.

The proposed parking provision (7 spaces) is accepted as adequate based on a parking accumulation survey undertaken by SCP. 7 spaces provided are in addition to bays potentially occupied within building as shown on DPW plan 9466 02 D, and include mobility impaired and EV charging facilities.

The change in traffic generated by the proposed development when compared with that potentially generated by the previous use is not of a level to result in any significant impact on highway operation.

SCP Tech note references provision of Sheffield Stands for cycles for MOT centre use. Whilst not in themselves meeting normal requirements for secure covered provision as they are located indoors I am happy to accept as suitable provision.

Construction of new access/footway crossing will require separate authority outside of any planning approval. Appropriate construction details are included within submission so do not require condition.

Recommended conditions require:

- parking provision in place and available prior to occupation; and
- electric vehicle charging provision for a minimum of 2 car parking spaces and cabling and ducting to allow for further expansion at a later date

### **SMBC Environmental Health**

The application, has been assessed in relation to impact upon the environmental quality of life to existing sensitive receptors, in proximity to the proposed development.

#### Vehicle access to building

A one-way system for vehicles to access the 5-bay workshop and 1-bay MOT station, to enter via two roller shutter doors on the southern elevation and vehicle exiting via one roller shutter door on the western elevation on to Old Road, fronting onto residential receptors – which can be closed when necessary.

#### Operational hours

The existing industrial use of the building is not subject to any restrictions on hours or days of opening. Should the Council consider it necessary this application provides scope for the Local Planning Authority to apply a restrictive planning condition, thereby having the propensity to improve the position for nearby residents.

The submitted Planning Statement states that the opening hours of the businesses are proposed as follows:

- Vehicle repair/MOT – Mondays – Fridays (7am to 5.30pm); and
- Saturdays (7am- 1.30pm)
- Closed Sundays

Whilst correspondence during the course of the application stated that opening hours are proposed as follows:

- Vehicle repair/MOT – Monday – Fridays (7 am to 5.30pm); and
- Saturdays (7 – 12pm)
- Closed Sundays

The submitted Noise Impact Assessment (NIA) was assessed with regards to a potential opening time, of the proposed garage, of 8:00 am on a weekday morning.

This service accepts the outcome of the NIA based on 8:00am weekdays. Consequently this service supports operational hours 08:00 – 17:30 weekdays only.

Should the applicant wish to operate earlier than 08:00 and on a Saturday, an addendum to the NIA supporting these additional hours is required.

#### Noise Impact Assessment - accepted

An acoustic report has been submitted in support of the application: ECHO Acoustics, Technical Memorandum, Assessment of potential noise associated with proposed operation of vehicle repair and MOT garage at Old Road, Stockport, SK4 1TD, 11 November 2021.

The impact of the noise from the proposed development has been assessed in accordance with: BS 4142:2014+A1:2019, 'Methods for Rating and Assessing Industrial and Commercial Sound', to determine the rating level arising from the introduction of the proposed sound source. The assessment of the introduction of the noise source at this location included:

- baseline sound level measurements on Old Street - 20 October - potential opening time, of the proposed garage, of 8:00 am on a weekday morning.
- representative sound level measurements of the proposed noise source at: Premier Garage Services, 3 Levens Rd, Newby Road Industrial Estate, Hazel Grove, Stockport SK7 5DL, on 3 November 2021. A similar, but larger, vehicle/MOT garage.  
The measurement position was 5 metres from the open door of the garage. Noise comprised a number of activities including vehicle movements into and out of the garage, the use of hand tools, employee voices and a radio playing within the workshop area.
- calculation of the potential effects of the proposals on the adjacent residential properties including noise character penalties for percussive sounds as defined in BS 4142.

The outcome of the BS 4142 assessment is that rating sound level is 4.7dB below the background sound level. Where the rating level does not exceed the background

sound level, this is an indication of the specific sound source having a low impact, depending on the context.

### Context

The current edition of BS 4142, recognizes the importance of the context in which a sound occurs. An effective assessment cannot be conducted without an understanding of the reason(s) for the assessment and the context in which the sound occurs/will occur. When making an assessment of the impact and arriving at decisions, it is essential to place the sound in context. At the bottom of page 5, the noise consultant has stated:

*“The context is that this is a busy commercial setting with a significant amount of noise emanating from Nelstrop’s Flour Mill; heavy goods vehicles and grain lorries access the site via Wharf Street, the junction with Old Road being only 30 metres from the nearest houses. The grain is tipped out in the yard area approximately 90 metres from the houses, and the ambient sound from the Mill includes the sound of grain running through ductwork/silos and a multitude of intermittent percussive sounds.*

*Additional intermittent percussive sounds arise from the numerous small commercial operations adjacent the Application building.*

*Table 1 shows that the existing ambient (LAeq) sound level on Old Road is very similar to the sound level arising from close to the door of Premier Garage Services.*

*Even without these considerations, the assessment shows that the rating sound level of the proposed garage operations will be significantly below the background sound level. Consequently, there is little likelihood of adverse effects on the adjacent residential properties.*

*However, the Applicant is intending to install new, fast-operating roller-shutter doors, which will remain closed during operational hours (other than for vehicle access and egress) and this will further reduce noise arising from the proposed use by at least, approximately, 20 dB.”*

The report summarised that the levels of the proposed operation would be unlikely to create disturbance for nearby residents and concludes that the proposed development from an acoustic perspective would have an acceptable impact upon residential amenity.

### Conclusion

This service accepts the outcome of the BS 4142 objective assessment of the proposed activities at this location and agrees with the noise consultants subjective assessment of the context in which the sound will occur.

### Recommended conditions

#### 1. External Plant & Equipment:

At any time when measured at the boundary of the nearest noise sensitive receptor, the rating level from all fixed plant and machinery associated with the development (when operating simultaneously), shall be in accordance with the methodology of BS 4142:2014+A1:2019, 'Methods for Rating and Assessing Industrial and Commercial Sound'

In accordance with the acoustic report, the following conditions are necessary in order for this application to be approved:

2. Noise mitigation measures

The mitigation recommended in the acoustic report ECHO Acoustics, Technical Memorandum, Assessment of potential noise associated with proposed operation of vehicle repair and MOT garage at Old Road, Stockport, SK4 1TD, 11 November 2021, shall be implemented in full prior to first use of the development:

Install new, fast-operating roller-shutter doors to the three vehicle access doors

All roller-shutter doors shall remain closed during operational hours (other than for vehicle access and egress)

The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

3. Days and hours of use (operations and deliveries) shall be restricted to within the following hours: Mondays – Fridays (8am to 5.30pm)

Further response following submission of supplementary noise assessment in respect of Saturday morning opening hours

In response to EH comments 31/03/22 concerning hours of operation; the agent requested in email 04 April 2022 10:58, if this service was willing to accept opening hours on a Saturday morning from 8.00am to 1.30pm.

The agent was advised that the bottom paragraph at page 1 of EH comments memo (31/03/22) stated: Should the applicant wish to operate on a Saturday, an addendum to the NIA supporting the additional Saturday hours

This information would enable EH to review our comments.

NIA ADDENDUM, 14 May 2022 – Saturday Morning Operations

Agent email Mon 16/05/2022 13:04, clarified that the applicant wishes to propose opening hours on Saturdays from 9 am to 1pm.

A NIA addendum was submitted in support of Saturday operations: Echo Acoustics, Technical Memorandum, Sherlock House, Saturday Morning Noise Assessment, 14th May 2022. An additional assessment of potential noise impacts was undertaken with respect to a potential opening time, of the proposed garage, of 9:00 am on a Saturday morning.

A sound measurement survey was conducted on the morning of Saturday 14 May 2022, between 9:00am and 11:00am. The ambient sound situation comprised: steady plant equipment sound from Nelstrops flour mill; occasional car movements on Old Road and the surrounding roads; occasional heavy goods/delivery vehicle arrivals and departures at Nelstrops including the movement of a heavy haulage flat-bed lorry vehicle carrying construction materials, along Old Road at 9:04; general urban noise; bird song; voices of passers-by and local residents in the street; aircraft overflights (aircraft arriving at Manchester Airport pass approximately 1500 feet overhead).

The impact of the noise from Saturday morning operations has been assessed in accordance with: BS 4142:2014+A1:2019, 'Methods for Rating and Assessing

Industrial and Commercial Sound', to determine the rating level arising from the introduction of the proposed sound source at residential façade.

The outcome of the BS 4142 assessment is that the rating level of the garage operations is 44.8dB whilst the background sound pressure at Old Road is 46dB. The outcome of BS 4142 predicted calculations is that garage operations on a Saturday will not exceed the background sound level. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

### Context

The current edition of BS 4142, recognises the importance of the context in which a sound occurs. An effective assessment cannot be conducted without an understanding of the reason(s) for the assessment and the context in which the sound occurs/will occur. When making an assessment of the impact and arriving at decisions, it is essential to place the sound in context. At page 4 the noise consultant has stated:

With respect to "context", Nelstrop's Flour Mill gives rise to a continuous, steady background sound interspersed with intermittent movements of heavy goods vehicles arriving at, and departing from, the mill; additional sound arises from regular overflights of aircraft, some of them giving rise to significant levels of sound. Additionally, intermittent movements of vehicles on Old Road give rise to occasionally elevated levels of sound – at 9:05 a heavy transport low-loader, carrying rotary pile-driving machinery, drove along Old Street and, later in the survey, several very noisy private cars used the road and a very noisy motorbike travelled along the street several times. There was also some activity and movement of vehicles in the van storage unit immediately adjacent Sherlock House.

The noise consultant concluded: "The proposed use of the former Sherlock Foams building as a vehicle repair and MOT garage, opening at 9.00am on Saturday mornings, is unlikely to create a disturbance for the nearby residents, that it is a suitable use, from an acoustic perspective, for the building, and that sound (noise) need not be a reason for refusal of planning permission."

This service accepts the outcome of the BS 4142 assessment for opening hours on Saturdays from 9 am to 1pm.

## ANALYSIS

### Proposed land use

The application site is located in a designated Employment Area in the UDP Proposals Map. Core Strategy policy AED-3 and UDP policy E3.1 support proposals for general industrial use (use class B2) and employment generating uses in these areas "*provided that development on land close to residential areas will not have a materially detrimental effect on the living conditions of residents*" (UDP policy E3.1). The interface between the proposed development and neighbouring residential properties is considered in detail below. Subject to the satisfactory resolution of these interface issues, the proposed use is therefore supported in principle.

In the submitted Planning Statement, the applicant has argued that the lawful use of the premises (Sherlock Foams Limited – a flexible foam manufacturer) was also a general industrial use (use class B2) but officers consider the evidence

submitted to be inconclusive. In any event, if approved, this application would remedy any uncertainty as it seeks the express consent planning permission for a “vehicle repair and MOT testing garage” that is considered to be a general industrial, class B2 use.

## **Design**

Following the removal of the metal cladding from the Old Road elevation at the request of officers, the proposed appearance of the building is now supported.

Officers also requested that the existing grass verge be planted to soften the interface between the site and its residential neighbours on Old Road in accordance with UDP policy E3.1 whilst enhancing the site’s biodiversity value. The applicant has amended the site layout plan to include the planting of three semi-mature star magnolia trees in the verge. This will significantly improve the site’s appearance and is a welcome addition to the street scene.

Details of the planting, including its implementation will be secured by condition.

## **Traffic and highway safety impacts**

The applicant has submitted a Transport Technical Note in support of the application that:

- models the traffic impact of the existing and proposed uses and concludes that the increase in vehicle movements generated by the proposed use over and above the existing use will be imperceptible and therefore not have a material impact on the operation and safety of the local highway network;
- concludes that the proposed layout provides a single access which utilises the existing access along Old Road and a new egress onto Old Road that will allow the internal layout of the vehicle repair/MOT centre to operate with a one-way system thus removing the potential for vehicle conflict internal to the site; and
- the existing accident record does not represent a material concern.

The Council’s Highway Engineer, noting the development’s location within an established and designated employment area, has assessed the proposals and offers no objection subject to the imposition of conditions (see above). Conditions are recommended accordingly.

Concerns raised by local residents about HGV traffic and damage to the highway etc. are considered to be at least partly attributable to the long established Nelstrops Flour Mill to the north of the application. Members will be aware that planning permission was recently granted for a “*change of use of land to form secure holding yard for delivery vehicles and associated works (resubmission of planning permission DC/064498)*” on land adjacent to the flour mill that will improve the current movement of HGVs within the employment area and along Old Road. Although this development stalled due to a number of external factors associated with the impact on underground utilities infrastructure this is being resolved and it is hoped that the development will be implemented and operational in the near future.

Members should note that the applicant has agreed to install electric vehicle charging facilities to serve two parking bays and install ducting to facilitate the

future expansion of charging facilities in accordance with current planning policy and guidance.

### **Noise impacts and mitigation**

The applicant has submitted a Noise Impact Assessment in support of the application that concludes that the proposed development is unlikely to create a disturbance for neighbouring residents as noise impacts are modelled to be below the background sound level. It also states that the development includes the installation of fast-operating roller shutter doors at the vehicle access and egress points that will remain closed during operational hours (other than for access and egress) that will reduce noise levels by 20 dB.

The assessments have been scrutinised by the Council's EHO who concludes that subject to the imposition of conditions no significant adverse noise impacts would arise. Recommended conditions are summarised as follows:

- noise levels from fixed plant and machinery shall be in accordance with British Standard 4142:2014+A1:2019, 'Methods for Rating and Assessing Industrial and Commercial Sound' at all times;
- the installation of new, fast-operating roller-shutter doors to the three vehicle access doors and all roller-shutter doors shall remain closed during operational hours (other than for vehicle access and egress);
- hours of use to be restricted to Mondays to Fridays (inclusive) 08:00 to 17:30 hours and 09:00 to 1300 hours Saturdays only as this was what was assessed in the submitted Noise Impact Assessments.

Subject to the imposition of these conditions the development would accord with relevant national and local noise policy. Conditions are recommended accordingly.

### **Protected species and biodiversity net gain**

A competent ecologist has assessed the buildings suitability for use by bats (protected species) who has concluded that there is a very low risk of bats being present due to the building's location within a predominantly urban area with no significant expanses of semi-natural habitat within 275 m of the site and the building supporting an asbestos roof which provides negligible roosting opportunities with no dark roof void present either. Officers are therefore satisfied that a bat survey is not required in this case.

The National Planning Policy Framework (NPPF) requires development to minimise impacts and provide net gains for biodiversity. During consideration of the application, officers identified opportunities for additional planting on the grass verge between the building and Old Road to deliver such net gains. When raised by officers, the applicant was initially reluctant to agree but has since agreed to provide enhanced planting as detailed on the revised site plans. Details and delivery will be secured by condition ensuring compliance with national planning policy.

### **RECOMMENDATION**

Grant planning permission subject to conditions