



## **2. Proposal**

2.1 The application is a re-submission of a previously refused application to use the garage for car repairs and sales (09/01201/Ful). The occupier of number 97 Regents park Road currently operates a car repair and sales business from the single storey garage without the benefit of planning permission. The garage itself has been constructed with a double skin design. In association with the business cars are bought, repaired and then sold. The applicant makes the case that the business is not open to the public and no passing trade takes place.

2.2 The applicant states that the hours of operation for the business are less intensive than standard operating hours associated with car repair and sales garages and is seeking to operate the business between the hours of 09.30 and 15.30 from Monday to Thursday.

## **3.0 Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the South-East Plan: Regional Spatial Strategy (May 2009), the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 Policy SDP16 of the Local Plan resists noise-generating development where it would cause an unacceptable level of noise impact.

3.3 PPS23 confirms that the planning system should focus on whether or not a development is an acceptable use of land and the impact of those uses, rather than the control of processes or emissions themselves.

3.4 PPG24 confirms that noise is a material planning consideration and that noise-sensitive developments should be separated from major sources including certain types of industrial development. Where it is not practicable to separate uses Local Planning Authorities have the opportunity to consider whether the use of planning conditions or obligations can mitigate the harm caused by the development.

## **4.0 Relevant Planning History**

07/00789/FUL - Dropped kerb to form new vehicular access - Refused 28.06.07

07/01538/FUL - Dropped kerb to form new vehicular access to Regents Park Road (resubmission) - Refused 14.11.07

09/00925/FUL - Formation of a vehicular access to allow car parking at the front with a new front boundary wall and gates - CAP 16.10.09

09/01201/FUL - Use of existing garage for car repairs and car sales (sui generis) (retrospective) – Refused 30.12.2009

Since the previous refusal the applicant has included information in order to illustrate how it is intended to prevent noise disturbance to neighbouring residents. Firstly the compressor

shall be sound proofed by applying sound dampening to the stands and by covering the compressor with a sound absorbing cover. The floor will be covered by a rubber mat and sound proofing will also be applied to the walls and ceiling (Rockwool Acoustic Partition Slab) the details of which have also been submitted. It is also proposed to keep the doors of the garage closed whilst cars are being repaired. No acoustic survey has been produced to demonstrate the noise level generated by the operation of the garage in association with these measures.

## **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (18.05.10) and erecting a site notice (20.05.10). At the time of writing the report 6 representations have been received from surrounding residents. The following observations/comments were made:

- Highways safety.
- Parking pressure.
- Noise and disturbance within a residential area including welding, air compressor, hammering and engine revving.
- Work over spill into garden.
- Chemical and cellulose paint smells.
- Change to the character of the area.
- Breakdown Lorries delivering vehicles for repair.

A general observation is made: the objector's letters suggests that the operation of the car repair and sales occurring at the site is far more intensive than the applicant describes within the submitted planning application.

### **RESPONSE**

The above points are noted and are reflected in the Officers Recommendation. In particular where the objectors describe their experience of the operation as being more intense than the applicant details in the supporting document, it should be noted that at present the operation is taking place unlawfully and without restrictive planning conditions.

5.2 The applicant has also provided, along with the supporting information, a petition in support of the proposal with 10 signatories from 8 separate properties all located within 90m of the application site.

### **5.3 SCC Environmental Health (Pollution & Safety) – Object to the proposal.**

The floor and wall treatment proposed to absorb the noise from the car maintenance carried out has been provided without a full acoustic assessment. Therefore it is very difficult to assess an application of this type, in which case it should be more of a case of whether it is acceptable to carry out car repairs in a residential area or not. Whilst most of the time quiet, car maintenance can at times be very noisy, it obviously being the noisy times that cause issues. Complaints can also be caused by odours from painting of cars and the use of solvents. Relevant conditions as suggested should be applied if the application is supported.

## **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- i. The principle of development;
- ii. Residential Amenity;
- iii. Highways and Parking;

### **6.2 Principle of Development**

The applicant has highlighted to the LPA that there are other examples of premises within residential areas of Southampton with similar uses. A total of nine premises are illustrated. The LPA note that the majority of the premises highlighted are historic uses and were not approved under modern planning policies and guidance.

The exception is Villiers Road which gained permission to operate a tyre fitting centre, but no other purpose associated with the motoring industry (including MOT centre), on 2<sup>nd</sup> October 2008. In that case, the inspector felt that the property was on a border between a residential area and Shirley Town Centre as opposed from being wholly within a residential area and therefore it could be expected that residents would hear activity associated with the adjacent commercial area and thus the appeal was upheld. It should also be noted that the building was previously used as a retail unit rather than being wholly within the boundary of a residential unit.

In this instance, the site is located in much more predominantly residential location and in immediate proximity to other houses. As the nature of a car repair business involves noise generating equipment and working methods as well as the generation of fumes, the principle of the use would not accord with the councils policies which seek to protect residential amenity. The garage is likely to result in an increase in comings and going to the site associated with not only the cars being repaired and sold but also of the delivery of parts, and tools, which would also cause disturbance to neighbouring residents. Overall the introduction of a mixed car repairs/sales business in this location is uncharacteristic of the predominantly residential environment.

### **6.3 Residential Amenity**

The applicant has failed to provide an acoustic report for the development illustrating that the proposed noise mitigation measures will prevent disturbance to neighbouring residents and as such the LPA cannot be certain that the proposed mitigation measures will not cause harm. The immediate proximity to adjacent houses and the nature of the activities associated with a car repair business gives rise to serious concern that the amenity of adjacent occupiers will be harmed by allowing the use to continue.

### **6.4 Highways and Parking;**

The applicant has detailed that there will be little or no disruption to surrounding roads through the parking and delivery/pick up of vehicles. Whilst the Local Planning Authority

has limited controls over the day to day management of where vehicles are parked and the manner in which pick up or delivering of vehicles is undertaken the limited scale of the operation is not considered likely to prejudice highway safety .

## **7.0 Conclusion**

7.1 This application has been assessed as being unacceptable to residential amenity and its local residential context. The application is recommended for refusal.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(c), 2(d), 2(e), 4(s), 6(c), 6(k), 7(a), 7(w), 7(x), 9(a), 9(b).

### **MP for 20.07.10 PROW Panel**

#### **Reason for Refusal**

The use of the garage at 97 Regents Park Road as a commercial garage introduces an un-neighbourly use into a residential area which given it's immediate proximity to existing dwellings would harm the living conditions and wider amenity of neighbouring residents by reason of an increase in activity, excessive noise and disturbance, and the potential for additional air pollution. The proposal is therefore contrary to policies SDP1 (i), SDP7 (v) and SDP16 (i) of the City of Southampton Local Plan (March 2006).

**POLICY CONTEXT**

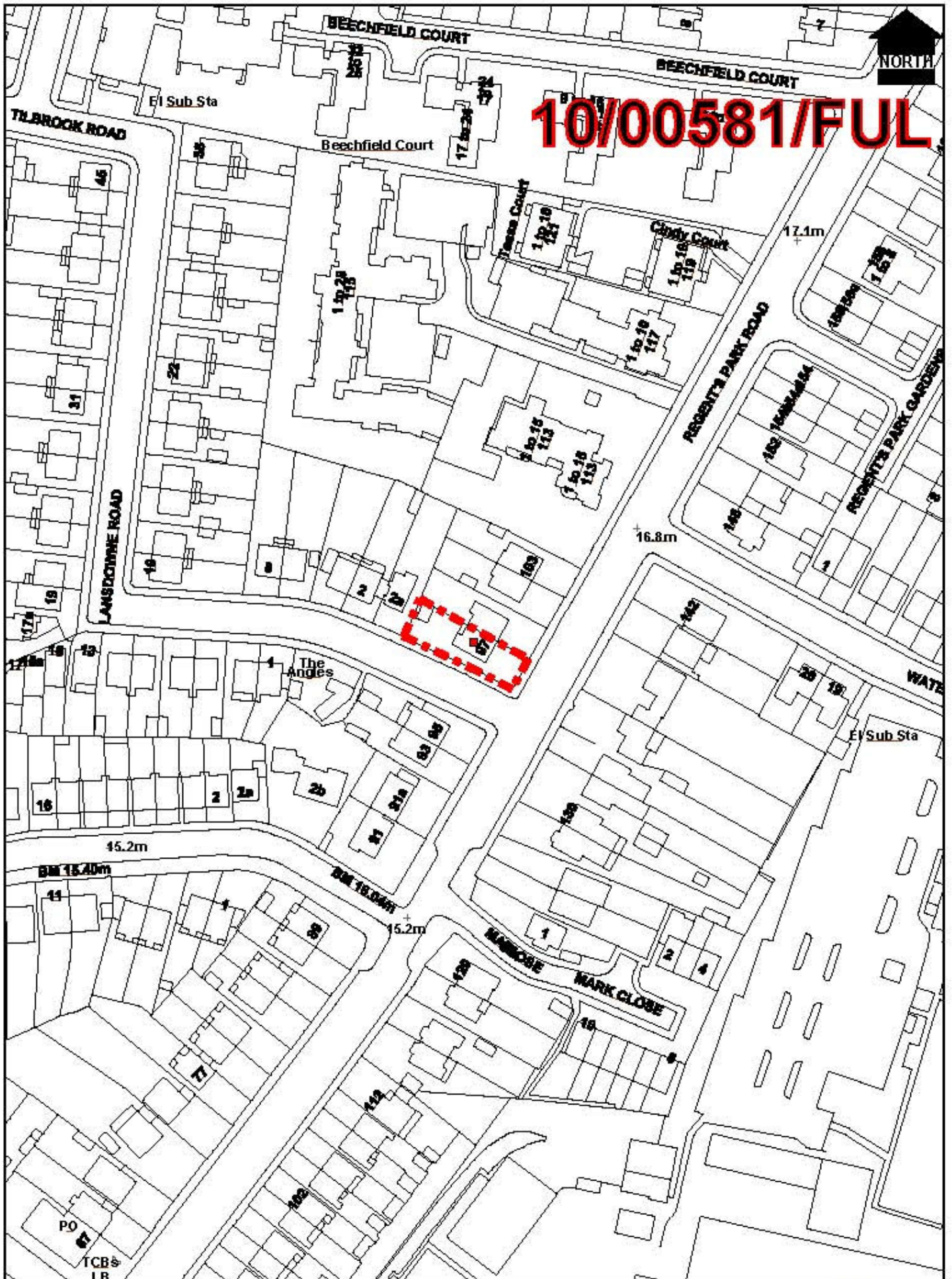
City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP7	Context
SDP15	Air Quality
SDP16	Noise
SDP21	Water Quality and Drainage

Local Development Framework Core Strategy Development Plan Document (January 2010).

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS23	Planning & Pollution Control
PPG24	Planning & Noise (2004)



Scale : 1:1250

Date : 08 July 2010

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

