

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel (EAST) - 8 December 2015  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Leisure Trail, Mansbridge Road			
<b>Proposed development:</b> Change of use to car wash and valet (class sui generis) and enclosure to jet wash (resubmission)			
<b>Application number</b>	15/01903/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	14.12.15	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr White Cllr Fuller Cllr Inglis
<b>Referred by:</b>	Cllr Ivan White	<b>Reason:</b>	Impact on residential amenity
<b>Applicant:</b> Mr Afrim Dida		<b>Agent:</b> Laemco Ltd	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP16, SDP17 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Noise Mitigation Measures
3	Permission 14/00477/FUL car sales use	4	Previous Refusals
5	Response noise report concerns		

**Recommendation in Full**

**Conditionally approve**

**1. Background to application**

1.1 In November 2014 the Council received a complaint that the site was being used as a commercial car wash without the benefit of planning permission. The

Council's Enforcement Team confirmed that the use was indeed a breach of planning control and a planning application was subsequently submitted to regularise the use (planning application reference 14/02110/FUL). This application was refused planning permission based upon the noise impact on neighbouring residents. An Enforcement Notice was then served on the 23<sup>rd</sup> April 2015 which had a 28 day compliance period which expired on the 22<sup>nd</sup> June 2015. The Council's Environmental Health Team also served a Noise Abatement Notice on the operators of the car wash on 17<sup>th</sup> March 2015.

- 1.2 Before the end of the compliance period, a second planning application was submitted (reference 15/01127/FUL). This application was also refused for the impact of noise of adjacent residential occupiers. Following refusal of the second application, the Council commenced legal proceedings to enable the cessation of the use. However, before the first available court date, the current application was submitted to the Council for consideration. Based on officers' preliminary assessment, the latest submission had come some way in addressing the previous concerns and, therefore, legal proceedings were adjourned to enable the Council to determine this application.

## **2. The site and its context**

- 2.1 This application site is located within the ward of Bitterne Park. The car wash business forms a smaller commercial unit within the larger Haskins Garden complex which includes Hobbycraft store (served by a large car park) together with Swan Pool and Spa Centre. The site is served by a shared access from the Garden Centre road entrance leading to Mansbridge Road.
- 2.2 There are a number of residential properties adjacent to the site. The two closest properties are Brindle House, immediately adjacent to the south, and Rowan Cottage to the north, at the junction with Mansbridge Road. These properties are both served by Cutbush Lane, a narrow quiet lane. In the wider area, to the south lies a large recreational playing field and to the north is the M27. The Eastleigh Borough administrative boundary lies to the east of Cutbush Lane.
- 2.3 The site itself contains a small reception and staff office. The site is laid out with concrete hardstanding for the circulation of vehicles with inbuilt drainage tanks to store waste surface water. The cars are washed and vacuumed in separate areas of the site. A purpose built concrete enclosure has been built to house the jet washer pump, and an enclosure for the vacuum cleaners is located within the office building. There is an existing canopy structure on the site, adjacent to the southern site boundary with Brindle House.

## **3. Proposal**

- 3.1 This application seeks retrospective permission to retain the existing car wash use and follows the refusal of two previous applications. Since the refusal of the previous applications, a number of noise mitigation measures have been implemented. The application is accompanied by a detailed sound assessment, which assesses the effectiveness of these measures and which seeks to demonstrate that the noise levels generated by the use can be attenuated to a level that would not be harmful the amenities of the neighbouring occupiers.
- 3.2 These noise mitigation measures are set out in the form of recommendations

within a noise report. These can be read in **Appendix 2** of the report.

- 3.3 With the previous applications, the main area of concern was audibility of the use within the garden of Brindle House (immediately to the south). In summary, the attenuation measures mainly applied by the applicant now includes:
- Enclosures for the jet washer pumps and vacuum cleaners,
  - Quieter nozzles for the jet washers,
  - Sound proof enclosures in between the garden of Brindle House,
  - An acoustic barrier adjacent to the jet washers
  - The extension of the hardstanding (to replace loose stones) and marking of the circulation of vehicles.
- 3.4 Since the serving of a noise abatement notice by the Environmental Health team, the applicant has proposed measures to improve the overall site management to keep noise levels to a minimum by ensuring that vehicle engines are switched whilst being cleaned, and signs are put in place to inform the customers and staff to keep noise levels to a minimum.
- 3.5 The business hours proposed by the applicant are:  
Monday to Saturday 08.00 - 19.00  
Sunday 09.00 - 18.00
- 3.6 The business hours (see condition 2) recommended by the Planning team to are:  
Monday to Friday 08.00 - 18.00  
Saturday 09.00 - 17.00  
Sunday 10.00 - 17.00
- 3.7 It is recommended that the car wash use is granted a 9 month temporary permission (until September). This would enable the Environmental Health and Planning teams to monitor the compliance of the conditions applied, and observe the effectiveness of the noise control measures during the typically busier summer periods.

#### **4. Relevant Planning Policy**

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens.
- 4.3 Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area.
- 4.4 Policy SDP16 (Noise) permits noise generating development where it would not cause an unacceptable level of noise impact.
- 4.5 Paragraph 123 of the National Planning Policy Framework (NPPF) states that the

Local Planning Authority (LPA) should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It also states the aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Also relevant is the Noise Policy Statement for England 2010, which sets out specific guidance for assessing noise-generating development.

- 4.6 The NPPF came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

## **5. Relevant Planning History**

- 5.1 The site has historically been used for commercial activities. The site was formerly occupied by a tent sales business prior to the unauthorised car wash coming into use. When the retail use ceased, and before the car wash was established, planning permission was granted for a car sales use in 2014 (ref no. 14/00477/FUL). This permission was not implemented (see **Appendix 3** for details) but is extant.
- 5.2 It was brought to the attention of the LPA on 25th November 2014 by a member of the public that the owner of the site was in the process of setting up a car wash business. On 2nd December, the LPA formally instructed the applicant to submit a planning application to regularise the breach of planning control.
- 5.3 Two subsequent applications were refused (14/02110/FUL - April 2015 and 15/01127/FUL - July 2015, see **Appendix 4**) for the retention of the car wash. Both mainly concerned that the car wash use was causing harm to the amenities of the occupiers of Brindle House by:-
- a) noise generated by the associated equipment would result in a level of 'Significant Observed Adverse Effect Level' (as per the guidance under the National Policy Statement for England 2010);
  - b) the nature and intensity of the proposed use has the potential for a high volume of vehicles coming and going throughout the week, and especially the weekend when the occupiers of the adjacent residential property are expecting quiet and peaceful enjoyment of their property.
- 5.4 An Enforcement Notice was served on 23rd April 2015 requiring the cessation of the use of the land for the purposes of car washing and car valeting. The applicant has currently ceased trading while they are awaiting the outcome of this application.

## **6. Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (06.10.2015). At the time of writing

the report **3** representations have been received from surrounding residents, and a letter of objection made by a local Ward Councillor referring the application to be heard by the Panel. The following is a summary of the points raised:

6.1.1 Comment

**The noise mitigation measures of the vacuum cleaners and jet washes has not prevented the use from having a negative impact on the quality of life of nearby residents. This includes the noise from customers and their vehicles, and the volume of vehicles entering the site. The noise awareness signs and switching off engines cannot be readily enforced. The location of this commercial use adjacent to a residential use is inappropriate.**

Response

This issue is discussed in more detail in section 7, below. In summary, it is not uncommon for commercial uses to adjoin residential properties and this site has been historically used for commercial purposes, and benefits from an extant permission for a car sales use. Overall, it is considered that the noise mitigation measures installed, particularly in relation to the new surfacing and formalised layout of the site, together with controls to manage the hours of operation and prevent the use intensifying would ensure that the general activity associated with the use will not be unduly harmful.

- 6.1.2 There will be a level of background noise always associated with customers and staff within in an outdoor environment. The applicant will has put measures in place to ensure their customers and staff respect the peace and quiet of the neighbouring occupiers. The Council would still have statutory powers to enforce against statutory nuisance by serving another noise abatement notice if deemed necessary. The overall management of the site will be monitored and observed over the period of the temporary permission, this will include the summer months when the use is typically at its most intensive. The conditions to control the noise measures and opening times are enforceable by the Council.

6.1.3 Comment

**The noise report with the application is generally lacking in information and as such cannot be relied upon.**

Response

The Environmental Officer and Noise Consultant have responded to this concern (see **Appendix 5**). Whilst Environmental Health officers criticised the methodology of previous noise assessment carried out, the latest assessment has addressed the key issues raised. Furthermore, the Council has independently tested the use and taking noise readings. The Council's response accord with the submitted assessment.

6.1.4 Comment

**No Transport Statement has been submitted to demonstrate that highway safety would not be significantly affected by the level of traffic, increased traffic flow (the car trips would not be linked with the garden centre use as previously with the Tent Sales), and parking generated by the use. The very narrow access is inadequate for the amount of traffic resulting in backing up and congestion of the surrounding area.**

Response

The Highway Officer has not raised a concern that there would be any adverse impact on the free flow of the highway network from the traffic generated by the proposed use, nor that the access is unsuitable or unsafe. It is noted that Haskins Garden Centre are concerned about overspill parking on their land, however, this can be privately enforced by the landowner. It is also important to note that this issue did not form part of the Council's reasons for refusing the previous two applications for the use.

#### 6.1.5 Comment

**There is inadequate drainage of surface waste water. This should be investigated by the Environment Agency.**

#### Response

The Environment Agency have raised no objection to the application. The applicant has confirmed that the surface water drainage is stored in a tank and collected when full. Any leakage elsewhere in the local vicinity can be reported to the SCC Environmental Health team to be investigated further. Southern Water have confirmed that they do not have responsibility for the local drainage. A leak adjacent to the entrance road of Haskins Garden Centre has been reported to the SCC Highways team to investigate further.

### 6.2 **Consultation Responses**

6.2.1 **SCC Highways** - No objection.

6.2.2 **SCC Environment Agency** – No Objection.

6.2.3 **SCC Environmental Health (Pollution & Safety)** - See **Appendix 5**

6.2.4 **Southern Water** – No objection

6.2.5 **SCC Trees** - No objection

### 7. **Planning Consideration Key Issues**

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

- The principle of development;
- The effect on character and the amenity on nearby residents and;
- The effect on highway safety.

7.2 The key issues need to be carefully considered in light of the planning history, particularly in terms of whether the proposal has addressed the previous reasons for refusal.

#### 7.3 Principle of Development

7.3.1 Although the application is considering the use of the land as a car wash retrospectively, the assessment of the impacts of this application should still be made on its own merits. The reuse of the land for commercial purposes can be accepted, in principle, given that the site is not safeguarded for a particular use under the Council's Local Plan. Furthermore, Policies CS6 and CS7 of the Core Strategy safeguards all existing employment sites. A careful assessment of the

noise implications for neighbouring occupiers has been made following the submission of further mitigation measures.

#### 7.4 Character and Amenity

- 7.4.1 The key issue in this respect is the relationship with the nearby residential occupiers and, in particular, Brindle House which shares a common boundary of the site. In considering the previous applications on this site, it was found that the noise generated by the vacuum cleaners and jet washers were highly audible from the garden of Brindle House, breaching noise guidelines and preventing the enjoyment of the garden of the neighbouring property. It was felt that the combination of the noise-generating activities and equipment had a significantly harmful effect on residential amenity.
- 7.4.2 During the course of this application, the Planning and Environment Health Team have reviewed the new mitigation measures extensively, on-site, on a number of separate occasions. This process included the verification of the sound readings set out in the submitted noise report and an observed test of the operation of the car wash with a significant number of vehicles on site. The impact of the use was assessed both on site and from the nearest residential property at Brindle House. A similar series of site visits, tests and observations were carried out by officers when considering the previous applications, meaning officers are able to effectively compare the current arrangements with the previously refused schemes.
- 7.4.3 It was observed, from within the site and the garden of Brindle House, that the mitigation measures applied to the car wash operation have successfully attenuated the noise impact so it no longer has a significant effect on the neighbouring property. It is officers' view that the mitigation measures put in place have resulted in a significant improvement, meaning that the vacuum cleaners and jet washes are no longer audible, above background noise, from the neighbouring property. Furthermore, it is considered that conditions can be applied which are enforceable and reasonable to adequately mitigate the future operation of the use.
- 7.3.4 Two industrial vacuum cleaners are used and housed within the main office building, within an acoustically treated enclosure. As such, although vacuum cleaning of vehicles takes place close to the boundary with the neighbouring property, this operation is no longer audible from the garden. Conditions are suggested to prevent any further vacuum cleaners being used on the site.
- 7.3.5 In addition to this, the jet washers themselves have been adapted to emit a quieter spray of water and the pumps are now secured in a concrete enclosure. The enclosure is secured to ensure that the pressure cannot be readily adjusted thereby increasing noise. Nevertheless, officers observed on site that the power settings of the jet sprays (in test conditions observed) are effective enough to clean a vehicle efficiently. Furthermore, a significant acoustic barrier has been provided between the jet wash bays and the boundary with the neighbouring property, which further limits noise intrusion into the neighbouring residential property. Planning conditions are recommended to ensure that no further jet washers are operated from the site, that the specification of the quieter jet washer is retained along with the acoustic barrier. In addition to this, the applicant has agreed to go above the sound mitigation measures necessary by offering to install

sound cladding adjacent to the southern boundary (adjacent to the garden of Brindle House).

- 7.3.6 The hours of operation recommended by the Planning team are considered to strike a reasonable balance between the business needs of the applicant (compared to other businesses nearby and previous approvals on site), and the amenities of the neighbouring occupiers. The Environmental Health Officer has no objection to the hours originally requested by the applicant, however, the hours recommended can be reviewed following the expiry of the temporary permission.
- 7.3.7 The overall management of the site and the effectiveness of the noise mitigation measures will be monitored and observed over the period of the temporary permission, this will include the summer months when the use is typically at its most intensive.
- 7.3.8 In terms of the effect on character, the use is not readily visible from public vantage points and does relate to the wider commercial context of the Haskins site. The canopy structure on site has existed more than 4 years and is therefore considered to be a lawful structure which is immune from taking any enforcement action against its removal. The lightweight nature and appearance of the canopy structure is not out-of-keeping with the commercial context it sits in, whilst is not highly visible from the garden of the adjacent residential property of Brindle House given the screening of the existing evergreen trees along the boundary. These trees are within the control of the applicant. Other issues such as the impact from external lighting can be controlled by condition.
- 7.3.9 It is recognised that the breach in planning control over the past year has resulted in noise and disturbance to the nearby residential occupiers, causing serious harm to the amenities that they should expect to enjoy. However, the mitigation measures subsequently implemented have given officers confidence that the use can continue to operate without result in further harm to residential amenity. That said, the proximity of the use to neighbouring residential properties, means that a sensitive relationship does exist and, as such, it is considered to be prudent to restrict the use to a temporary permission. This will enable a period of 'real-time' monitoring of the use as well as the ability to test the effectiveness of the recommended planning conditions.

#### 7.4 Highway Safety

- 7.4.1 The local concerns raised with regards to highway safety are noted. The Highway Officer has not raised a concern that there would be any adverse impact on the free flow of the highway network from the traffic generated by the proposed use, nor that the access is unsuitable or unsafe. It is noted that Haskins Garden Centre are concerned about overspill parking on their land, however, this can be privately enforced by the landowner. Furthermore, this issue did not form part of the Council's reasons for refusal when considering the previous two applications on this site.

### 8. Summary

- 8.1 In summary, the impact on the amenities of the neighbouring occupiers has been carefully assessed to ensure that there is no significant affect from noise generated by the car wash use. The Noise Report submitted has demonstrated

that the mitigation measures applied can adequately control the noise impact, which has been observed by officers to be acceptable. The effectiveness of the controls and overall management of the site will be further monitored over the next 9 months to include the typically busier periods during the summer. This will be further reviewed through the submission of an application once the temporary period has finished.

## **9. Conclusion**

- 9.1 In conclusion, the impacts on the development are considered to acceptable, whilst conditions can be used mitigate the impact to make the development acceptable. It is therefore not considered to be contrary to paragraph 123 of the NPPF and other relevant Council policies and guidance.

### **Local Government (Access to Information) Act 1985** **Documents used in the preparation of this report Background Papers**

1(a), (b), (c), (d), 2(b), (d), 4(vv), 7(a), 9(a), (b)

### **SB for 08/12/15 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition - Temp use**

The use hereby permitted shall be discontinued at or before the expiration of 8 months from the date of this permission, the period specified in this permission being 8th August 2016.

Reason:

To enable the Local Planning Authority to give further consideration to this use at the expiration of this permission having regard to the circumstances existing at that time and to monitor whether the controls of noise and hours of business are effective in minimising their impact on the amenities of the neighbouring occupiers.

#### **02. APPROVAL CONDITION - Hours of Use [Performance Condition]**

The uses hereby permitted shall not operate (meaning that customers shall not be present on the premises and no associated equipment shall be operated) outside the following hours:

Monday to Friday	08.00 to 18.00 hours
Saturday	09.00 to 17.00 hours
Sunday and recognised public holidays	10.00 to 17.00 hours

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

### **03. APPROVAL CONDITION - Jet Washers**

There shall be no more than 2 jet washers installed on the site and in operation at any one time. The Jet Washers and associated equipment (including the nozzle and pump system) shall be retained and maintained in accordance with the manufacturers specification submitted with the application. The pump enclosure shall be kept secured locked at all times except for times of necessary maintenance.

Reason:

To ensure that the noise levels from the jet washers are controlled at an adequate level to minimise the disturbance to the amenities of the neighbouring occupiers.

### **04. APPROVAL CONDITION – Vacuum Cleaners**

No more than 2 vacuum cleaners shall be operated at one time. The vacuum cleaners shall be kept within the purpose built enclosures at all times whilst in operation.

Reason:

To minimise the noise disturbance to the amenities of the neighbouring occupiers.

### **05. APPROVAL CONDITION - Noise measures**

The development shall be implemented in accordance with the recommendations for noise mitigation measures as set out on page 14 of the noise report (ref no. SA-3687/RV.02) submitted with the application and the measures installed shall thereafter retained and maintained.

Reason:

In the interests of the protecting the amenities of the neighbouring occupiers by minimising noise disturbance.

### **06. APPROVAL CONDITION - Drainage**

The development shall be retained and maintained in accordance with the drainage measures installed.

Reason:

In the interests of ensuring that no adequate surface water drainage to prevent flooding and pollution.

### **07. APPROVAL CONDITION - Acoustic barrier**

Within 2 months of the date of this permission hereby granted, details of an acoustic cladding barrier adjacent to southern boundary of the site shall be submitted and agreed in writing by the Local Planning Authority. The barrier shall thereafter be installed as agreed. The barrier shall be retained and maintained for the duration of the use hereby approved.

Reason:

In the interests of the protecting the amenities of the neighbouring occupiers by minimising noise disturbance.

### **08. APPROVAL CONDITION - New Lighting**

Prior to the first operational use of external lighting within the site, the details of lighting shall be submitted to and agreed in writing to the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details.

Reason:

In the interests of protecting the amenities of the neighbouring occupiers.

**09. APPROVAL CONDITION - Existing lighting**

Within 2 months of the date of this permission hereby granted, details of the external lighting shall be submitted and agreed in writing by the Local Planning Authority. The lighting shall thereafter be replaced or modified as agreed within 1 month. The lighting installed shall be retained and maintained for the duration of the use hereby approved.

Reason:

In the interests of protecting the amenities of the neighbouring occupiers.

**10. APPROVAL CONDITION - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
SDP17	Lighting

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

### Recommendations:

- ✓ It is proposed that in order to reduce noise levels further, a 2.4m high acoustic screen should be installed. This screen should be 15 – 18m in length, 2.4m in height and ensure that the jet washing activity is carried out centrally to that of the screen. The screen should be continuous in length with no gap, sealed to the floor and have a minimum surface density of 13 kg/m<sup>2</sup> or higher. The inner face of the screen should be lined with heavy duty plastic sheeting in order to protect the screen from excessive water ingress.
- ✓ Ensure that engines are switched off when not required in order to reduce engine idling noise within the immediate vicinity.
- ✓ Lock the door leading from the cabin to the main yard. (Completed)
- ✓ Secure the Hoover cupboard door to ensure it closes properly. (Completed)
- ✓ Install small wall vents to the Hoover cupboard to allow for suitable ventilation to ensure the units do not overheat. (Completed)
- ✓ Install noise awareness signs to make patrons aware of the close proximity of the neighbouring property. The signs should be positioned in several places around the site to inform staff and customers of the requirements to keep noise levels to a minimum.
- ✓ Upgrade the Jet Wash Nozzles to quieter units and reduce the pressure on the system to lower the activity noise from the nozzle itself. (Completed)

14/00477/FUL/3546



**DETERMINATION OF APPLICATION**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Town and Country Planning  
(Development Management Procedure) (England) Order 2010**

Primmer Olds  
Mr Patrick Mattison  
61 Cromwell Rd  
Southampton  
SO15 2JE

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

**FULL APPLICATION - CONDITIONAL APPROVAL**

**Proposal:** Change of use from sale of camping equipment to sale of cars  
**Site Address:** Former Leisure Trail Site Mansbridge Road Southampton SO18 3HW  
**Application No:** 14/00477/FUL

Subject to the following conditions.

**01.APPROVAL CONDITION - Full Permission Timing Condition - Change of use**

The use hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

**Reason:**

To comply with Section 91 of the Town and Country Planning Act 1990(as amended).

**02.APPROVAL CONDITION - Approved Plans**

With the exception of the layout of the parking for the sale of cars, the development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below. The car parking layout shall be the subject of further details to be agreed in writing with the Local Planning Authority as set out in the conditions of this decision notice..

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

03. APPROVAL CONDITION - Parking Layout and Landscaping [Pre-Occupation Condition]

Notwithstanding the submitted layout plan the use of the land for car sales shall not be brought into use in full or in part until such time as further details have been agreed for the following :

1. Details of a physical barrier to be provided within the site to provide a 2m wide landscape buffer between the cars and the south-east (along Cutbush Lane) and south-west (adjacent to Brindle House) boundary's of the site.
2. Details of additional planting to take place within this 2m buffer zone, including species, planting timetable and landscape management plan.

The use shall only begin once the approved details for the barrier have been installed on site. At no time shall any car or vehicle be parked, stored, driven or otherwise be placed within the landscape buffer zone.

All approved new planting shall take place within the first planting season following first use of the site for car sales and shall be retained and maintained with the car sales use is operational

Reason:

In the interests of the visual amenities of the area and to protect the residential amenity of the adjacent occupiers.

04. APPROVAL CONDITION - Hours of Use [Performance Condition]

The car sales hereby permitted shall not operate (meaning that customers shall not be present on the premises, no sale or delivery of cars) outside the following hours:

Monday to Friday	09.00 hours to 18.00 hours	(9.00am to 6.00pm)
Saturday	10.00 hours to 17.00 hours	(10.00am to 5.00 pm)
Sunday and recognised public holidays	10.00 hours to 16.00 hours	(10.00am to 4.00pm)

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

05. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

The use shall not commence until a scheme for the disposal of foul water and surface water drainage and measures to prevent oil and other pollutants from entering the drainage system (natural or piped) have been submitted to and approved in writing by the Local Planning Authority .

Reason:

To ensure satisfactory drainage provision for the area.

06. APPROVAL CONDITION - Car sales - No ancillary uses (Performance Condition)

The proposed development must not include any other vehicle related uses such as car repair and valeting, car scraping, car hire and car wash unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the amenity of the wider area.

## 07.Approval Condition - Lighting Restrictions - Performance Condition

No external lighting or floodlighting shall be installed or operated within the site without details of the position, height, luminance and numbers of lights being first agreed in writing with the Local Planning Authority.

**REASON**

To safeguard the character and amenity of the area and the residential amenity of the adjacent occupiers.



**Chris Lyons**  
**Planning & Development Manager**

16 June 2014

If you have any further enquiries please contact:  
**David Nip**

**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9, SDP11, SDP16, SDP17 and SDP21 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010); the adopted Residential Design Guide SPD (September 2006) and the Parking Standard SPD (September 2011).

**IMPORTANT NOTE TO APPLICANT**

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings.

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
		Location Plan	19.03.2014	Approved
AREA 2 HA		Site Plan	19.03.2014	Approved
AREA 2 HA		Parking Layout Plan	19.03.2014	Approved
		Planning Statement	19.03.2014	Approved

SCHEDULE:  
SALES OFFICE 169 SQ MTRS (1815 SQ FT)  
SALES PARKING: 64  
STAFF PARKING: 2  
CUSTOMER PARKING: 4 (inc. 1 disabled)

PROPOSED SITE LAYOUT  
AREA 2 HA  
SCALE: 1:1250 on A4  
CENTRE COORDINATES: 445489 , 115272



14/02110/FUL/3546

**DETERMINATION OF APPLICATION****TOWN AND COUNTRY PLANNING ACT 1990****Town and Country Planning (Development Management Procedure) (England) Order 2015**

Laemco Ltd  
 Joseph Tierney  
 42 Lower St Helens Road  
 Hedge End  
 Southampton  
 SO30 0LU

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

**FULL APPLICATION - REFUSAL**

**Proposal:** Change of use to car wash and valet (class sui generis)  
**Site Address:** Leisure Trail Mansbridge Road Southampton Southampton  
**Application No:** 14/02110/FUL

For the following reason(s):

**01.REASON FOR REFUSAL - Adverse noise and amenity impact**

The noise generated by the equipment associated with the car wash use is considered by the Local Planning Authority, in consultation with colleagues in Environmental Health, to be harmful resulting in a level of 'Significant Observed Adverse Effect Level (SOAEL) to the detriment of the existing amenity of the neighbouring occupiers. Furthermore, the nature and intensity of the proposed use has the potential for a high volume of vehicles coming and going throughout the week, and especially the weekend when the occupiers of the adjacent residential property Brindle House are expecting quiet and peaceful enjoyment of their property. As such, this would cause an undue disturbance to these occupiers. As such the proposal will have an unacceptable impact on residential amenity and is therefore contrary to saved policies SDP1(i) and SDP16 of the City of Southampton Local Plan Review (Adopted March 2006) as supported by the relevant paragraphs (123) of the National Policy Planning Framework (2012) and Noise Policy Statement for England (2010).

  
**Simon Rowberry**  
**Planning & Development Manager**

20 April 2015

For any further enquiries please contact:  
**Stuart Brooks**



## DETERMINATION OF APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

#### Town and Country Planning (Development Management Procedure) (England) Order 2015

Laemco Ltd  
Joseph Tierney  
42 Lower St Helens Road  
Hedge End  
Southampton  
SO30 0LU

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

#### FULL APPLICATION - REFUSAL

**Proposal:** Change of use to car wash and valet (class sui generis) (resubmission)  
**Site Address:** Leisure Trail Mansbridge Road Southampton SO18 3HW  
**Application No:** 15/01127/FUL

For the following reason:

#### 01. REASON FOR REFUSAL - Adverse noise and amenity impact

The noise generated by the equipment associated with the car wash use is considered by the Local Planning Authority, in consultation with colleagues in Environmental Health, to be harmful resulting in a level of 'Significant Observed Adverse Effect Level (SOAEL) to the detriment of the existing amenity of the neighbouring occupiers. Furthermore, the nature and intensity of the proposed use has the potential for a high volume of vehicles coming and going throughout the week, and especially the weekend when the occupiers of the adjacent residential property Brindle House are expecting quiet and peaceful enjoyment of their property. As such, this would cause an undue disturbance to these occupiers. As such the proposal will have an unacceptable impact on residential amenity and is therefore contrary to saved policies SDP1(i) SDP7 and SDP16 of the City of Southampton Local Plan Review (Adopted March 2006) as supported by the relevant paragraphs (123) of the National Policy Planning Framework (2012) and Noise Policy Statement for England (2010).

**Samuel Fox**  
**Planning & Development Manager** JT  
31 July 2015

For any further enquiries please contact: **Stuart Brooks**

**Mr S Brooks**  
Development Management  
Southampton City Council  
Ground Floor  
Civic Centre  
Southampton, SO14 7LS

3rd November 2015

Dear Stuart

**RE: DIDA CAR WASH, MANSBRIDGE ROAD, SOUTHAMPTON**

With reference to our recent site meeting and the comments received from both the local residents and MD Associates, we are now pleased to submit our further comments as requested.

1. We would like to confirm that all measurements of the jet wash process has been carried out with both lances operating at the same time with numerous measurement not exceeding  $L_{Aeq}$ , 73 dB. This has been witnessed and verified by Peter Wainwright from Southampton City Council.
2. The effects of the acoustic screen have been detailed within our initial acoustic report and the 3D modelling software verified as accurate.
3. The pumps within the concrete external housing have now been reduced in pressure and the cabinet locked to ensure continuing stability of these operational levels.
4. The hoovers are now contained within a purpose built enclosure contained within the main building itself. This has been sufficiently ventilated to external environments to ensure the required air flows are achieved across the hoover unit to ensure the enclosure can remain sealed.
5. It has been agreed and witnessed by several parties involved, including the complainants and representatives from Southampton City Council that the hoover noise and activity is inaudible within their rear garden space.
6. BPM (Best Practical Means) have been adopted with the inclusion of Noise Awareness Signs, engine switch offs and speed limitations on the site. The internal management structure plan should implement and control these items to make every effort to reduce site noise levels. These items will have a positive effect on local residents.
7. Our supplementary noise report uses the 3D modelling software CADNA A to calculate and predict the effects of the implemented acoustic works and generated working 3D models the reflect the recorded verified noise levels. Detailed information is contained within our robust noise report of which the information and data can be relied upon as accurate for this particular site.
8. It was a good and productive meeting on site with the local residents having an opportunity to witness the improvements made. The complainant's comments of "I agree the noise levels from the jet washes seem to have been significantly reduced" were reassuring positive comments from the local residents.

Unit 2 West Links, Tollgate, Chandlers Ford, Hampshire, SO53 3TG

0800 180 4005  
023 8025 4774  
info@soundadviceacoustics.co.uk

VAT Number 837 5774 82 Company Number 4691799



SH7295



4035

UKAS Accreditation for Building Regulations Approved Document E

9. A recommendation has been made for the back wall to be lined with an absorption panel. This should be installed full height along the entire length of the canopied area as agreed. ArmaSound data sheet attached for reference purposes. Sound Advice Acoustics Ltd are able to supply this material. This will minimise the reverberant sound within the canopy area and further reduce any activity noise level that may or may not be audible within the neighbouring garden area.
10. National Planning Policy Framework 2012 Paragraph 14 of the NPPF is very clear in its direction to Local Authority that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole, or specific policies in the framework indicate the application should be restricted.
11. Based on the calculations and assessments made within our reports it is the professional opinion of Sound Advice Acoustics Ltd that the proposed plant can operate within the requirements of BS 4142 : 2014, the National Planning Policy Framework 2012, NPPF & NPSE and that, with regards to sound, the council are directed to grant planning permission.

I trust the above comments are of value and should you wish to discuss further then please do not hesitate to contact me.

Yours Sincerely,



Mr Brian Scrivener. MIOA  
DIRECTOR  
**Sound Advice**  
ACOUSTICS LTD

Unit 2 West Links, Tollgate, Chandlers Ford, Hampshire, SO53 3TG

 0800 180 4005  
 023 8025 4774  
 [info@soundadviceacoustics.co.uk](mailto:info@soundadviceacoustics.co.uk)

VAT Number 837 5774 82 Company Number 4991799



UKAS Accreditation for Building Regulations Approved Document E

**LEISURE TRAIL MANSBRIDGE ROAD SOUTHAMPTON - 15/01903/FUL**

**CHANGE OF USE TO CAR WASH AND VALET (CLASS SUI GENERIS) AND ENCLOSURE TO JET WASH (RESUBMISSION)**

**ENVIRONMENTAL HEALTH CONSULTATION RESPONSE - 3 NOVEMBER 2015**

Following a careful perusal of the associated documents in relation to this planning application, 15/01903/FUL for Change of use to car wash and valet (class sui generis) and enclosure to jet wash (resubmission), in particular with reference to the Acoustic Report , produced by Sound Advice Limited, dated, 14th September 2015, (Report Reference: SA – 3687 / RV.02) and following an observational site visit on 30 October 2015, (Attended by the applicant, his Acoustic Consultant, Mechanical Service engineer, Planning Officers, Environmental Health Officers, Councillors and local residents ) our Service have concluded that we have **no objections** to make to the current planning application.

When we are consulted on such applications we must give due regard to the National Planning Policy Framework 2012 (NPPF) and the Noise Policy Statement for England 2010 (NPSE).

We must also look at the application on its own merit, despite previous noise related issues at the site, including the service of a Noise Abatement Notice, dated 17 March 2015.

The current Acoustic Report has concluded that the BS 4142: 2004 noise assessment has this time resulted in a "NOEL – No Observed Effect Level"

*(This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.)*

This level has been achieved because the noise mitigation measures outlined in the report have been implemented and these measures, together with additional works, were verified during the site visit on 30 October 2015.

In summary the following noise reduction measure have now been implemented:-

1. The erection of a 2.4m high substantive acoustic screen.
2. The construction of a new more robust acoustic cabinet which houses two commercial vacuum cleaners.
3. A number of noise awareness signs have now been positioned in various locations
4. The jet wash nozzles have been replaced and the pressure on the system to lower the activity noise from the nozzle itself has been reduced.

5. The water pump housing has been sound attenuated further and is now under lock and key.
6. The substantive pebbled area has now been fully concreted.
7. The site has been marked out with surface markings to enable better customer management.
8. The erection of a metallic sections at the boundary between the site and Brindle House.

Futhermore, the noise levels from the jet washes have been verified to be correct and a number of cars, including the neighbours from Brindle House, were washed effectively to demonstarte that the nozzle pressure levels were workable and not simply reduced to pass the noise criteria.

The subjective observations from the garden of Bridle House next to the site on 30 October 2015 revealed that noise from the two jet wash nozzles whilst in operation was almost inaudible and likewise with the vaccum cleaners. Some voices were discernable if conversation was loud in some parts of the neighbours garden closest to the boundary and there was still concerns from the neighbour about noise from car doors being shut, car horns and engines left running. However, the applicant countered this by saying they have a policy to have engines switched off whilst washing and cleaning cars because of safety reasons and that they have a new management structure in place to ensure better operational noise control. Furthermore they denied they would slam doors, as this would upset their customers. The road traffic noise from the M27 was also prevalent and as the area is in a flight path aircraft noise could also be heard intermitantly too. There is also a sports field on the other side of Brindle House which is used on a weekend.

There are still concerns about noise disturbance from the "intensification" of the site use detailed in the letter from James Brown and Jane Hobbs, received via email on 2 November 2015 and the applicant freely admitted that he would like the site to be busy and voluteered to clad the metallic fence and roofing area as required with suitable acoustic cladding in order to reduce noise levels further.

With regards to the letter of objection from MDA dated 21 October 2015, they seem to be basing their concerns about noise issues on a "significant adverse effect" and from the facts we have at our disposal this is not correct for the current application. Sound Advice Limited are best placed to comment in detail on this correspondence and I have asked them to write to Stuart Brooks, Planning Officer in order to respond accordingly.

In light of the neighbours concerns about possible noise issues we would support any further noise mitigation measures but cannot justify recommending unreasonably resticitive hours of use as we cannot require this in light of the "NOEL – No Observed Effect Level Assessment."

We would consider hours of operation of Monday – Saturday 8:00am -7.00pm and Sunday – 9:00am – 6:00pm has reasonable.

Furthermore we would recommend a condition to be framed in relation to ensuring that the applicant submits a detailed scheme of suitable additional acoustical works in the canopy area to address the intensification of use noise issue.

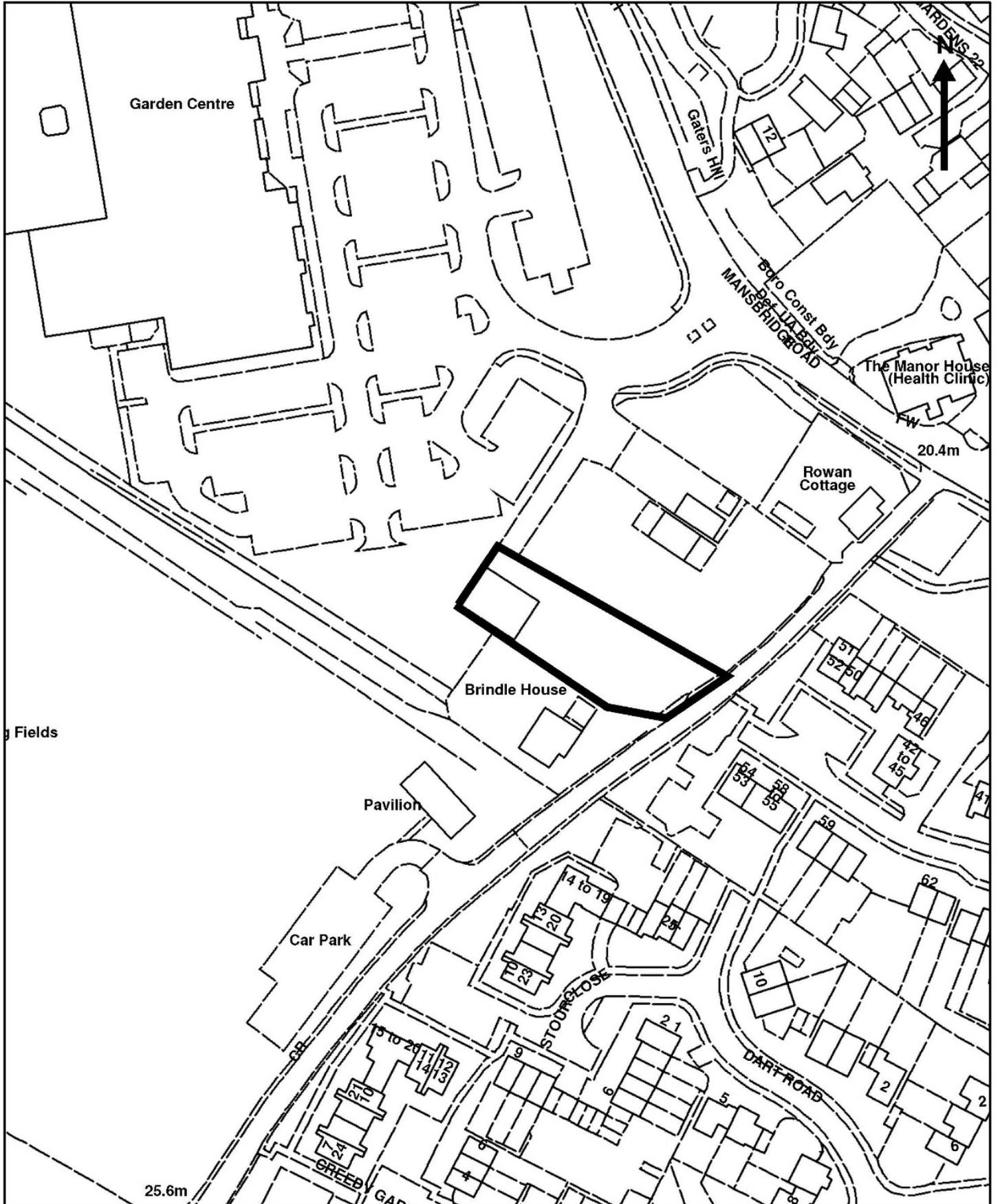


P D Wainwright  
Principal Environmental Health Officer



R Walling  
Environmental Health Team Leader

# 15/01903/FUL



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

