

Change of use from A1 (retail) use to MOT test centre (sui generis use) including formation of new roller shutter door opening to front elevation.

Report Item No  
A5

2A North Avenue Coalville Leicestershire LE67 3QX

Application Reference  
17/01098/FUL

Applicant:  
Mr John ODwyer

Date Registered:  
7 August 2017

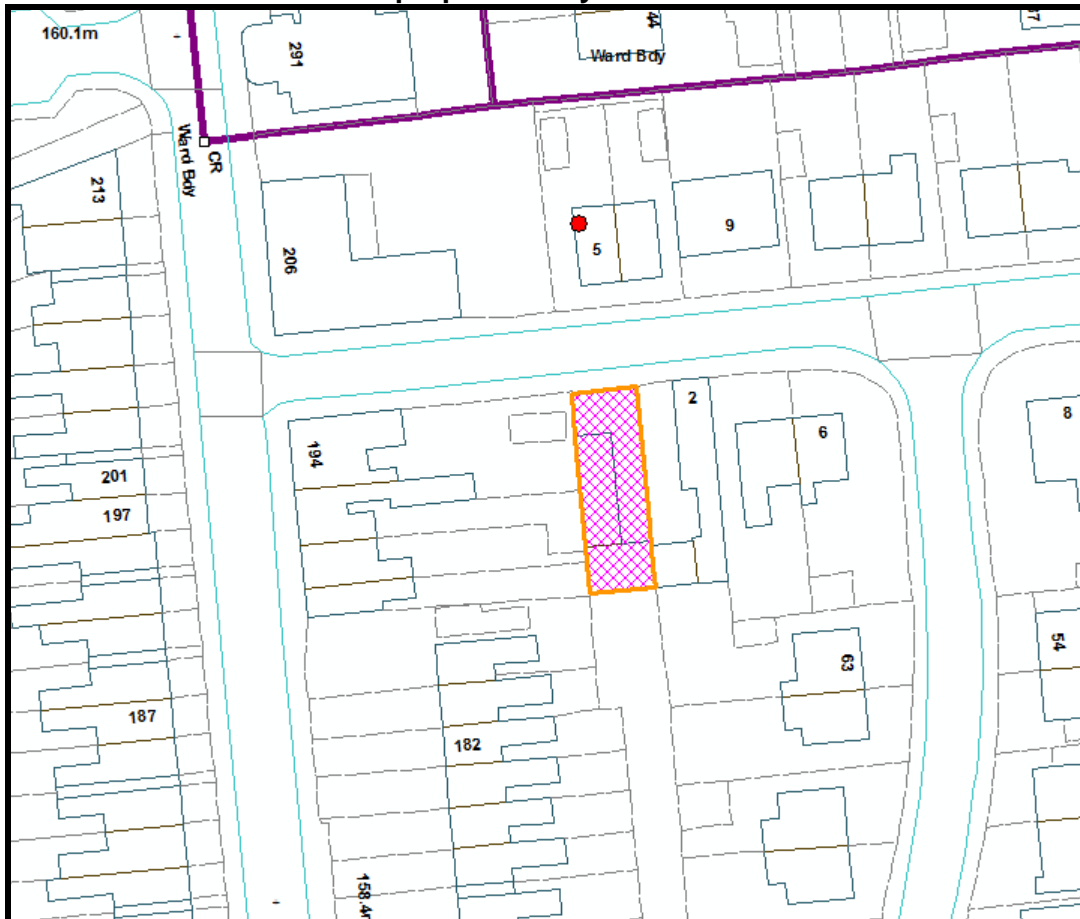
Case Officer:  
Hannah Exley

Consultation Expiry:  
31 January 2018

Recommendation:  
PERMIT

8 Week Date:  
2 October 2017  
Extension of Time:  
3 February 2018

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

The application is brought to the Planning Committee at the request of Councillor Eynon due to concerns about the impact of the proposals on neighbouring residential amenities.

### **Proposal**

Full planning permission is sought for the change of use of an existing retail unit (A1 use) to an MOT test centre (sui generis use), including the installation of a new roller shutter door opening to the front elevation.

### **Consultations**

Three letters have been received, objecting to the proposals. No statutory consultee has raised any objection.

### **Planning Policy**

The site lies inside the Limits to Development in the adopted North West Leicestershire Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

### **Conclusion**

The site lies inside the Limits to Development, where the principle of development is acceptable. The main issues with the proposed development are concerns about:

- Overlooking;
- Parking; and
- Noise and disturbance from comings and goings.

Officers consider these impacts would not be so bad as to justify refusal of planning permission as:

- The proposed development would not have any significant detrimental impact on the amenities of neighbours in terms of overlooking impacts or noise and disturbance from comings and goings.
- The proposed alterations to the building would not be out of keeping within the area, and adequate parking would be available within the site so the proposal is acceptable from a highway safety perspective.
- There are no other relevant material planning considerations that indicate planning permission should not be granted.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

## **RECOMMENDATION:- PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Approval is sought for the change of use of an existing retail unit (A1 use) to an MOT test centre (sui generis use), including the installation of a new roller shutter door opening to the front elevation.

Amended plans have been secured during the course of the application as the original proposals showed the demolition of the existing building and erection of a new larger steel framed building. The original proposal was considered to have an overbearing impact on the neighbouring property to the east and therefore, amended plans were sought.

The site lies within the Limits to Development on the Policy Map to the adopted North West Leicestershire Local Plan.

The application submission was accompanied by no supporting information but additional information has been secured during the course of the application about the activities that are proposed to be undertaken within the building, at the request of the Environmental Protection team.

#### Planning History:

No relevant history found.

### 2. Publicity

11 neighbours have been notified.

Site Notice displayed 15 August 2017.

### 3. Summary of Consultations and Representations Received

The following summary of responses is provided.

**NWLDC Environmental Protection** recommends conditions to make the development acceptable.

**Leicestershire County Council - Highways** refers the Authority to Standing Advice.

#### Third Party Representations

3 letters of neighbour representation have been received in response to the original plans, raising objection on the following grounds:

- the appearance of the building would be out of keeping within a residential area;
- the building would appear overbearing;
- loss of light;
- noise and disturbance from the proposed use in addition to the car repair facility opposite;
- concern about vehicles parking on the road and blocking neighbouring driveways; and
- loss of property value;

No additional letters have been received to the amended proposal.

## 4. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development);  
Paragraph 17 (Core planning principles);  
Paragraphs 57, 59, 60, 61 and 64 (Requiring good design);

### Adopted North West Leicestershire Local Plan (2017)

The application site is within the Limits to Development as defined in the adopted Local Plan. The following adopted Local Plan policies are relevant to this application: -

Policy S2 - Settlement Hierarchy;  
Policy D1 - Design of New Development;  
Policy D2 - Amenity;  
Policy IF4 - Transport Infrastructure and New Development; and  
Policy IF7 - Parking Provision and New Development;

### Other Policies

- National Planning Practice Guidance  
- 6Cs Design Guide (Leicestershire County Council)

## 5. Assessment

### Principle

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan.

The application site is within the defined Limits to Development within the sustainable settlement of Coalville and the proposed change of use and associated development would accord with Policy S2 of the adopted Local Plan.

### Design Considerations

The need for good design is outlined in Policy D1 of the adopted Local Plan and Paragraphs 57, 60 and 61 of the NPPF.

The amended application proposals relate to the conversion of the existing building for use as an MOT test centre. The only alteration required to the exterior of the building would be the insertion of a roller shutter door opening in the front elevation of the building. Although located

within a predominantly residential area, there is a takeaway adjacent to the site and a vehicle workshop opposite with a roller shutter opening. Within this context, it is not considered that the proposed new opening would appear out of keeping within the streetscene and the proposal would accord with the provisions of Policy D1 of the adopted Local Plan and the provisions of the NPPF.

### **Impact on Residential Amenities**

The amended proposal relates to the conversion of the existing single storey building on the site, with alterations only being made to the front elevation in the form of a new roller shutter door opening. Therefore, there would be no greater overbearing, overshadowing or overlooking impacts as a result of the proposal. The main impact of the proposal would be in relation to any noise and disturbance generated as a result of the proposed use and comings and goings. In terms of comings and goings, it is not considered that visitors to the site would be any greater than the existing retail use of the premises and therefore, the main consideration would be in respect of noise and disturbance associated with the proposed use.

Additional information has been provided during the course of the application to confirm that the intended use of the premises would be for MOT testing only and that there would be no vehicle repairs being undertaken at the premises. The applicant advises that of the tests required to be undertaken on the vehicle, only the horn test would exceed 70db in an enclosed environment. The applicant expects 5 MOT's to be undertaken in a day with low level noise occurring for less than 10 mins in each hour. The applicant has provided details of noise insulation which could be introduced to control noise.

The property that would be most immediately affected by the proposed development would be No.4 North Ave to the east of the site. The rear gardens of residential and commercial properties fronting Central Road also back onto the site. The site lies within a part of North Avenue where there are other commercial uses and it is within this context that the proposal must be assessed. When having regard to the noise information provided by the applicant and the nature of the proposed use and the scope for sound insulation within the building, it is not considered that the proposal would result in any significant noise and disturbance that would be detrimental to the amenities of the occupiers of the neighbouring properties. The Council's Environmental Protection team has been consulted and subject to conditions finds the proposal acceptable from an environmental perspective.

Overall, it is considered that the proposal would accord with the provisions of Policy D2 of the adopted Local Plan.

### **Highway Safety**

The application falls to be considered under highways Standing Advice and this has been undertaken in consultation with the County Council in order to correctly consider the parking provision available for the proposed use.

The front of the site has a depth of 5.5m with a width of 7.8m, and bound by a fence on one side is of sufficient size to provide 3 spaces. The existing building has a floor area of 42m<sup>2</sup> and the parking requirement for the existing retail use would be 2 spaces. The parking requirement for the proposed MOT use would be 2 (based on a B1 use) and 1 (based on a B2 use). On this basis, it is considered that the provision of three spaces to the front of the site would be sufficient to accommodate the proposed use.

The concerns of the local residents are noted about indiscriminate parking in the highway but it is not considered that the proposal would result in any greater on-street parking than the

existing use of the premises. As for concerns about vehicles blocking private driveways, this would be a matter for the police to enforce.

Overall, taking the above matters into consideration, it is considered that this application would not result in any significant impact on highway safety when assessed against current highway standards. The application is deemed to accord with Policies IF4 and IF7 of adopted Local Plan and the 6Cs Design Guide.

**Other**

With regard to concerns about loss of property value, this is not a planning matter for consideration in the determination of the application.

**Conclusion**

The site lies within Limits to Development where the principle of development is acceptable. The proposed development would not have any significant detrimental impact on the amenities of neighbours in terms of overlooking impacts or noise and disturbance from comings and goings. The proposed alterations to the building would not be out of keeping within the locality and notwithstanding local concerns about indiscriminate parking, adequate parking would be available within the site and the proposal is acceptable from a highway safety perspective. There are no other relevant material planning considerations that indicate planning permission should not be granted. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

**RECOMMENDATION - PERMIT, subject to the following conditions:**

1. Standard time limit
2. Approved plans
3. Restriction of use to MOT test centre
4. Installation of sound insulation measures
5. Provision of two off street parking spaces
6. Hours of operation