

The Site

The application relates to a motor repair garage on Dorothy Road, parts of which are allocated in the local plan as a primarily employment area but interspersed between sections of the residential terrace which is the primary characteristic of Dorothy Road. There are residential properties immediately to the east and west of the site with industrial uses immediately to the north and south. The site is Grade D/E and E land in the 2006 Employment Land Study and is in a Critical Drainage Area. The existing business activities require an Environmental Permit from the local authority.

Background

There is no relevant recent planning history. However, approvals from 2001 and 2002 for alterations to the roof of the motor repair garage suggest that the existing business has been operating from the site for a long time.

The Proposal

The proposal is for a change of use of the site from motor repair garage (Class B2) to a combined use of motor repair garage and MOT testing centre (no use class). The applicant has submitted a statement to support the application explaining that the purpose of the proposal is to add an additional service to the business and explaining how it would operate on a day to day basis. The statement describes how the vehicles will be required to have prior appointments with time slots to ensure efficient working. This differs from the existing arrangement where customers bring their car at any time without booking. It is anticipated that MOT tests would take approximately an hour and a half and would not exceed four per day. Working hours would be 09:00 to 17:00 Mondays to Fridays and 09:00 to 13:00 on Saturdays. It adds that the existing business has been operated for over 30 years during which there have been no complaints to the Council regarding parking or noise.

Policy Considerations

Paragraph 80 of the National Planning Policy Framework describes how planning decisions should help to create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity taking into account local business needs.

Paragraph 109 describes how development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual impacts on the road network would be severe.

Paragraph 127 adds that planning decisions should ensure safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Development plan policies relevant to this application are listed at the end of this report. Employment Land (Supplementary Planning Document)

Consultations

Environmental Health (land contamination) (LCC): - no objections. However, a condition requested requiring an oil interceptor to be installed on site and retained.

Environmental Health (noise and pollution) (LCC): - no objections. The site has been in operation as a repair workshop for several years with no noise complaints. However, noted that there are no hours of use conditions. As such it would be appropriate to attach conditions restricting hours of use to 07:30 to 18:00 Mondays to Fridays and 07:30 to 13:00 Saturdays.

Highways (LCC): - the highways response was received prior to the submission of the supporting statement. It noted that there are double yellow lines in place on the west side of Dorothy Road (the same side as the application site). However, it added that cars can park on the opposite side of the road though there is high demand for on-street parking due to the mixed industrial and terraced residential character of the street. It noted that the existing access is below standard and not appropriate for the proposed development and that it is assumed that the proposal would result in an intensified use of this access. In the absence of evidence to the contrary the response recommended refusal on the grounds that the existing site access is inadequate to accommodate the proposed development.

Representations

A petition with fourteen signatures has been received together with two separate objections. The petition raises concerns that the proposal will exacerbate parking problems for existing residents with additional traffic using an already congested road. It also raises concerns that the proposal has potential to cause nuisance and noise pollution and observes that there is an MOT station on Gwendolen Road a short distance away. The two separate objections also raise concerns over the impact of the proposal on parking and congestion.

Consideration

Principle of the use:

Core Strategy policy CS10 states that employment land will be retained for B1(c), B2 and B8 uses though it adds that in lower quality employment areas a number of other uses that do not fall within any particular planning use class would also be acceptable.

The application site on and neighbouring part of Dorothy Road is allocated as employment land is graded D/E and E quality meaning that it is a lower quality employment area. The proposed MOT service will result in a combined use that is commonly found in industrial estates and the proposed use is acceptable in principle.

Amenity and pollution:

Saved policy PS10 aims to safeguard residential amenity while saved policy PS11 aims to protect the health and amenity of users, neighbours and the wider environment from potential polluting impacts of development. PS10 lists a number of factors concerning residential amenity that will be taken into account including noise, light, vibrations, smell and air pollution, additional parking and vehicle manoeuvring and privacy and overshadowing. PS11 states that proposals which have the potential to pollute (including by reason of noise) will not be permitted unless the health and amenity of users, neighbours and the wider environment can be assured.

The site is very close to residential properties and the industrial nature of the proposed use has potential to cause harm to residential amenity by way of noise. However, the site has a long standing use as a repair workshop and there have been no noise complaints at the site. I consider that the proposed additional MOT service will not exacerbate existing noise levels to a degree that they would be unacceptable.

Moreover, I note that the existing industrial use has no conditions restricting the hours of use. Whilst the existing business currently operates within hours that do not have an unacceptable impact on the amenity of the neighbouring residential uses the long standing industrial use of the site and the lack of restrictive hours means that other businesses could operate at the site at later hours. The current application for the proposed combined use allows for hours of use to be restricted and in the interests of residential amenity I consider it appropriate to attach a condition restricting these to 07:30 to 18:00 on Mondays to Fridays and 07:30-13:00 on Saturdays.

Though the additional proposed MOT service is low key the combined use of vehicle repairs and MOT has potential for oil run off which may result in some contamination to the land. Though this potential is primarily derived from the current vehicle repairs use the application is for a combined use and as such I consider it reasonable and appropriate to attach a condition requiring that an oil interceptor be installed on site and retained for the lifetime of the use.

The relationship between the residential property and the repair workshop is an existing situation and I do not consider that the proposed combined use will materially alter this relationship in respect of privacy. Similarly, and as discussed below, I do not consider that the proposed combined use will have a significant material impact on parking and vehicle manoeuvring.

Parking and highways impacts:

There are yellow lines in place on the same side of Dorothy Road as the application site and there is high demand for on-street parking in the area given its mixed industrial and residential character. However, there is space for parking on the opposite side of the road and given the nature of the business operation access to the site would be kept clear out of necessity.

There is only space on site for three vehicles at any one time and this will not be altered as a result of the proposed combined use. The supporting statement describes how MOT tests would use prior appointments with approximately four one and a half hour time slots allocated for each day. As such the size of the site and the operation of the business will limit the number of vehicular trips to a number that would not be unreasonable for the mixed use nature of Dorothy Road and I do not consider that it will have an impact on the local highway capacity such as to warrant a refusal of the application.

Similarly, though I acknowledge the existing access is below standard I do not consider that the combined use will result in an intensification of the use that will be severe so as to warrant a refusal of the application.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The use shall not be carried on outside the hours of 07:30 to 18:00 Mondays to Fridays and 07:30 to 13:00 on Saturdays. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. Prior to the commencement of the use details of a petrol/oil interceptor shall be submitted to and agreed by the City Council as local planning authority. The interceptor shall be implemented in accordance with these agreed details and maintained throughout the lifetime of the development (to minimise the risk of pollution of drains and watercourses and in accordance with saved City of Leicester Local Plan policy PS11).
4. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 12.11.18 and 19.11.18, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

Policies relating to this recommendation

- | | |
|-----------|--|
| 2006_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_PS11 | Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc. |
| 2014_CS10 | The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective. |