

Report to Planning applications committee

Item

11 August 2016

Report of Head of planning services

Subject 16/00712/VC - 35 Vulcan Road South Norwich NR6 6AG

Reason

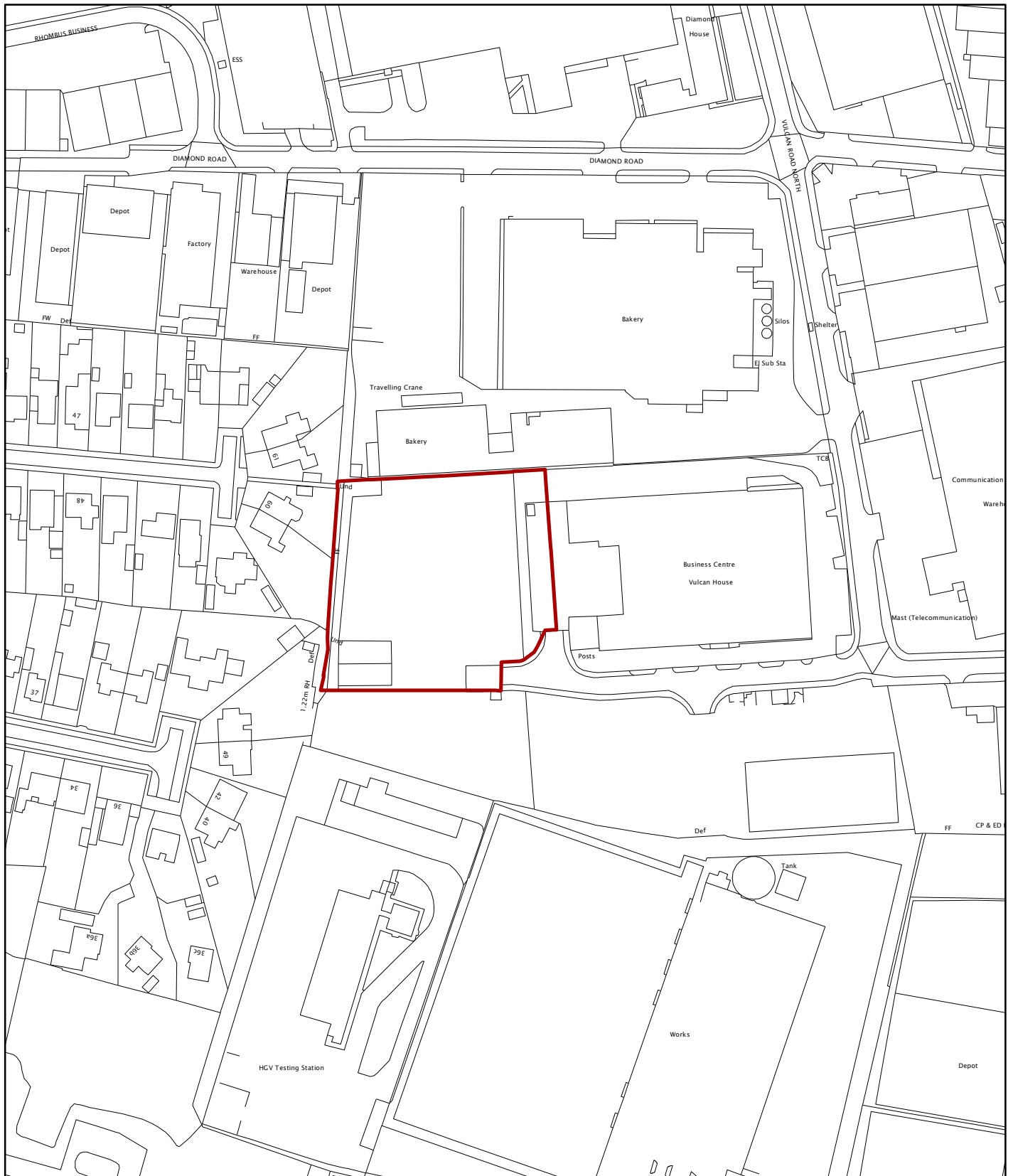
for referral Objection

4(b)

Ward:	Catton Grove
Case officer	Mr Kian Saedi - kiansaedi@norwich.gov.uk

Development proposal		
Variation of conditions 7 and 9 of planning permission 15/01568/VC to allow a combined total of 20 minutes opening per hour for the 3 MoT bay doors and discharge of conditions 4 (cycle storage) and 11 (extract ventilation) of previous planning permission 15/01568/VC		
Representations		
Object	Comment	Support
5	0	0

Main issues	Key considerations
1 Amenity	Noise disturbances to the surrounding area resulting from the proposed amendments to the scheme
Expiry date	8 August 2016 extended to 21 August 2016
Recommendation	Approve subject to re-imposition of conditions attached to original consent and rewording of conditions 4 and 11 to accord with the details included as part of the current application



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Planning Application No 16/00712/VC

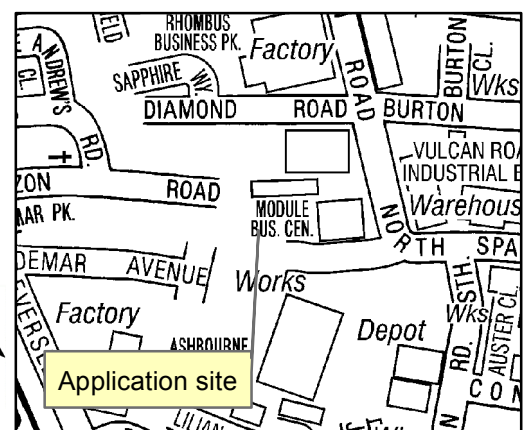
Site Address 35 Vulcan Road south

Scale 1:2,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is situated on Vulcan Road North to the west of Vulcan House Business Centre. It is located on the edge of the airport industrial estate and adjacent to residential properties to the west. The site lies on the edge of Norwich City Council's jurisdiction adjacent to Broadland District Council's area.
2. The south west corner of the site is currently used as a car valet centre for in house vehicle valeting and the remainder of the site is currently used for the storing of vehicles. A service vehicle workshop has recently been constructed on the east side of the site, which received planning consent under planning permission 15/00565/F.

Constraints

3. The site is situated within a defined employment area and is situated within a critical drainage area.

Relevant planning history

4.

Ref	Proposal	Decision	Date
4/2002/0379	Erection of Warehouse unit with associated open storage areas, access, parking and servicing.	Approved	16/07/2002
07/00251/U	Installation of acoustic screen adjacent to residential properties and retrospective application for use of land for bus parking (40 vehicles); bus driver car parking; and erection of 2 No. temporary mobile lighting units.	Refused	06/07/2007
09/00320/F	Proposed bus parking (60) spaces for First Eastern Counties, plus site resurfacing, site lighting and the creation of a landscaped mound with acoustic fence.	Approved	03/11/2009
09/01566/D	Details of Condition 1 A - bunding, acoustic fencing, lighting and hard surfacing; Condition 2 - palisade fencing, bird and bat boxes, CCTV, cycle storage, secure cabinet (for supervisor), electricity sub station and on-site speed restriction signage; Condition 3 - Submission of Arboricultural Method Statement and Partial Details of Condition 4 - Implementation, maintenance and	Refused	21/07/2010

	specification for landscaping scheme of previous planning permission 09/00320/F 'Proposed bus parking (60) spaces for First Eastern Counties, plus site resurfacing, site lighting and the creation of a landscaped mound with acoustic fence'.		
14/00164/F	Erection of a single storey valeting centre for in house vehicle valeting.	Approved	04/04/2014
15/00565/F	Erection of a vehicle service workshop.	Approved	21/07/2015
15/01327/NM A	Non-Material amendment to previous permission 15/00565/F comprising of revision to roof skylight plan.	Approve	02/10/2015
15/01568/VC	Variation of Condition 7: to allow door to remain open for five minutes whilst testing front wheel braking; Condition 9: to accept that back of vehicle is outside briefly whilst brake tester is inside building and Condition 2 to allow the provision of additional photovoltaic panels, of planning permission 15/00565/F.	Approved	24/12/2015

The proposal

5. See previous report for details of the original consent (15/00565/F), which permitted the construction of a vehicle service workshop at the site.
6. Planning permission was subsequently granted under 15/01568/VC to vary conditions 2, 7 and 9 of 15/00565/F for the following:
 - (condition 2): To vary plans to allow the provision of photovoltaic panels
 - (condition 7): The doors on the western elevation of the building hereby permitted shall be kept closed except for means of access and egress and to allow for brake testing for up to 5 minutes twice within any one hour period.
 - (condition 9): No MOT or servicing activity shall take place outside the building hereby permitted, other than to allow the back of the vehicle to be outside for up to 5 minutes twice within any one hour period whilst brake testing takes place, unless specifically approved in writing by the local planning authority.
7. The current application seeks consent to further vary conditions 7 and 9 of 15/01568/VC for the following:
 - To vary condition 7 from "The doors on the western elevation of the building hereby permitted shall be kept closed except for means of access and egress

and to allow for brake testing for up to 5 minutes twice within any one hour period” **to** “The door on the western elevation of the building as indicated on the workshop floor plan [ref.DWG DES VR 004D, received 12 June 2016], shall be kept closed except for means of access and egress and to allow brake testing for up to 20 minutes within any one hour period. All other doors on the western elevation of the building shall be kept closed except for means of access and egress”.

- To vary condition 9 from “No MOT or servicing activity shall take place outside the building hereby permitted, other than to allow the back of the vehicle to be outside for up to 5 minutes twice within any one hour period whilst brake testing takes place, unless specifically approved in writing by the local planning authority” **to** “No MOT or servicing activity shall take place outside the building hereby permitted, other than to allow the back of the vehicle to be outside for up to 20 minutes within any one hour period whilst brake testing takes place, unless specifically approved in writing by the local planning authority”.

8. The application also seeks to discharge details of the following conditions:

- Condition 4 (Bicycle storage)
- Condition 11 (ventilation or fume extraction system:

Of previous planning permission 15/01568/VC.

Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Five letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Noise disturbance	Main issue 1
Harm from pollution	The application includes certificates for the extract ventilation and fume extraction which are in accordance with the Control of Substances Hazardous to Health (COSHH), which is the law that requires employers to control substances that are hazardous to health. The council's environmental health officer has verified the extract details and is satisfied that the details are acceptable.
Insufficient information has been submitted with the application	Additional noise impact information has been submitted during the assessment of the application and is adequate to enable a proper assessment of the

	impacts of the proposal.
Very little has been done to screen noise (and the view) from our property since the removal of trees from the industrial estate boundary	<p>Planning permission 09/00320/F (use of site for bus parking) required the installation of a landscaped mound with acoustic fence. The fence has been installed in accordance with the approved scheme.</p> <p>The noise impacts of the current proposal are discussed under Main Issue 1.</p>
Large branches have been removed from our tree in our garden (without our knowledge) thus creating major loss of privacy to our property with no screening for sound and vision unlike surrounding panels which have a panel fence sited on earth mound.	<p>Not an issue material to the assessment of the current application.</p> <p>The cutting back of a tree on adjacent land would amount to a civil matter. It is understood that in situations where a branch overhangs someone else's land, the owner of the adjacent land has a legal right to cut back any parts of the tree which overhang (provided the tree is not protected)</p>

Consultation responses

10. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Environmental protection

11. As long as only one bay door is open at any one time then I am satisfied that the sound levels will be reasonable such that the sound will be sufficiently below the background noise levels as to cause residents in the area a noise nuisance.

Assessment of planning considerations

Relevant development plan policies

12. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
13. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development

- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM6 Protecting and enhancing the natural environment
- DM16 Supporting the needs of business
- DM28 Encouraging sustainable travel
- DM31 Car parking and servicing

Other material considerations

14. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF4 Promoting sustainable transport
- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment

Case Assessment

15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Principle of the development

16. The amendments are minor and would not result in a substantially different development from that which was originally approved.

Main issue 1: Amenity

17. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
18. The noise impact assessment submitted with the application has been carried over from previous application 15/01568/VC. Within this report, the impact of MOT doors being kept open was tested and produced a 35db LAr noise rating level over a six minute period. This is 8 dBA below the background noise levels measured at two points on the western boundary of the site between the nearest residential properties on Brabazon Road. Planning permission 15/01568/VS was consequently conditioned to allow doors to be open for a period of up to 5 minutes twice within any one hour period, which was regarded as necessary to protect the amenities of neighbouring residents based upon the information that had been submitted at that time.
19. The current application seeks to amend condition 7 to allow a single door on the western elevation of the building to be kept open for a period of 20 minutes within any one hour period for the purposes of brake testing. The application states that this is to allow compliance with MOT testing requirements. The application also seeks to amend condition 9 which requires no MOT or servicing activity to take

place outside the building other than to allow the back of the vehicle to be outside in line with the restrictions imposed by condition 7. This is in the understanding that Class 7 MOT vehicles (heavy goods) and larger vehicles such as campervans are larger and therefore do not fit entirely within the servicing bay when the doors are closed.

20. The results of the noise impact assessment indicate that the noises produced by brake testing are not significant and do not increase output levels above the existing background noise levels at the site. However, the test was only run for a period of six minutes and not for the 20 minutes proposed by the application.
21. To ensure proper consideration of the impacts of the proposal, an additional test was requested to model the impacts of keeping a door open for the purposes of brake testing over a continuous period of 20 minutes. The additional noise report indicates that keeping the door open to allow for 20 minutes of brake testing in any one hour, results in a noise rating level increase of 1dBA. This noise rating level based upon the 20 minute period is still considerably lower than background noise levels at the boundary with residential properties and will not therefore result in any significant harm to the amenity of neighbouring properties.
22. The proposed amendments to condition 7 and 9 as outlined under 'The Proposal' section of this report are therefore considered to be acceptable and in accordance with policy DM2 of the local plan.

Discharge of conditions 4 and 11 of panning permission 15/01568/VC

Condition 4 (bicycle parking):

23. The location for cycle storage was indicated in previous application 15/01568/VC on plan ref.DES VR 006 rev A. This location is considered to be acceptable and is securely positioned within the site which itself is a locked secure compound. Details of the cycle storage unit have been provided and are considered satisfactory. Cycle storage will be secure and covered and will provide capacity for up to eight bicycles.

Condition11 (extract ventilation):

24. Condition 11 requires that no extract ventilation or fume extraction be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority.
25. The application includes details showing that two extraction flues are to be installed on the east elevation of the building and two air movement vents on the south elevation. All extraction and ventilation have been positioned facing away from the nearest residential properties on Brabazon Road.
26. Specification of the extract ventilation and fume extraction has been submitted along with maintenance details. The specification includes certification that the fume extraction passes the COSHH standards. The council's environmental protection officer has assessed the information and has stated that the details look fine in terms of ensuring that the residential amenities of the surrounding area are safeguarded.

27. Sufficient detail has therefore been submitted to discharge conditions 4 and 11 and any planning consent will be worded for compliance with the details hereby approved under the current application.

Equalities and diversity issues

28. There are no significant equality or diversity issues.

Local finance considerations

29. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
30. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
31. In this case local finance considerations are not considered to be material to the case.

Conclusion

32. Subject to conditions the development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 16/00712/VC - 35 Vulcan Road South Norwich NR6 6AG and grant planning permission subject to the re-imposition of all conditions from the former consent with the following amendments:

Condition 4: Within 3 months of the date of this decision secure and covered cycle parking shall be provided and made available for use in accordance with the approved details, including those indicated on drawing [ref.DES VR 011] and shall be retained as such thereafter.

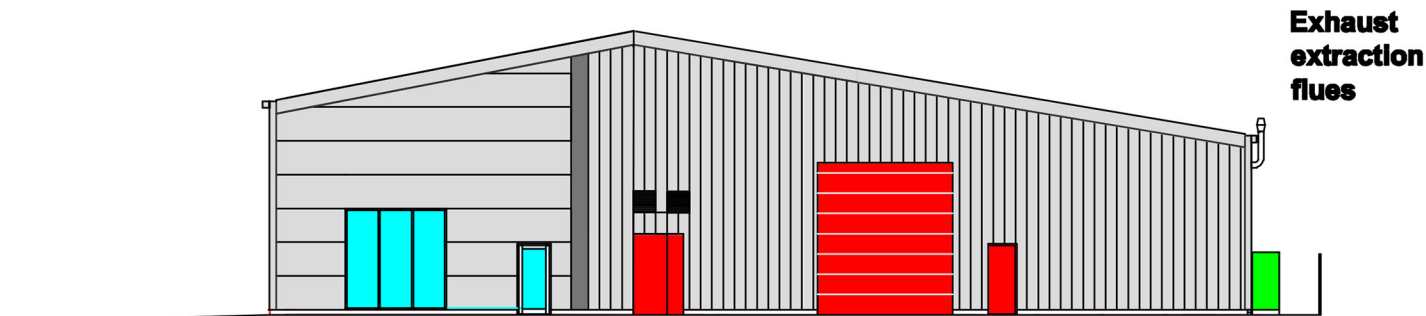
Condition 7: The door on the western elevation of the building as indicated on the approved workshop floor plan [ref.DWG DES VR 004D, received 12 June 2016], shall be kept closed except for means of access and egress and to allow brake testing for up to 20 minutes within any one hour period. All other doors on the western elevation of the building shall be kept closed except for means of access and egress.

Condition 9: No MOT or servicing activity shall take place outside the building hereby permitted, other than to allow the back of the vehicle to be outside for up to 20 minutes within any one hour period whilst brake testing takes place, unless specifically approved in writing by the local planning authority.

Condition 11: No extract ventilation or fume extraction system shall be installed or erected on the site unless in accordance with the approved scheme for extract ventilation or fume extraction as indicated on drawing [ref.DES VR 003D] and the approved extract ventilation and fume extraction system shall be retained and maintained in full accordance with the approved details.

Article 35(2) statement

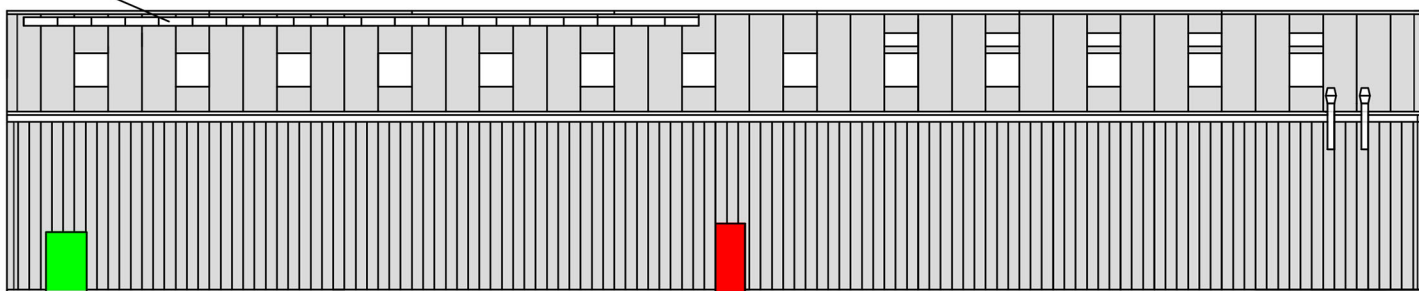
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



South elevation



20 PV panels North elevation



East elevation

20 PV panels



West elevation

**AP Property Services
Ridge House, Bungay Rd
Scole, IP21 4DX
07836 544855**

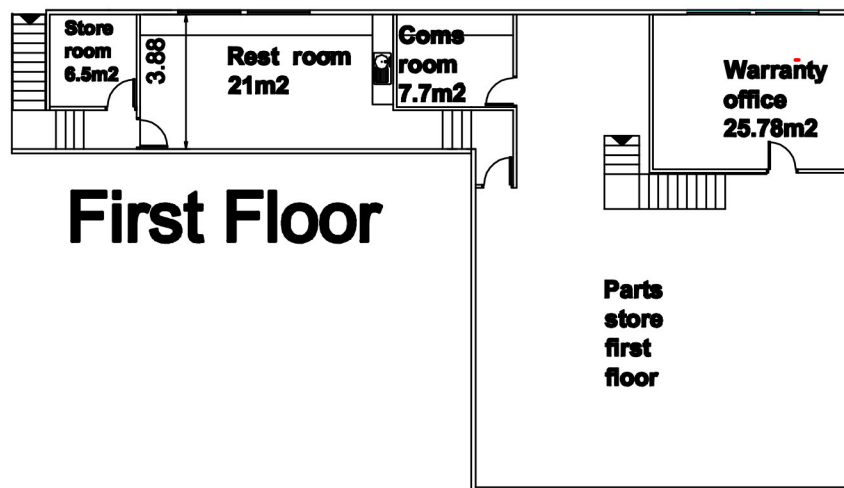
**Vulcan Rd South
20 Bay Service
workshop. Revised
proposed elevation dwgs
Revised PV panels .
Exhaust extraction flues
on East elevation 2 Nr
Air movement vents
south elevation and
Ambirad flue outlets
north elevation**

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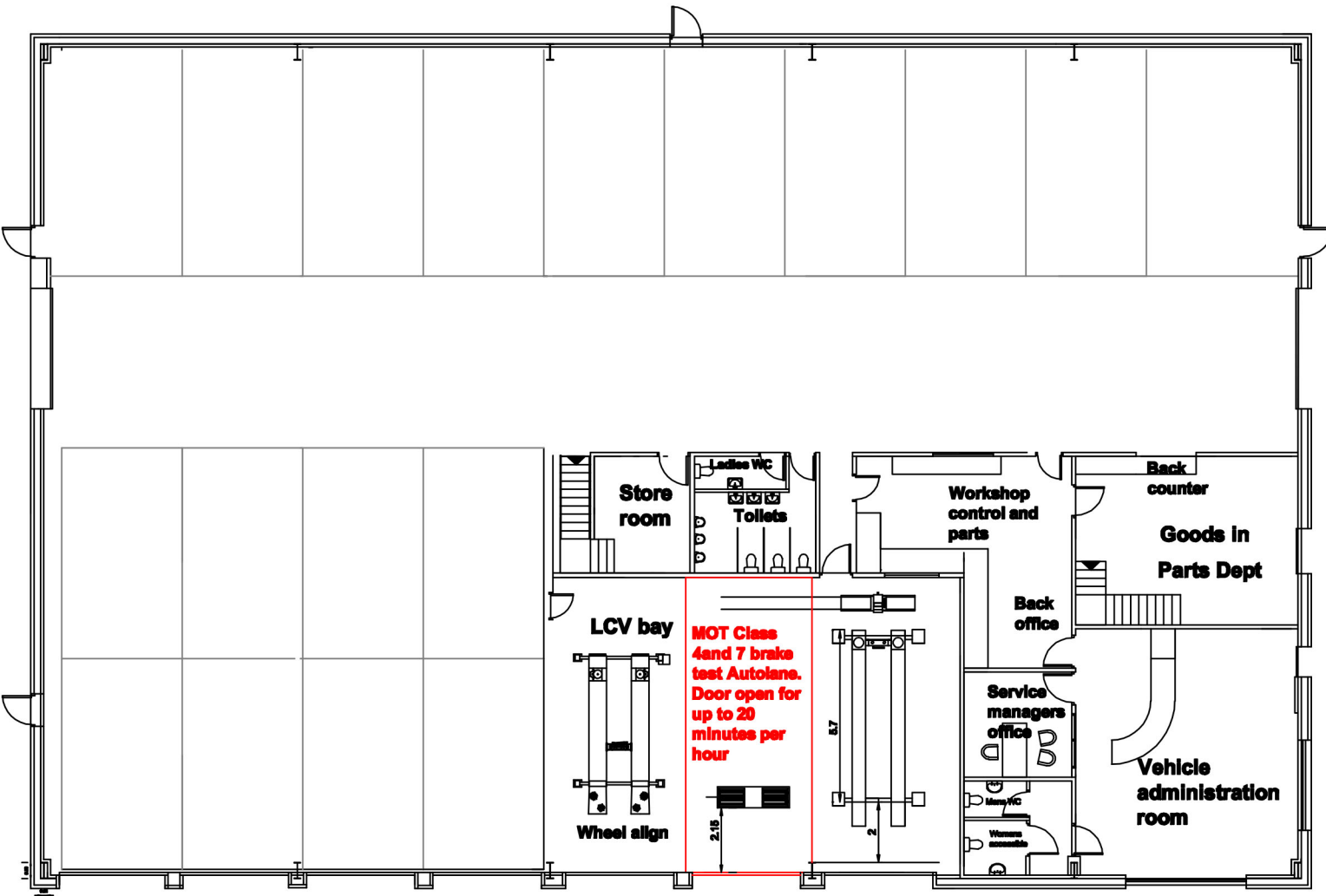
Scale 1:200 DWG DES VR 003D

Drawn by Andy Phillip

Date 2nd May 2016



Ground Floor



AP Property Services
Ridge House, Bungay
Rd
Scole, IP21 4DX
07836 544855

Applicant:
Desira Holdings
Plc

Proposed Service workshop ground floor and first floor plans.

**MOT bay door open
for up to 20 minutes
per hour during
working hours**

DWG DES VR 004D

Scale 1:200 **10th June 2016**

Drawn by Andy Phillip

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