

Planning Committee: 02 November 2005

Item Number: 10

Application No: W 05 / 1502

Registration Date: 05/09/05

Town/Parish Council: Warwick

Expiry Date: 31/10/05

Case Officer: Penny Butler

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Unit 1 Montague Storage, Montague Road, Warwick, CV34 5LS

Change of use from storage to car body repair workshop (use class B2), and installation of extract stacks. FOR PL Carbodies

This application is being presented to Committee due to an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Town Council: "The Town Council ask that the application be refused unless the LPA can be satisfied that the change of use will not adversely effect neighbouring properties by reason of smell, fumes, noise or congestion of the highway, and that any permission be conditioned accordingly."

Neighbours: 46-60 Montague Road notified. One objection received. Local residents already suffer excess noise, disturbance airborne pollution and traffic congestion from existing industrial units. Concerned about hours of use, weekend working and presentation of the frontage.

Warwick Society: Ask that the change of use is not detrimental to the amenity of nearby houses. Particularly concerned about noise from air compressors, fumes, airborne droplets and smells from paint spraying extraction.

British Waterways: No objection.

WDC Environmental Health: No objection subject to extraction and noise conditions.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

There have been a substantial number of minor planning applications on the site since the 1950's. An application was granted earlier this year (W05 / 711) for external storage units and security fencing. The site was originally built for

light industrial purposes (Class B1), but has recently been used for storage (Class B8). Changes of use between B1 and B8 are permitted and do not require a planning application.

KEY ISSUES

The Site and its Location

The site is on the southern industrial side of Montague Road, located between other B1 uses with the canal to the rear, and industrial units on the other side of this. On the opposite side of Montague Road are residential properties.

Details of the Development

It is proposed to change the use of the premises to car body repair. This falls under a B2 Use Class, the same category as for general industrial uses. The spray booths inside the building require the installation of two extract stacks (3.0 metres high) and two smaller input stacks (1.1 metres high) on the rear of the building near the canal.

Assessment

The concerns of the neighbour are noted with regard to the existing problems experienced with living close to an industrial area, however, there are currently no restrictions on the site in terms of operational hours or vehicle movements, which is the case with many of the other units on Montague Road. The main issue to consider is whether the level of disturbance and nuisance which could potentially be created by the proposed use, rather than a B1 use, would be so harmful to nearby residential and other uses as to warrant refusal.

The proposed B2 use is likely to attract a similar number of vehicle movements as the existing B1 or B8 use. Given that Environmental Health are satisfied that appropriate conditions (in terms of extraction systems and noise levels) can be applied to limit the operations to acceptable levels for a site close to residential properties, I do not consider that refusal is warranted. It is not considered that the proposed use would result in a material increase in noise or odour pollution with the proposed conditions in place. Since the application is by a specialist car body repair company which will be installing spray booths to control potential smell nuisance, I consider a condition to limit the use of the premises to car body repairs only is appropriate so as to give further protection against potential future smell nuisance which may be associated with other uses within the general B2 Use Class.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (nos. SE2584-1A and SE2584-2A), and specification contained therein, submitted on 5 September 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 The premises shall be used for car body repairs and for no other purpose including any other purpose in Class B2 of Part B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **REASON** : Other uses within this Use Class may not be appropriate in these premises by reason of the close proximity of the site to residential properties.
- 4 The change of use hereby permitted shall not be brought into use until the proposed fume extract outlets shown on the approved plans have been constructed to terminate at least 3 metres above the height of any structure within 15 metres, and with an efflux velocity provided of at least 10 metres per second. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 5 The level of noise (see notes 1 and 3) from any plant and machinery used in connection with the proposed change of use, measured one metre from the nearest noise sensitive facade, shall not exceed the background level (see notes 2 and 3) by more than 3 dBA. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
