

Response to EHO comments

We note the Environmental Health Officer's recommendation that a condition be imposed requiring the submission and approval of a noise assessment in accordance with BS4142:2014 prior to the commencement of any B2 use.

Whilst we appreciate the EHO's concerns regarding the protection of residential amenity, we respectfully disagree that a pre-commencement noise assessment is necessary or justified in the circumstances of this application.

The site benefits from planning permission ref. 96/0445/F for a vehicle dealership including workshop facilities. Condition 1 of that permission permits the workshop to be used for the testing, servicing and mechanical repair of motor vehicles:

Condition 1

'The proposed workshops shall be used for the testing, servicing and mechanical repairs of cars only, and shall not be used for body repairs or spraying of vehicles.'

Reason: In the interests of residential amenity.'

The activities proposed as part of this application (MOT testing) are therefore closely aligned with the nature of operations that have historically been authorised at the site for approximately 30 years.

The proposed introduction of MOT testing does not represent an inherently noisier activity than the vehicle servicing, testing and repair operations already permitted under the existing planning permission. It is not evident how MOT testing would generate greater levels of noise than the mechanical repair activities that can already lawfully take place from the premises.

The applicant has operated from the site since 2018 and are not aware of any complaints relating to noise nuisance from neighbouring residential properties during this period. This demonstrates that the existing workshop activities have coexisted well with surrounding residential uses and provides no evidence of an existing noise problem that would warrant further assessment.

We also note that planning permission ref. 96/0445/F already addressed potential amenity impacts through conditions controlling both noise and operating hours:

Condition 2

'The noise levels emitted from the site shall not exceed 68dB(A)Leq (15 minutes) and 55dB(A)Lgo (1 hour) as measured at the boundary of the site to the nearest residential property located to the rear of the site.'

Reason: In the interests of residential amenity.'

Condition 3

'The workshops shall only be used between the hours of 08.00am and 06.30pm Monday to Friday, 08.00am to 01.30pm on Saturdays and not at all on Sundays or Bank Holidays.'

Reasons: In the interests of residential amenity'



In our view, the re-imposition of these established controls would provide an appropriate, proportionate and effective means of safeguarding residential amenity, whilst recognising the long established workshop use of the site.

Given the planning history of the site, the nature of the activities already authorised, the established operation of the workshop, and the absence of any evidence of adverse amenity impacts, we consider that requiring a noise impact assessment prior to the commencement of the proposed use would be neither necessary nor proportionate.

We therefore respectfully request that should the LPA consider planning conditions necessary, the equivalent noise and operating hours conditions attached to planning permission ref. 96/0445/F are re-imposed in place of the suggested requirement for a pre-commencement noise assessment.

We consider this approach would satisfy the objective of protecting residential amenity whilst reflecting the long-established nature of the workshop use and ensuring that any conditions imposed meet the tests of necessity, relevance, reasonableness and proportionality.