

Planning and Rights of Way Panel 17th September 2024
Planning Application Report of the Head of Transport and Planning

Application address: 38 Clausentum Road, Southampton			
Proposed development: Temporary change of use to a MOT testing station together with facilities to carry out the repair and servicing of motor vehicles (part retrospective), (Departure from local plan).			
Application number:	24/00472/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	5 minutes
Last date for determination:	21.06.2024	Ward:	Bevois
Reason for Panel Referral:	Departure from the Development Plan.	Ward Councillors:	Cllr Kataria Cllr Rayment Cllr Denness
Applicant: Rasooli Cars Limited		Agent: Charlie Mills	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
Biodiversity Net Gain Applicable	Not applicable

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (revised 2023). Policies – CS4, CS6 & CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP16, H1 & RE110 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached	
1	Development Plan Policies

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 The site is located on the western side of Clausentum Road and is occupied by a building with a floor area of approximately 225sq.m. The building is currently occupied for the service and repair of motor vehicles, with ancillary open storage/parking areas to the north and east. The applicant started this use in September 2023. The site is served by a dropped kerb across its frontage which also provides access to a parking area along the northern side of the building.
- 1.2 The adjoining commercial building, 46-48 Clausentum Road, has been occupied by the Southampton Special Purpose Workshop since 2002. The two existing adjoining commercial premises were erected in the early 1950's following bomb damage to residential properties, which had previously occupied the site. The immediate surrounding area is predominantly residential in character, and the site is allocated in the saved Local Plan for housing.
- 1.3 Traffic regulation orders are in place on Calusementum Road and include double yellow lines in front of the site with no waiting at any time. Elsewhere parking is limited to permit holders only or 2 hours maximum stay for non-permit holders between 8am and 6pm Mon – Sat.

2. Proposal

- 2.1 The proposal seeks a change of use to allow an MOT testing facility, along with a retrospective change of use for the servicing and repair of motor vehicles. The plans show a single MOT testing bay and 2 servicing/repair bays along with 2 internal parking spaces (one of which allows for EV charging), 2 cycle parking spaces, an office, kitchen, WC and ancillary storage areas. The plans show a further 12 onsite parking spaces outside. The proposed (amended) opening hours are Monday to Friday – 08.30 to 18.00 hours & Saturday – 9:00 – 13:00 hours.
- 2.2 The applicant also operates 30 private hire vehicles (off site), all of which are Hybrid models. Vehicles used for private hire are subject to stringent regulations with each vehicle needing an MOT twice a year. Vehicle servicing is also carried out more frequently to ensure the safety of the fleet and to avoid greater expense over the long term. The inspection, MOT testing, servicing and repair of vehicles are all pre-booked.
- 2.3 The applicant is prepared to accept a personal and temporary permission to ensure that the site allocation for housing is not compromised in the medium to long term. A temporary period of 4 years from the date of the permission will enable the operator to complete the agreed lease period, is sufficient to warrant the investment and still enables the site to be released for housing.

2.4 The business employs 2 full time members of staff.

3. Relevant Planning Policy

- 3.1 The National Planning Policy Framework (NPPF) was revised in 2023. Paragraph 225 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.2 The NPPF states in section 6. 'Building a strong, competitive economy' paragraph 85: 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'
- 3.3 The NPPF also seeks to ensure that planning decisions: Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions, while recognising that many developments will create some noise.
- 3.4 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.5 Policy SDP1 of the Local Plan requires development be acceptable in terms of amenity for the city's citizens. Policy SDP16 directly referring to noise impact and identifies that permission should not be granted where it would cause an unacceptable level of noise impact.
- 3.6 The site is allocated for housing under policy H1(i) of the Local Plan and as such the use proposed represents a departure from this Plan policy. The Local Authority is required to identify land for homes under the requirements of the NPPF, which includes identifying specific deliverable sites for 5 years and developable for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period. At the current time the Council doesn't have a 5 year housing land supply, but despite the allocation this site doesn't have planning permission for housing and the prospects of delivery are currently low (and have been since 2006 when the site was first allocated).

4. Relevant Planning History

- 4.1 The premises were originally built in the early 1950's as a garage and workshops with planning permission 569/1015/7 covering addresses 38/48 Clausentum Road. Permission 1030/WW also allowed the installation of petrol and diesel tanks and pumps. Prior to this the site was occupied by dwellings which were bomb damaged.
- 4.2 At some point before 1967 it appears that 38/48 Clausentum Road was separated into 2, with 38 Clausentum Road gaining permission for storage and battery charging and the remaining half being retained as a working garage until 2002 when the Southampton Special Purpose Workshop (SSPW) took up occupation. It is believed that the lawful use of the neighbouring building (number 48) remains as permitted in July 1953 for a garage and workshops.
- 4.3 In 1979 permission (569/1549/M35) was granted, for the continued use of number 38 for the storage of batteries and replacement parts together with ancillary battery charging and brake lining; and the wholesaling and distribution thereof. The conditions applied included parking spaces to remain available for parking of customer vehicles at all times, loading and unloading taking place from within the site and opening hours restricted to 7am – 7pm Monday to Friday & 7am – 1pm on Saturday.
- 4.4 In 2002 application 02/00249/VC granted a variation to application 569/1549/M35 which allowed the storage of floor sanding equipment. These two permissions demonstrate that the existing use is storage and distribution. This consent did not change the other conditions applied in 1979 which are summarised above.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement 28/06/2024 and erecting a site notice 03/05/2024. At the time of writing the report **4 objections** have been received from surrounding residents. The following is a summary of the points raised:

5.2 Noise generation. **Response**

The noise survey identifies that conditions can be used to prevent significant harm provided that its recommendations are adhered to (doors are closed during the loudest activities). The Council's Environmental Health team agree with this approach. Conditions are recommended. The site was built in the early 1950's as a garage and workshops and has been in commercial use since that time.

5.3 ***Anti-social hours of working.***

Response

The applicant proposes working hours of 8:30–18:00 Mon–Fri & 09:00–13:00 on Saturday. These hours are considered reasonable given the historic use of the site and proposed noise controls.

5.4 ***Waste burning on site***

Response

Burning of waste is controlled by separate Environmental Health legislation and is not a reason for withholding planning permission.

Consultation Responses

5.5

Consultee	Comments
Planning Policy	<p>No objection subject to planning permission being granted for a temporary period.</p> <p>The principle of a permanent change of use is not supported. It is a direct departure from the Local Plan in which it is allocated (under Policy H1) as a housing delivery site. That said, our recent assessment of the site has not indicated that there is any immediate interest in developing the site for housing (i.e. in the next 5 years), therefore the planning policy team would support a temporary permission to ensure the site is kept in active use and the potential for future housing delivery is not lost.</p>
Highways Development Management	<p>No objection subject to recommended conditions. The local parking restrictions, hours of operation and the parking areas around and inside the building will be sufficient to accommodate the maximum number of parking spaces allowed (14 spaces), based on 2 x repair/servicing bays, 1 x MOT bay and building floor area, to prevent significant overspill parking.</p> <p>Because there is limited space on site there is some concern over the potential for reversing manoeuvres on to and off of the highway. However, based on TRICs trip rate data, although there will potentially be a small increase of trips because of the development, if the operation is limited by restricting light and heavy goods vehicles from being MOT tested, serviced or repaired then, on balance, the impact is not considered to be significantly harmful. This is because reversing of larger vehicles is substantially more harmful to highways safety, due to reduced visibility and poorer sightlines over the highway, and outweighs the impact</p>

	<p>of the small increase of domestic sized vehicles visiting the site.</p> <p>Therefore, it is considered that there is adequate space to move vehicles on site, with some use of the public highway, without causing significant harm to highway safety based on reasonable driver behaviour and the application represents an improvement over the existing use as light and heavy goods vehicles will not be MOT tested, serviced or repaired.</p> <p>In the interests of highways safety and to limit on road parking pressure a condition is needed to cover:</p> <ul style="list-style-type: none"> • No more than 14 cars shall be parked on site. • Parking limited to locations identified on the approved site layout plan. • Manoeuvring space on site will be kept available for manoeuvring of vehicles only, not obstructed or used for any other purposes. • Prevention of light and heavy goods vehicles from being MOT tested, serviced and repaired.
Public Health	<p>No objection in principle provided the Environmental Health Officer is satisfied with the findings of the submitted Noise Impact Assessment and that no additional noise mitigation measures are required.</p> <p>We would suggest conditions are applied to any grant of planning permission relating to the control of noise and opening hours to protect the amenity of neighbouring residents. We would also suggest conditions are used to ensure the safe storage of waste parts, oils and vehicle fluids until they are collected for disposal to protect human and planetary health.</p> <p><u>Officer Response</u> <i>A condition will be added to ensure storage does not occur outside without further permission. Separate legislation covers the management/storage/disposal of commercial waste.</i></p>
Environmental Health	<p>No objection subject to the findings of the Noise Impact Assessment being secured by condition, namely:</p> <ul style="list-style-type: none"> • Roller shutter door closed during noisy activities. • No work to take place on cars external to the garage. • Limited hours and days of operation.

6. Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- Principle of development – including:
 - Housing Need;
 - Housing Delivery;
 - 5 Year Housing Land Supply; and
 - Employment & Economic Growth
- Neighbouring amenity; and
- Parking, highways and transport; and

6.2 Principle of Development

6.2.1 Both the site and the neighbouring site are safeguarded for housing under policy H1(i), the proposals map and appendix 6 of the Amended (Saved) Local Plan Review (2015); with the estimated number of residential units noted as 10.

6.2.2 Housing Need:

The site has been allocated for housing in the current development plan, since 2006.

6.2.3 Policy CS4 refers to the number of houses needed over the plan period. The figure is updated annually and is currently 1,473 dwellings per annum

6.2.4 Housing Delivery:

The delivery of new housing is monitored to ensure the city meets this need and to see how the city performs against the Government's housing targets.

6.2.5 In the latest set of results, Southampton recorded housing delivery at 75% of its target. This is the first time since the Housing Delivery Test was introduced that delivery in Southampton has fallen below 100%. With this result the Council is now required to apply a 20% buffer to its 5 year housing land supply.

6.2.6 5 Year Housing Land Supply:

The Government's National Planning Policy Framework (NPPF) requires all local authorities to maintain a supply of housing land of at least 5 years to ensure there is a sufficient pipeline of land to meet housing targets.

6.2.7 The council is currently working on a new Strategic Land Availability Assessment (SLAA) which will help identify sites across the city which have the potential to be developed for housing and/or employment use within the local plan period (to 2041). The results of the SLAA, once complete, will inform an updated 5 Year Housing Land Supply Position Statement. The statement will be published in due course however the latest calculation suggests that the Council can at present only demonstrate a housing supply for 3.25 years.

6.2.8 Therefore, there remains a high need for housing in Southampton and the city is currently failing to achieve the government set housing delivery target. Furthermore, the city is also significantly failing to identify sufficient land to achieve the required 5 year supply of land available for housing. As such the permanent loss of the site to a commercial use would potentially have a detrimental impact on housing delivery which cumulatively, with the loss of other similar housing sites to commercial uses, could have a significant overall effect.

6.2.9 Employment and economic growth:

The Plan's residential allocation needs to be balanced against the Plan as a whole, including the need for economic growth and job creation. The development has clear economic benefits by retaining the building for commercial use. It would support existing employment (2 staff) and investment into an existing business, by allowing the MOT bay, with potential for further growth.

6.2.10 So, whilst there is a departure from Policy H1 in terms of housing delivery officers consider that this is addressed when additional weight is attached to the employment creation and the limits imposed on the site's departure for a maximum of 4 years only to enable alternative proposals to progress. As such the principle of development can be supported subject to further scrutiny of the detail.

6.3 Local Neighbouring Amenity

6.3.1 Saved Policy REI16 (Noise) of the Local Plan states that noise generating development will not be permitted if it would cause an unacceptable level of noise impact. Saved Policy SDP1(i) seeks to protect the amenity of residents.

6.3.2 The applicant has submitted a noise survey and assessment with the aim of proving that the noise environment would not significantly change because of the development. 4 objections have been received from residents in Clausentum Road with noise being the main concern. Further to this, as the application seeks retrospective permission the neighbours will have firsthand experience of the activity.

6.3.3 Moreover, it is useful to note that no objections have been received from houses to the rear of the property (17 Ancasta Rd and 48 – 54 Earls Rd). This suggests that the building fabric is currently capable of preventing significant noise disturbance to residents to the rear and that noise break out to the front has the main impact. This assumption is supported by the noise report which has been reviewed by the Council's Environmental Health Team who do not object to the scheme provided that conditions recommended in the report are applied to the permission. The conditions recommended will need to ensure that the front doors, including roller shutter, are closed when noisy activities take place. The noisy activities are defined as tyre fitting and use of impact driver/wrench (used primarily for

removal of wheel nuts); the tools needed for each operation are both powered by compressor. The applicant has agreed that they can work with this condition.

6.3.4 Secondly, mechanical work to vehicles will need to take place within the building and, thirdly, there will need to be a limitation of hours and days of operation.

6.3.5 When considering the proposal from noise perspective officers also recognise that it is not unusual to have garages, which service and repair vehicles; as well as carrying out MOTs, located within areas of tight urban grain and this site has been operational for decades in any event.

6.4 Parking highways and transport

6.4.1 The applicant, Rasooli Cars Limited, is a taxi leasing operator based in Southampton who owns approximately 30 cars, and most of the MOT tests and servicing/repairs being undertaken is carried out on these vehicles. The inspection, MOT testing, servicing and repair of vehicles are all pre-booked. This allows the applicant to control the number of vehicles using/visiting the site.

6.4.2 Maximum parking for the site, based on 2 x repair/servicing bays, 1 x MOT bay and a floor area of 225sq.m, is 14 spaces. The frontage and side parking areas have been measured, and it is agreed that these spaces can accommodate 14 vehicles with space to manoeuvre.

6.4.3 Based on the operation, including pre-booking service and priority to taxi operators who naturally will seek to be back on the road as soon as possible, it is not expected that all 14 spaces will be necessary on a regular basis for the business to operate successfully. Vacant parking spaces have also been witnessed by the case officer whilst visiting the site.

6.4.4 The current application is also judged to be an improvement over the previous use, which also had the potential to generate vehicle trips associated with the storage, wholesale and distribution of vehicle parts including batteries and brake lining.

6.4.5 As such the proposal meets the Council's maximum standard and will limit the potential for overspill parking; as will the parking restrictions that are present along the full length of Clausentum Road that prevent non permit holders from parking on Clausentum Road for more than 2 hours on any single day.

6.4.6 Whilst it is appreciated that some use of the highway is expected to be needed to move vehicles around the site on some occasions, based on the site operation and recommended conditions, it is considered that there will be sufficient manoeuvring space to not cause significant harm to the safe use of the highway. A condition can also be used to prevent storage externally ensuring no hinderance of necessary manoeuvring space occurs.

6.4.7 The Council's Highways Development Management Team are satisfied with the proposal from a highway safety and parking pressure perspective, subject to a limitation preventing light heavy goods vehicles from being MOT tested, serviced and repaired, a maximum of 14 cars on site at any one time, parking limited to spaces shown on the approved plan and preventing the necessary manoeuvring space from being used for any other purpose. These conditions are recommended.

7. Summary

7.1 In summary, the proposal brings this previously vacant site into use to support employment and economic growth in the city. Operational management controls in relation to hours of opening, closure of the doors during noise generating activities, prevention of work being carried out to vehicles outside of the building, limiting location and number of parking areas; and preventing external storage without further permission are considered acceptable to mitigate against on street parking pressure, danger to highway safety and exposure to noise by neighbours.

7.2 The site has a housing allocation and, based on Council's housing need, supply and recent delivery of housing land it is recommended that consent should be given on a short-term basis of 4 years to ensure the site is not lost in the long term. This period also allows the site operator to conclude their current lease agreement, complete their investment in MOT equipment and potentially review other alternative more suitable locations in the city. It will also allow the site owner to explore opportunities to deliver housing in the future.

8. Conclusion

8.1 It is recommended that planning permission be granted for a temporary 4 year period subject to the conditions set out below.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Case Officer **Mathew Pidgeon** PROW Panel 17.09.2024

PLANNING CONDITIONS to include:

01.Temporary Permission (Performance)

The development hereby approved shall be discontinued either on or before the period ending 4 years from the date of this decision notice. After this time the land and buildings shall be restored to their former condition, or to a condition to be first agreed in writing by the Local Planning Authority.

Reason: To ensure the site remains available for housing delivery in the medium to long term in accordance with the site housing allocation.

02. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

Reason: For the avoidance of doubt and in the interests of proper planning

03. Restriction of Operation, [Performance].

The garage use hereby approved shall only be used by Rasooli Cars Limited and by no other business, with 2 staff members only.

Reason: To control the specific nature of the use and to ensure that the operation is acceptable within the residential setting/area to which it relates – and due to their agreement to operate for no longer than 4 years due to the site's housing allocation.

04. Hours of Use (Performance)

The use hereby approved shall not operate outside of the hours hereby set out:

Monday to Friday 08.30 to 18.00 hours

Saturday 9:00 to 13:00 hours

Sundays and Public Holidays – closed

Reason: In the interests of existing residential amenity

05. Noise Impact Assessment Compliance and Mitigation [Performance]

The development hereby approved will be carried out in accordance with the Noise Impact Assessment, with reference IMP7471-1, including the following noise mitigation measures:

- At no time shall tools powered by air compressor or MOT testing take place unless the front doors, including roller shutter, are closed.
- At no time shall mechanical work to vehicles take place outside of the building.

Reason: To protect the amenities of nearby residents.

06. Parking Management [Performance]

No more than 14 cars shall be parked on site at any one time.

Parking will be limited to the locations identified on the approved site layout plan only.

Manoeuvring space available on site will be kept free for manoeuvring of vehicles only and not obstructed or used for any other storage purposes.

All MOTs, servicing and repairs will be managed and carried out by appointment only and from within the building.

At no time shall light or heavy goods vehicles be MOT tested, serviced or repaired.

Reason: In the interests of highways safety and to limit on road parking pressure.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Economic Growth
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP16	Noise
H1	Housing Supply
REI10	Industry and Warehousing

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)
Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

The National Planning Policy Framework (2023)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)