
Appeal Decision

Site visit made on 9 April 2018

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2018

Appeal Ref: APP/E3715/W/17/3179747

**14 Tripontium Business Centre, Newton Lane, Newton, Rugby,
Warwickshire CV23 0TB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Franklin against the decision of Rugby Borough Council.
 - The application Ref R17/0037, dated 11 December 2016, was refused by notice dated 13 April 2017.
 - The development proposed is change of use to garage and offices for maintenance of own fleet of coaches and administration of a coach hire business (retrospective) including the use as a training office.
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Decision

1. The appeal is dismissed.

Procedural matter

2. At the time of my site visit the change of use had taken place. I have therefore decided the appeal on the basis of what I saw on site and the evidence before me.

Main Issue

3. This is the effect of the proposal on the living conditions of the occupiers of a neighbouring property with particular regard to noise and disturbance.

Reasons

4. The appeal site concerns unit 14 of an existing business centre. The unit is accessed via a road that is shared with a nearby distribution centre and other units within the business centre. A residential property with internal living spaces at ground and first floor level adjoin and overlook the access. A close boarded fence and trees mark the line of the shared boundary between the two.
5. Unit 14 is in use for the repair of vehicles and includes offices. Adjoining the unit is a yard which houses vehicles of different sizes and varying states of repair. As well as maintaining vehicles the appellant runs an emergency coach service whereby vehicles are driven off site to meet requests for rail replacement services and flight diversions. The unrestricted nature of the

appellant's lease together with the urgency with which vehicles are often required off-site means that the application seeks unrestricted business hours.

6. Vehicles, mostly mini-buses and coaches, would pass close to the residential property and at any time of the day or night. Given the notable engine noise of vehicles such as mini buses and coaches, together with the proximity of their movements to the property's internal living areas, noise levels would be audible within the property, such that its occupiers may be inclined to change their behaviour, not least keeping windows closed to shut out disruptive noise. This impact would be particularly harmful at night when background noise levels are likely to be less and residents are most likely asleep. A speed hump nearby would force vehicles to change speed which in turn would intensify the noise from engines and exacerbate the harm found.
7. The appellant suggests that after 9pm coaches could be parked near to the entrance gates at the end of the access to avoid vehicles passing the residential property late at night or early in the morning. The site plan before me shows that vehicles would be parked on the access road, limiting the space available for other vehicles to pass. The access is shared with other businesses. Because of the time of day (ie late at night or early in the morning) vehicle movements associated with these businesses are likely to be limited. However, in the absence of any specific or substantive evidence to suggest otherwise, that is not to say not at all. Vehicles parked within the access would cause an obstruction which in turn would have implications for highway safety. On this basis, therefore, I find that parking vehicles near the gates is not a credible solution to help mitigate problems of noise.
8. The appellant suggests that vehicles could be driven further away from the property to reduce levels of noise but the distances involved would have little discernible effect. The appellant also suggests that the speed humps could be removed. Whilst I have no doubt that this would help to reduce noise levels, it would not overcome the harm identified as a result of vehicles passing close to the existing house.
9. In all, I find that vehicle movements late at night and/or early in the morning would be audible above background noise levels in such a way that the living conditions of neighbouring occupiers would be harmed. The appellant refers to noise monitoring statistics to counteract this assertion but I have no such evidence before me to consider. I find, therefore, that the proposal would be contrary to policy CS16 of the Core Strategy¹ which seeks development that does not cause material harm to the amenity of existing occupiers.

Conclusion

10. For the reasons given and having regard to all other matters raised, I conclude that the development would be contrary to the development plan when taken as a whole. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is dismissed.

R Walmsley INSPECTOR

¹ Rugby Borough Council, Local Development Framework, Final Version Core Strategy, June 2011