

Report of the Chief Executive

**18/00262/FUL
 RETAIN PORTACABIN
 TOP CLASS CAR WASH PETROL FILLING STATION WOODHOUSE
 WAY NUTHALL**

Councillor Philip Owen requested this application be determined by the Committee.

1 Details of the Application

1.1 This is an application to retain the portacabin associated with Top Class Car Wash. The portacabin adjoins the south border of the application site and has a height of 3.1m, width of 6.3m and depth of 2.7m.

2 Site and Surroundings

2.1 The application site is a hand car wash that adjoins the petrol station off Woodhouse Way. The borders to the north, east and south of the site are made up of woodland, beyond which are residential dwellings in the Mornington Estate. To the west of the site is the public highway and the Nottinghamshire Green Belt.



Existing portacabin



Signs to be altered and any remaining hoarding to be removed, in accordance with application 18/00261/ADV.



View of the site from the south.



View of the site from the north.
Sign in grass verge to be removed.

3 Relevant Planning History

- 3.1 Planning permission (ref: 90/00537/FUL) was granted in 1990 for the construction of a petrol filling station with ancillary facilities, including the car wash. Following this, advertisement consent (ref: 90/09048/ADV) was granted to display illuminated canopy fascia, gantry, and 2 no. poster signs.
- 3.2 In 1992 planning permission (ref: 92/09039/FUL) was refused to display an illuminated sign on the grass verge between the petrol station and Woodhouse Way. The reason for refusal was that the sign would be intrusive and detrimental to visual amenity on a prominent main road site between open countryside in the Green Belt and future residential development.
- 3.3 In 1996, advertisement consent (ref: 96/00426/ADV) was granted to display illuminated signage on the garage forecourt.
- 3.4 In 2002, planning permission (ref: 02/00784/FUL) and advertisement consent (ref: 02/00785/ADV) were granted for the installation of an ATM and associated signage on the kiosk of the petrol station.
- 3.5 In 2003, advertisement consent (ref: 03/00384/ADV) was refused permission for the erection of a single sided free standing advertisement display unit on the grass verge between the petrol station and Woodhouse Way. The reason cited was that it would be unduly prominent when viewed from Woodhouse Way, in the Green Belt, and would therefore be harmful to the visual amenity of the locality. The applicant appealed this decision and the appeal was dismissed, stating that the sign would reinforce the commercial dominance of the petrol filling station to an unacceptable degree.
- 3.6 Advertisement consent (ref 18/00261/ADV) to retain 10 signs within the site has been applied for and will be determined by Planning Committee.

4 Policy Context

4.1 **National policy**

4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay.

4.2 **Broxtowe Aligned Core Strategy**

4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 Policy 10 aims to ensure that development has regard to the local context and is assessed in terms of its impact on the amenity of neighbouring residents.

4.3 **Saved Policies of the Broxtowe Local Plan**

4.3.1 The Part 2 Local Plan is currently under preparation. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Policy EM3 states that permission will be granted for employment uses to redevelop or extend within existing sites provided that environmental and traffic effects are acceptable.

4.4 **Part 2 Local Plan (Draft)**

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered and a summary of the comments provided were reported to the Council's Jobs and Economy Committee on 14 December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

4.4.2 Policy 17: Place-making, Design and Amenity sets out design criteria that all new development must adhere to where relevant.

4.5 Neighbourhood Plan

4.5.1 The submission version of the Nuthall Neighbourhood Plan was published on Monday 26 February, with the consultation period to run until Friday 20 April 2018. Policy 5 'Design and the Historic Environment' states that design of all new development should enhance and positively contribute to the character of the area in which it is located. Due to the current stage of the plan preparation, only

limited weight can be attached to the policies of the Draft Part 2 Local Plan and the Nuthall Neighbourhood Plan.

5 Consultations

- 5.1 The Environmental Health Officer has not raised any objections to the proposal.
- 5.2 Nuthall Parish Council object to the proposal on the grounds that it is unsightly, not in keeping, and of poor appearance.
- 5.3 Letters of consultation were sent out to eight neighbouring properties and a site notice was posted at the site on 17 April 2018. A further site notice was posted at the site on 27 June 2018 following the submission of amended plans. No responses from members of the public in relation to this application have been received.

6 Appraisal

6.1 Amenity

- 6.1.2 The application site is bordered to the north, east and south by woodland. Beyond the woodland to the east are the residential dwellings within the Mornington Estate. The nearest residential dwelling to the east is approximately 33m away from the portacabin and occupies an elevated position. The woodland that separates the application site from the residential dwellings acts as a substantial screen to the portacabin and therefore it is not considered that it will have any impact on the amenity of these residential dwellings.

6.2 Design and Appearance

- 6.2.1 The portacabin is positioned to the south of the existing petrol station and is set back from the public highway by approximately 29m, towards the corner of the site. Whilst it is visible from the public realm, its position within the site means it is not considered to have a significant impact on the street scene or the character of the area.
- 6.2.2 The petrol station is the main feature that characterises the area surrounding the portacabin giving the application site a commercial character. Whilst the land to the west has a largely rural character and is Green Belt land, the portacabin is relatively small in scale and is positioned away from the highway, to the south of the site and within approximately 13m of the petrol station. Therefore, whilst the portacabin does represent a commercial form of development, this is considered to be in keeping with the existing use and appearance of the site within which it is positioned.
- 6.2.3 The portacabin as it currently stands is in a relatively poor condition externally. However, considering its surroundings and position within the site it is not considered that this alone would be reason for refusal. Some relatively minor maintenance would greatly improve the external appearance of the portacabin and therefore it is considered acceptable to condition that the portacabin is painted within a period of 3 months of a decision to grant permission.

7 Conclusion

- 7.1 Overall, it is considered that the existing portacabin represents an acceptable form of development that is not out of keeping with the character of the area and does not have an unacceptable impact on neighbouring amenity.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing numbers WCW-01 Rev A (1:500, 1:1250); received by the Local Planning Authority on 21 June 2018, and WCW-06 Rev B (1:100); received by the Local Planning Authority on 13 July 2018.**
- 3. The portacabin hereby permitted shall be painted dark green within 3 months of the date of this decision.**

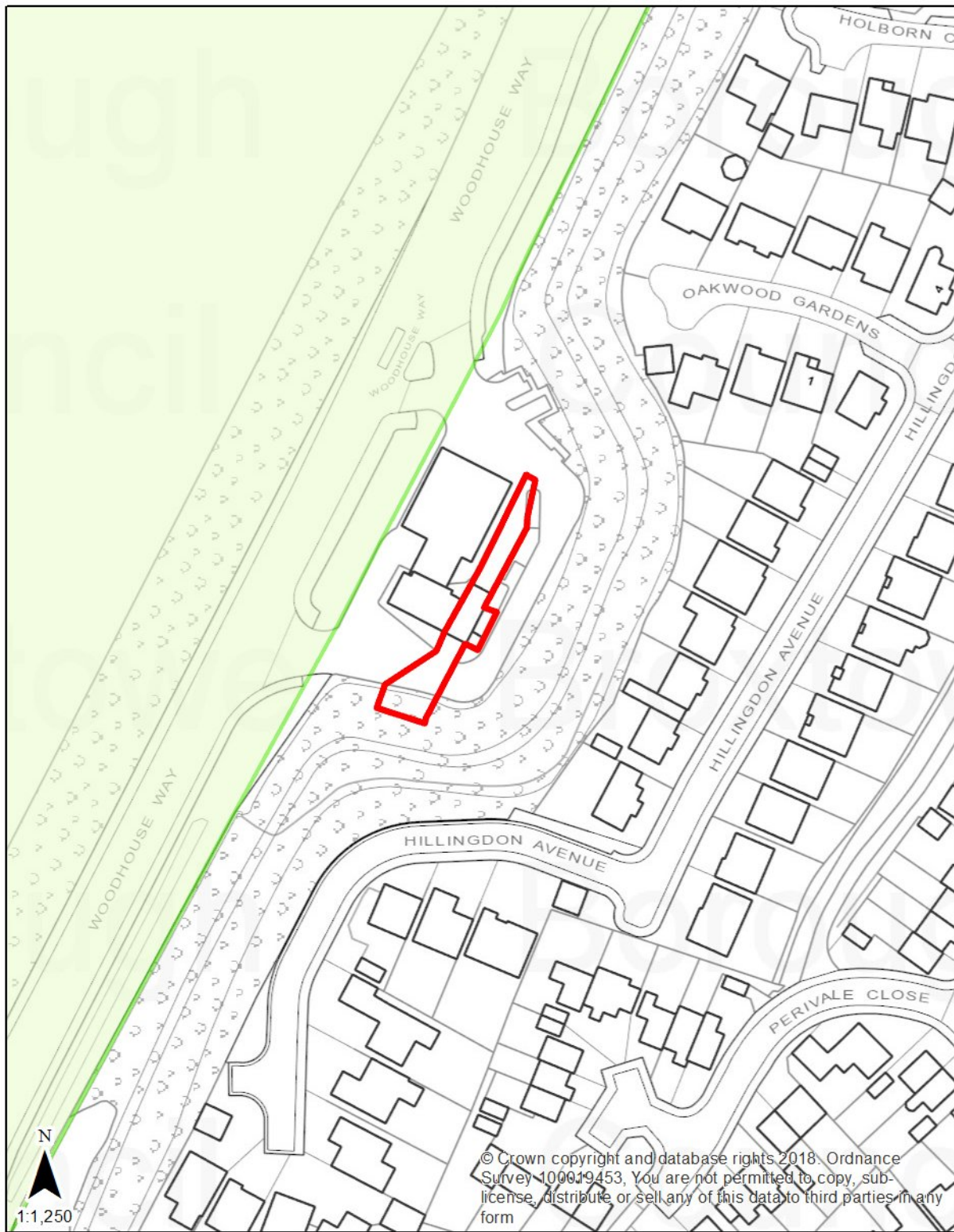
Reasons

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).**

Note to Applicant

The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by communicating with the agent throughout the course of the application.

Background papers
Application case file



Legend

-  Site
-  Green Belt (Local Plan)