

Report of the Chief Executive

APPLICATION NUMBER:	22/00651/FUL
LOCATION:	Manor Garage, 92 Church Street, Stapleford, Nottinghamshire, NG9 8DJ
PROPOSAL:	Retain the change of use to car wash and car valeting business (revised scheme)

1. Purpose of the Report

The application is brought to the Committee at request of Councillor J W McGrath.

2. Recommendation

The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

3. Detail

- 3.1 The application seeks full planning consent for the change of use to a car wash and car valeting business. The application also retrospective consent for the retention of a metal column previously part of a larger canopy structure that will be used to attach CCTV and security lighting. The proposal also seeks retrospective consent for the installation of associated drainage on the site forecourt.
- 3.2 The site includes an existing motor vehicle repair garage and forecourt off Church Street, Stapleford. The site has been previously used as a car washing and valeting business without planning permission which has been subject to enforcement action.
- 3.3 The main issues relate to whether the proposed design is acceptable; whether there would be unacceptable impact on the amenity of neighbouring occupiers and whether the proposal would have an unacceptable impact on highway safety.
- 3.4 The benefits of the scheme are that the proposal would help to make a positive economic and social contribution to the local area and provide employment; it would be in a sustainable location with appropriate vehicular access and would not result in any significant impact upon the character of the area or the living conditions of neighbouring properties. The development would be in accordance with the policies contained within the development plan. This is given significant weight.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers:

None.

APPENDIX**1. Details of the application**

- 1.1 The application seeks full planning consent for the change of use to car wash and car valeting business. The application also includes the retention of a metal column previously part of a larger canopy structure that will be used to attach CCTV and lighting. The proposal also seeks retrospective consent for the installation of associated drainage on the site forecourt.

2. Site and surroundings

- 2.1 The site includes an existing motor vehicle repair garage and an associated forecourt off Church Street, Stapleford. The site has been previously used as a car washing and valeting business without planning permission which has been subject to enforcement action.

- 2.2 The site is located within a predominantly residential area including residential properties 92 adjoining the site to the north and 70 directly adjacent to the south. To the west includes further residential properties along Church Street. To the east includes a number of existing commercial/light industrial units.

3 Relevant Planning History

- 3.1 Planning permission was refused for the change of use to a car wash and car valeting business, including the erection of a canopy, protective screens and additional drainage ref. 22/00351/FUL. Previously, a canopy structure and protective screens had been erected without planning permission on the site in association with the car was facility. The application was refused on the grounds of visual amenity due to the impact resulting from the canopy and protective screens and residential amenity as a result of concerns regarding noise resulting from the use of a jet wash/hovering equipment.
- 3.2 The applicant has submitted a retrospective advert application for the erection of associated signage on the forecourt ref. 22/00700/ADV. This application is currently pending.

4 Relevant Policies and Guidance

- 4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:

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

- Policy A – Presumption in Favour of Sustainable Development
- Policy 10 – Design and Enhancing Local Identity

- 4.1.3 Part 2 Local Plan 2019

- Policy 17 – Place-making, Design and Amenity
- Policy 19 – Pollution, Hazardous Substances and Ground Conditions

4.1.4 National Planning Policy Framework (NPPF) 2021:

- Part 2 – Achieving Sustainable Development
- Part 6 – Building a Strong, Competitive Economy
- Part 9 – Promoting Sustainable Transport
- Part 12 – Achieving Well Designed Places
- Part 15 – Conserving and Enhancing the Natural Environment

5 Consultations

5.1 **County Highways** – no objections.

5.2 **Broxtowe Environmental Health** – no objections subject to conditioning the development to be in accordance with the Noise Impact Assessment. The NIA includes acoustic fencing to be erected on the south-west boundary and the applicant has agreed to erecting this prior to the use commences.

5.3 **Resident comments:** 7 objections received raising the following concerns:

- No requirement for a car wash in this location.
- The site is poorly maintained and will negatively affect the character and appearance of the locality.
- Noise levels will increase as a result of the proposed car wash.
- Opening hours would disturb neighbouring properties.
- Loss of privacy – overlooking into neighbouring properties.
- Church Street is a busy road and the proposal would increase traffic in this location creating highway safety concerns.
- Air pollution associated with the intensification of the use of the site.
- Drainage proposed could result in increased surface water issues on the highway and footway.
- The application is retrospective and the associated signage has been erected.
- Impact on property prices.
- Car valeting in association with the vehicle repair garage is unauthorised outside of the building.
- Boundary ownership issues.

6 Assessment

6.1.1 Principle of Development

6.1.2 The site is located within the main built up area of Stapleford and therefore the general principle of a car wash facility is acceptable subject to any other material considerations.

6.2 Visual Amenity

- 6.2.1 Since the original application the applicant has removed the unauthorised canopy structure and protective screens which previously fronted the highway. The previous application was partly refused on the grounds of the harm to the character and appearance to the locality.
- 6.2.2 The site currently comprises of a vehicle repair garage and associated forecourt. The site frontage and south boundary includes a low level brick wall and metal railings. Beyond the site to the east includes a number of commercial units and surrounding residential plots to the north, west and south.
- 6.2.3 The application seeks to retain one metal column originally from the canopy structure to be used for CCTV and associated security lighting. The column is set back from the highway and approximately 3.3m in height. It should be noted that acoustic fencing is proposed in accordance with the noise assessment and this has been designed to be staggered away from the highway to lessen the prominence of the proposed fencing on the street scene.
- 6.2.4 Given the existing commercial appearance of the site, it is considered that the character of the site is distinctly commercial relative to surrounding residential properties and as such it is considered that the proposed car wash facility operating on the forecourt of the existing garage is considered not to adversely impact the character of the area in this location.

6.3 Residential Amenity

- 6.3.1 Policy 17 of the P2LP states that that permission will be granted for development which ensures a satisfactory degree of amenity for neighbouring properties. Policy 19 of the P2LP states permission will not be granted for development which would result in an unacceptable level of pollution. Moreover, this policy states proposal for developments must identify potential nuisance issues arising from the nature of the proposal and address impacts on that development from existing land uses.
- 6.3.2 The application has also been considered against the requirements of paragraph 130 (f) of the NPPF which states decisions should ensure that developments create places with a high standard of amenity for existing users. Further to this, paragraph 174 (e) seeks to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraph 185 of the NPPF seeks to ensure that new development is appropriate or its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

- 6.3.3 Whilst the site comprises of an established motor vehicle repair garage, the immediate vicinity is predominantly residential to the south, west and north. Whilst the eastern boundary of the site includes existing 2m high acoustic fencing, the frontage and side boundaries include low level boundary treatment. A number of objections have been received raising a number of concerns with regards to noise pollution from the proposed car wash facility.
- 6.3.4 In response the applicant has submitted a Noise Impact Assessment and the Council's Environmental Health team have provided no objections to the proposal subject to the recommendations contained within the noise report and opening hours. The noise report identified that the existing background noise levels are affected by road traffic noise from the B6003 (Church Street). Baseline noise surveys were undertaken for a continuous 7-day period at locations representative of the closest noise sensitive receptors. Short-term noise measurements of existing car wash and car valeting operations were incorporated in the report and assessed against BS 4142:2014 + A1:2019.
- 6.3.5 The noise report identified that the installation of 2m high acoustic fencing along the south-west boundary of the site would be required to reduce noise pollution affecting residential properties south of the site. In accordance with the noise report, in order for the acoustic fence to be effective, it must be close boarded with no gaps with a minimum density of 20 kg/m². The barrier will be located adjacent to the existing 2m high acoustic barrier on the eastern barrier. A condition has been added to ensure the acoustic fencing in accordance with the above specification is implemented prior to the use commences.
- 6.3.6 The cumulative impact from pressure washers and vacuums on site in close proximity to residential properties has been assessed. In absence of any evidence contrary to the findings of the Noise Impact Assessment, it is considered that the proposed car wash facility would not be detrimental to the living conditions of neighbouring properties subject to the implementation of acoustic fencing mitigation along the south-west boundary. Furthermore, the proposed opening hours contained with the noise report 09:00 - 18:00 Monday to Saturday and 09:00 - 17:00 Sunday are deemed acceptable.
- 6.3.7 Other concerns raised by neighbouring properties have been considered in the assessment of this application. Drainage facilities have been provided by the application including a ACO drainage channels adjacent the site entrance and exit points and there are limited concerns with regards to any excess surface water drainage over spilling on to the highway. Additional concerns relate to air pollution; however, it is considered that given the lawful use of the site is an existing garage the impact of a car wash would be negligible in terms of any potential air pollution impact. Concerns have been raised in relation to loss of privacy resulting from the proposal, however given the site already operates as commercial use it is considered that there would not be a significantly detrimental impact to any neighbouring properties in terms of any overlooking impact.

6.4 Highway Safety

6.4.1 The site includes an entrance and exit that has previously been used during the operation of the vehicle repair business. Visibility and access width of the existing accesses are suitable to ensure vehicles can safely exist on and off Church Street. The forecourt has adequate vehicle turning space to safely allow a vehicle to egress off the site on to Church Street in a forward gear. The acoustic fencing proposed on the south-west boundary has been designed to ensure that the end panel is not more than 1m in height for the first 2.4m in length to not obstruct the visibility splay. County Highways have assessed the application and have provided no objections to the proposed use of the site as a car wash facility. As such, it is considered that the proposal would not be detrimental to the safety or capacity of the highway.

7 Planning balance

7.1 In accordance with paragraph 81 of the NPPF 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, and as such granting planning permission for the proposed car wash will help to support the business to make a positive economic contribution to the area. On balance it is considered that any potential disturbance caused by the proposed use does not outweigh the economic and social benefits from granting planning permission.

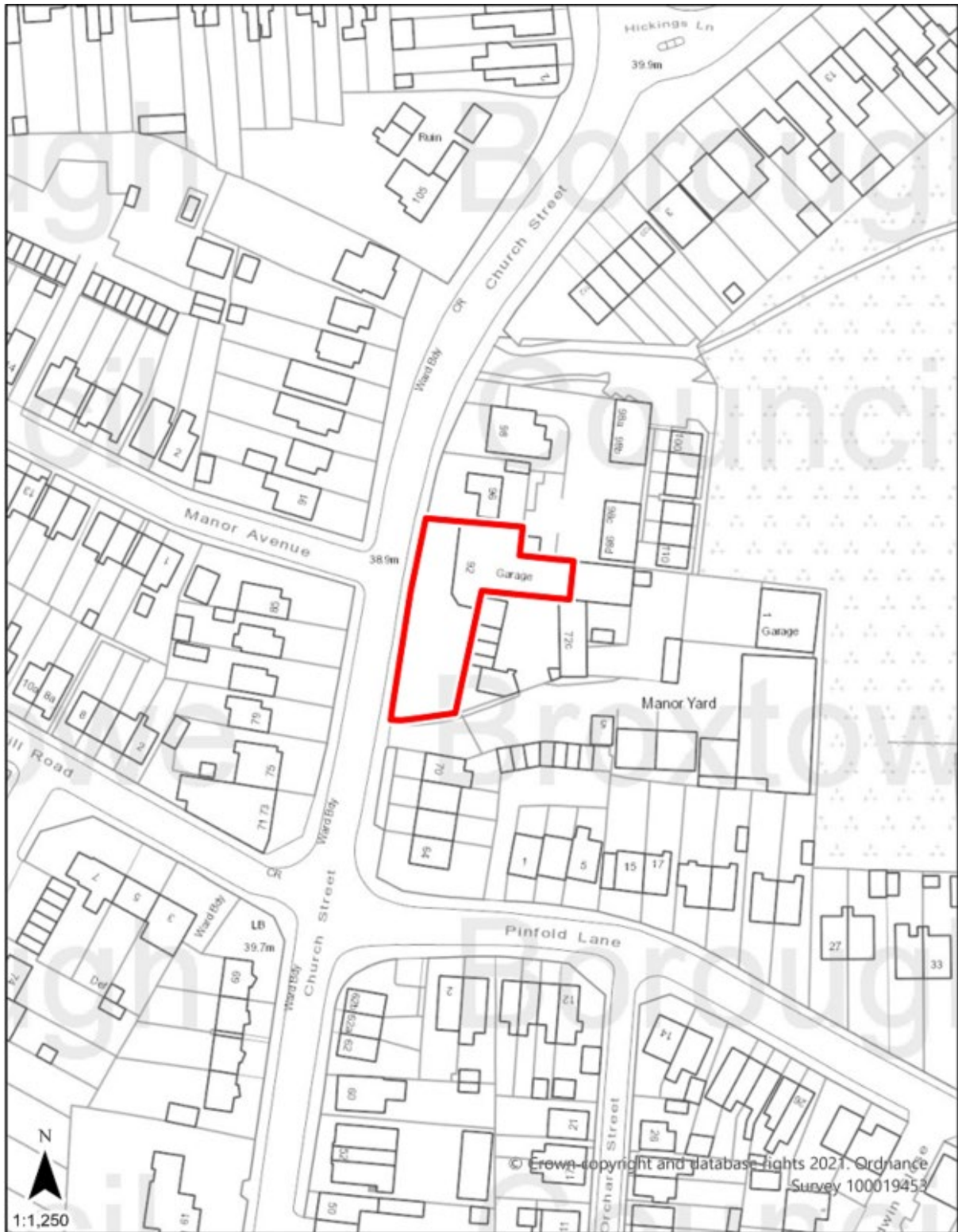
8 Conclusion

8.1 It is recommended that conditional planning permission be granted.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby approved shall be begun before the expiration of 3 years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2.	This permission shall be read in accordance with the following plans: Site Location Plan 1:1250 (Received by the Local Planning Authority 09/09/22), Existing Site Layout Plan 2022/04-A1, Existing Elevation A and C, Existing Elevation A, B and C (Received by the Local Planning Authority 13/09/22), Proposed Layout Plan 2022/04-

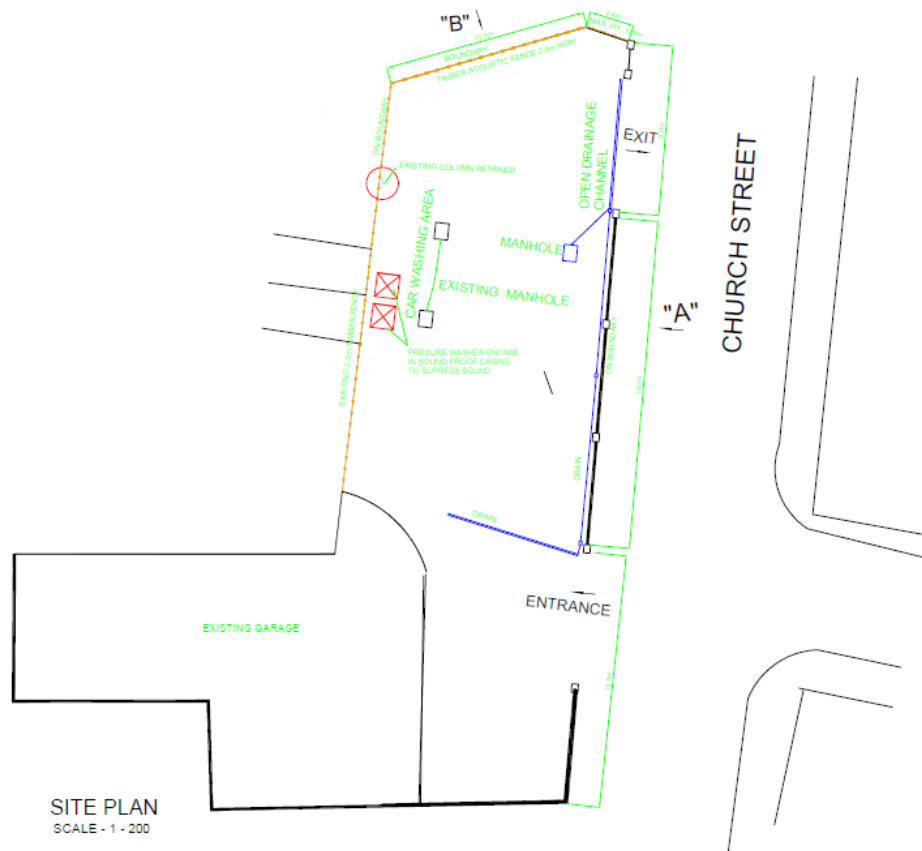
	<p>A1, Proposed Elevations A and B (Received by the Local Planning Authority 13/12/22).</p> <p>Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.</p>
<p>3.</p>	<p>Prior to the commencement of the use of the hereby permitted development the acoustic fencing shall be carried out in accordance with the recommendations contained within the Noise Impact Assessment Ref. R22.1768-1-AG (27/10/22).</p> <p>Reason: To protect nearby occupiers from excessive odour in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
<p>4.</p>	<p>The hereby approved development shall not be used except between 09:00 - 18:00 Monday to Saturday and 09:00 - 17:00 Sunday without the prior agreement in writing of the Local Planning Authority.</p> <p>Reason: To protect nearby occupiers from excessive odour in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
	<p>NOTES TO APPLICANT</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>

Site Location Plan (not to scale)

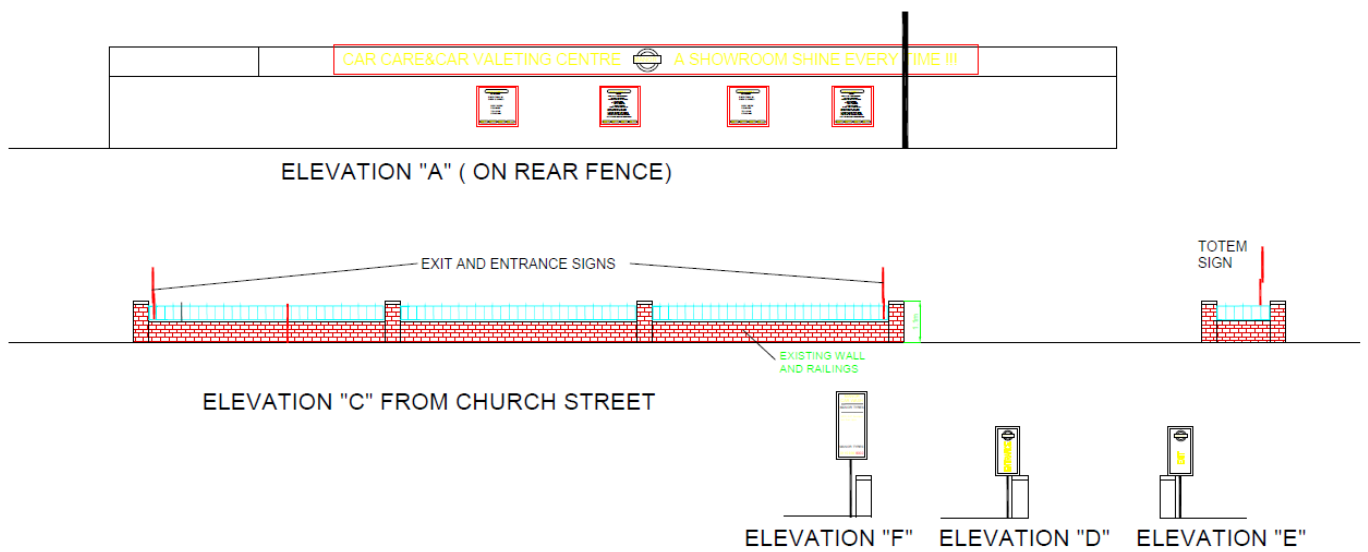


- Legend
-  Site Outline

Proposed Site Layout

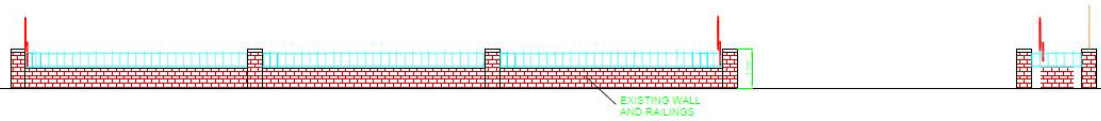


Proposed Front Elevation showing column

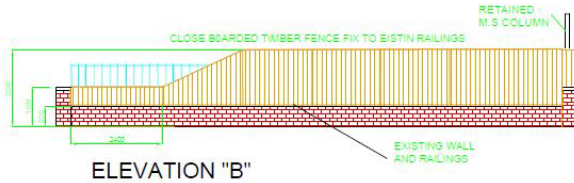


PROPOSED DETAILS OF SIGNAGE FOR CAR WASH AND VALETING UNIT AR 92 CHURCH STREET, STAPLEFORD - PROPOSED ELEVATIONS
SCALE 1-100

Proposed acoustic fencing elevations



ELEVATION "A" FROM CHURCH STREET



ELEVATION "B"

PROPOSED CAR WASH AND VALETING UNIT AT 92 CHURCH STREET, STAPLEFORD - PROPOSED ELEVATIONS
SCALE 1:100

Photo of car wash site



Photo of car washing area



Photo of column to be retained



Photo of proposed location of acoustic fencing



Photo of site entrance



Photo of site exit

