

Report of the Chief Executive

APPLICATION NUMBER:	23/00524/FUL
LOCATION:	Manor Garage, 92 Church Street, Stapleford, Nottinghamshire, NG9 8DJ
PROPOSAL:	Change of use of garage to garage and car wash including the installation of pressure washer and vacuum casings.

The application is brought to the Committee at request of Councillor R E Bofinger.

1. Purpose of the Report

The application seeks full planning permission for the change of use to a car wash and car valeting business.

2. Recommendation

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

3. Detail

The application seeks full planning permission for the change of use to a car wash and car valeting business.

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.

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.

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

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

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

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

Nil.

Appendix**1. Details of the application**

- 1.1 The application seeks full planning permission for the change of use to car wash and car valeting business. The existing garage use will remain.

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 In 2022, 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. 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 In 2023, a revised scheme seeking full planning permission for a change of use to a car wash and valeting business was refused on the grounds of visual amenity and residential amenity as a result of concerns regarding noise resulting from the use of a jet wash/hovering equipment (22/00651/FUL).
- 3.3 In 2023, advertisement consent was granted for the erection of associated signage in relation to the proposed car wash use ref. 22/00700/ADV.

4. Relevant Policies and Guidance**4.1 Broxtowe Aligned Core Strategy 2014:**

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

4.2 Part 2 Local Plan 2019

The Council adopted the Part 2 Local Plan on 16 October 2019.

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

4.3 National Planning Policy Framework (NPPF) 2023

- 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 Broxtowe Environmental Health: No objections subject to conditions:

- Acoustic fencing to be erected on the south-west boundary in accordance with the Noise Impact Assessment.
- Opening hours: Monday to Saturday 09:00 – 18:00 hours, Sunday 09:00 – 17:00 hours.
- No repair, maintenance, paint spraying or sale of vehicles shall be permitted on the site.

5.3 County Highway Authority: No objections subject to the acoustic barrier not encroaching on highways land.

5.4 Resident comments - 1 objection received raising the following concerns:

- Inaccuracies in planning application submitted.
- Potential drainage issues on site.
- Waste management.
- Potential noise impact on living conditions of neighbouring residential properties.
- Increased traffic and highway safety impact.
- Loss of privacy.

6. Assessment

Principle

6.1 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. The lawful use of the site remains as a vehicle repair garage.

Design

6.2 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.

- 6.3 The application originally proposed a canopy structure, however there were concerns raised to the applicant regarding the impact of the character of the area. As such, no canopy is proposed in this application. External alterations are limited, only to include metal casings around the doorway edges of the elevation wall which faces the forecourt. 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.
- 6.4 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.

Residential Amenity

- 6.5 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.
- 6.6 The application has also been considered against the requirements of paragraph 135 (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 180 (e) advises planning decisions should 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 191 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.
- 6.7 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. The applicant has proposed to store the pressure washer and Hoover equipment inside of the existing garage building with a feed to the forecourt to allow cars to be valeted outside. The applicant has indicated this would reduce the noise impact of the equipment, however no evidence has been produced to support this. Metal casings are proposed around the door fitting to help reduce the noise of the equipment to be housed inside.

- 6.8 The application has been supported by 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.
- 6.9 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.
- 6.10 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.
- 6.11 The proposed site plan includes drainage provision showing existing manholes and an open drainage channel to ensure excess surface water is drained adequately onsite.
- 6.12 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.

Highway Safety

- 6.13 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 has been reduced in height to not obstruct the visibility splay. As such, it is considered that the proposal would not be detrimental to the safety or capacity of the highway.

Planning Balance

6.14 In accordance with paragraph 85 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 noise impact caused by the proposed use does not outweigh the economic and social benefits from granting planning permission.

7. Conclusion

7.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality and comments raised in representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:</p>	
<p>1.</p>	<p>This permission shall be read in accordance with the following plans:</p> <ul style="list-style-type: none"> • Site location plan A115 • Existing block plan A114 (Received by the Local Planning Authority 07/07/23) • Pressure washer and vacuum casing A115 (Received by the Local Planning Authority 03/11/23) • Proposed Elevations A114 (Received by the Local Planning Authority 13/09/24) • Proposed site plan A115 (Received by the Local Planning Authority 16/09/24) <p>Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.</p>
<p>2.</p>	<p>Prior to the use hereby permitted commencing, the acoustic barrier shall be installed. The barrier shall be constructed from high quality timber panels with a minimum density of 20kg/m2 which is close boarded and installed with no gaps, including at</p>

	<p>ground level to the height and location as shown in drawing A114 Proposed Elevations and 3D Visuals (received 13/09/24).</p> <p>Reason: To protect nearby occupiers from excessive noise 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>3.</p>	<p>The hereby approved use shall not be operated outside the hours of 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 noise 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>No repair, maintenance, paint spraying or sale of vehicles shall be permitted outside of the existing garage building.</p> <p>Reason: To protect nearby occupiers from excessive noise 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)



 Site