

Application No: 16/5610M

Location: KINGS ARMS SERVICE STATION, ALDERLEY ROAD, WILMSLOW, CHESHIRE, SK9 1PZ

Proposal: Change of use of land from a former petrol filling station to a hand car wash and valet business with associated single-storey building and canopy

Applicant: Mr Isa Dajci, Shines

Expiry Date: 13-Jan-2017

## **SUMMARY:**

The application site is lies within an area designated as predominantly residential (as defined by the Macclesfield Borough Local Plan, 2004) where the principle of development is considered acceptable by the development plan and national policy. The NPPF strongly emphasises, at paragraph 14, there is a “presumption in favour of sustainable development” and that this is vital in decision-taking. With reference to decision-taking, this means approving development proposals that accord with the development plan without delay, unless there are significantly adverse reasons for doing so.

The development would make use of a vacant, previously developed site which was formerly occupied by petrol filling station and is adjoined by existing commercial premises. A core principle of the framework is to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”

The proposals are of a siting and design which would not represent a discordant or unacceptable feature within the street scene of this part of Alderley Road which is of a mixed residential and commercial character. It is also considered that the proposed operation of the premises will not have significantly detrimental impact on neighbouring amenity subject to conditions.

Whilst it is recognised that Alderley Road is a busy, main route, the Strategic Infrastructure Manager considers that the level and nature of traffic movements arising from the proposed reuse and operation of the site will not have a detrimental impact on highway safety or traffic conditions.

This proposal has been assessed on its merits and it is concluded that the proposed development has an acceptable impact on the character of the area, living conditions of neighbouring properties, highway conditions and all other matters of public interest.

It is therefore considered that proposed development of this former petrol filling station site represents a sustainable form of development within the Wilmslow urban area supported by local

policy and the NPPF, and that the planning balance weighs in favour of supporting the development subject to conditions.

**SUMMARY RECOMMENDATION: APPROVE subject to conditions**

## **REASON FOR CALL IN**

The application is a resubmission of 16/3309M which was withdrawn, and has been called in to Committee by the Ward Councillor, Cllr Rod Menlove, for the following reasons:

*“the proposal has adverse implications for the amenities of existing residents due to the nature of the activities likely to occur as a result of the Proposal and general nuisance and disturbance caused by the activities at the site.*

*The site is too small for the intended activity leading to queueing on Alderley Road resulting in blocking the cycle lane, creating a traffic hazard and danger to High School pupils who cross the road at the point”.*

## **PROPOSAL**

This application seeks full planning permission for a change of use of land of a former petrol filling station to a hand car wash and valet service business with single-storey building and canopy.

The site will contain two car wash bays, with both bays consisting of a spraying area and a valeting area for the car washing services to be undertaken. Clear Perspex screening (2.3m high by 14m long) will be positioned along the frontage of the site, to prevent over spray of water onto the adjacent footway and adjacent properties.

This application is a resubmission of application 16/3309M which was withdrawn prior to determination on 20 September 2016 due to the need to address concerns relating to matters including highway safety and lack of information regarding noise impact and land contamination.

## **SITE DESCRIPTION**

The application site comprises a vacant parcel of land which was formerly occupied by a petrol filling station on the western side of Alderley Road, south of Wilmslow town centre. The structures, petrol tanks and hardstandings of the filling station have been removed and on the site contamination has been remediated.

The site is located within a ‘Predominately Residential Area’ as identified in the local plan. It is adjoined by Travis Perkins building supplies to the south and west. The King Arms Public house and Panthong Thai restaurant lie to the north. Residential properties of Paxford Place are sited approximately 25m to the east of the site on the opposite side of Alderley Road.

## **RELEVANT HISTORY**

16/3309M - Change of use from Ex-petrol station to Hand Car Wash- Valeting service, Manager's Office, Staff Room; Customer waiting room and Storage Room. Withdrawn 20.09.16

There is an extensive planning history associated with former petrol filling station on the site throughout 1980s and 1990s.

## **NATIONAL AND LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework (NPPF) (2012) establishes a presumption in favour of sustainable development.

### **Macclesfield Borough Local Plan:**

BE1 – Design Guidance  
DC1 – New Build  
DC3 - Amenity  
DC6 - Circulation and Access  
DC13 – Noise  
DC38 - Amenity  
H13 - Protecting Residential Areas

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
EG1 - Economic Prosperity

**Wilmslow Neighbourhood Plan** - plan under preparation

### **Other Material Considerations**

The Three Wilmslow Parks – Supplementary Planning Guidance

### **CONSULTATIONS:**

**Environmental Protection** : No objection, subject to conditions restricting operating hours, temporary approval for 12 months, implementation of Noise mitigation measures, remediation of contamination (if found), details of lighting

**Highways**: no objection

**United Utilities:** No objection subject to conditions.

**Flood Risk:** No objection subject to a condition requires details of drainage scheme.

## **VIEW OF THE TOWN COUNCIL :**

**Wilmslow Town Council:** Objects on the following grounds;

*The amendments made to this application do not address its earlier concerns and recommend refusal on the grounds of the likely impact on the highway caused by vehicles queueing to access the facility thereby causing a hazard to other traffic and pedestrians. The Planning Committee also raised concerns over the adequacy of the drains and treatment of waste water from the car wash, the impact on the surrounding businesses and residential properties and the visual impact on the character of this high quality residential area.*

## **REPRESENTATIONS:**

45 objections have been received. The planning related objections are on the following grounds:

- This application is not fundamentally different from the previous application (16/3309M) and contrary to the objectives of Local Plan policies BE1, H13, DC1, DC3 and DC13;
- Located on the approach to a busy, congested roundabout;
- Will generate additional traffic congestion, with queuing traffic on Alderley Road;
- Too many (6 in all) entrances and exits all on the same side of the road between Donkey Lane and the Kings Arms roundabout;
- The site is too small to fit this kind of operation and will lead to cars queuing onto Alderley Road detrimental to highway safety;
- Inadequate staff parking;
- Cars travelling south, wishing to turn right into car wash from Alderley Road will interrupt traffic flow considerably;
- Cars leaving this facility and turning right across the flow of traffic will create an unacceptable hazard to cars exiting the Kings Arms Public house;
- Inaccurate traffic survey. Traffic conditions have deteriorated since use of site by petrol filling station which closed over 3 years ago;
- The traffic survey seems to have been carried out during an unusually quiet period
- increased risk of accidents;
- Increased dangers to cyclists using the existing cycle lane and users of bus stop;
- Increased danger to pedestrians, particularly school children crossing Alderley Road to access Wilmslow High School;
  - Increased traffic will make it difficult customers / deliveries to access/exit Kings Arms Public house Car Park;
- The proposed design of the car wash and associated structures are totally out of character with the residential area;
- Creation of visual blight in street scene at this important entrance into Wilmslow;
- Low quality development of poor design;
- Adverse impact on setting of nearby listed buildings, and historic Fulshaw Park area contrary to The Three Wilmslow Parks SPG;
- Adverse impact on residential amenity;

- Reduction in quality of life;
- Excessive noise pollution from high pressure washers, hoses and vacuuming machines;
- Noise will be continuous all day and every day of the week;
- The adjacent Travis Perkins site, is unobtrusive with no continuous day long noise or weekend working and not comparable with operation of proposed car wash;
- Inadequate noise survey;
- Disturbance from customers and their vehicles;
- Increase in air pollution;
- Adverse noise Impact on Kings Arms Public House and beer garden;
- Light pollution;
- Proposed screen unsightly and inadequate to prevent overspray;
- Potential pollution from overspray containing chemicals;
- Drainage network will be unable can cope with volume of excess water running off site and exacerbate existing problems;
- Potential pollution of surface water drainage system from chemicals/detergents;
- The site has been unoccupied for 3 years due to a restriction placed on it that prohibited its usage do to having large fuel storage tanks;
- Facility is not needed. There are many other car wash facilities in the Wilmslow area;
- Development appears to be opportunistic profiteering on behalf of the applicant and will bring no benefit to the town;
- Inappropriate and excessive signage.

Wilmslow Civic Trust: Object on the following grounds;

*- Utilitarian design using cheap looking materials with the office, staff room and customer waiting reminiscent of the design of a shed on an allotment.*

*- The effect on the immediate surroundings of by the noise generated by the spray lances and the overspray generated which when combined with any wind effect will either effect the work area or storage in the Builders Merchant behind the site or make life very miserable for those waiting for or alighting from buses on the frontage.*

*- The plastic panel screen due to its size and position will be only partially effective as a barrier.*

*- Although some effort has been made to park waiting vehicle off the main road, at peak times there are bound to be cars queuing On the road, bus stops for the regular bus service plus school Collection and drop offs will create an almost impossible traffic Situation, combine this fact with the existing a bottleneck at Peak will create a situation where regular accidents are waiting to happen. Add on regular movement in and out of the Builders Merchant with conflicting traffic movements, this site can hardly be considered suitable for such car wash use.*

The full content of the objections is available to view on the Council's website.

## **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

### **Key Issues**

Principle of development  
Character and Appearance  
Highways  
Amenity  
Drainage

### **Principle of Development**

The application site lies within an area designated as predominantly residential (as defined by the Macclesfield Borough Local Plan, 2004). Within this designation, the principle of development is considered acceptable by the development plan and national policy. The NPPF strongly emphasises, at paragraph 14, there is a “presumption in favour of sustainable development” and that this is vital in decision-taking. With reference to decision-taking, this means approving development proposals that accord with the development plan without delay, unless there are significantly adverse reasons for doing so.

The development would make use of a vacant, previously developed site which was formerly occupied by petrol filling station and is adjoined by existing commercial premises. A core principle of the framework is to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value” In addition the framework also includes a strong presumption in favour of economic growth. Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Policy H13 of the local plan states that development which would adversely affect the character of a housing area or the amenities of the occupiers of adjoining or nearby residential houses will not be permitted. In addition to the impact on highways and drainage. These matters are addressed later on in this report.

### **Character and Appearance**

Policy BE1 of the Macclesfield Borough Local Plan requires development to reflect local character and respect form, layout, siting, scale and design of surrounding buildings their setting. Policy DC1 requires development to be sympathetic to its surrounding and the street scene.

The application site lies within a predominantly residential area, and alongside a main route towards Wilmslow town centre. However, this vacant site is adjoined by commercial premises including a builder’s yard (Travis Perkins) to the west and south, and also the car park of the

Kings Arms Public House to the north. This part of Alderley Road is consequently of a mixed residential and commercial character.

The application proposes to construct a small, flat roofed, single-storey building in the northwest corner of the site against an existing boundary wall, and a canopy (5m high) over the courtyard where operational car cleaning activities would take place. The proposed canopy would be similar in appearance to that which would be typically associated with a petrol filling station and which previously existed on the site

Given their modest size and scale, and location adjacent to commercial uses and adjacent flat roof structures, it is not considered that either the proposed ancillary buildings or canopy would constitute unduly dominant or inappropriate features within this part of street scene of Alderley Road. In particular, the proposals would be being viewed against the backdrop of storage buildings and operational areas of Travis Perkins.

The site lies within the north eastern corner of the Fulshaw Park area as defined within the Three Wilmslow Parks – Supplementary Planning Guidance document. However, as the Travis Perkins premises effectively screen the site from Donkey Lane and Knutsford Road to the south and west. The development would therefore have no visual relationship and consequently no adverse impact on the intrinsic and historic character of Fulshaw Park. The site is also located a sufficient distance from the locally listed building at 96 and 97 Alderley Road positioned adjacent to the Fulshaw Cross Roundabout, and also Fulshaw Hall (grade 2 listed) well to the south west, to have any adverse impact on their historic setting.

In summary, given the context of the site, it is considered that the proposals are of a siting and design compatible with the character of this location, and are therefore considered to comply with the Policies BE.1, DC1 and H13 of the Macclesfield Borough Local Plan.

## **Highways**

The site has existing separate entry and exit points from/to Alderley Road associated with the previous petrol filling station use. The proposal facility will utilise the existing site access arrangement, with on-site parking for up to nine cars including three for staff.

The Strategic Infrastructure Manager (SIM) has reviewed the Transport Statement (TS) and supplementary technical note submitted and by the applicant in support of the development proposals.

### Local highway network

Alderley Road has a carriageway width of approximately 11m including advisory cycle lanes in both directions of travel and good footway provision. There is also a bus stop located outside the site between the entry and exit points. The speed limit of Alderley Road outside the site is 30mph, although this increases to 40mph around 150m to the south of the site.

Alderley Road links the Bedells Lane roundabout located to the north of the site with the A34 roundabout to the south of the site.

### Access

The proposal for access is presented in SCP drawing number SCP/16425/SK01, which also presents the internal site layout.

The access arrangement is the same as that associated with the previous petrol filling station use, which includes a shared exit with the adjacent Kings Arms public house. The SIM has advised that the proposed layout is acceptable for the proposed use.

#### Traffic impact

Traffic surveys have been undertaken at a similar hand car wash site located on Mobberley Road in Knutsford. The surveys were undertaken on Wednesday 3<sup>rd</sup> May and Saturday 6<sup>th</sup> May between the hours of 0800 and 1900.

The survey results demonstrate that the development proposal would be anticipated to generate the following weekday commuter peak hour and daily traffic flows.

**Table 1      Traffic generation associated with the development proposal**

<b>Peak Hour</b>		
	<b>Arrivals</b>	<b>Departures</b>
<b>AM</b>	11	1
<b>PM</b>	8	14
<b>Daily</b>	106	96

The survey results also demonstrate that there was no queueing externally to the site and that the maximum recorded queue on both days of the survey was three vehicles. This level of queueing could easily be accommodated within the proposed site.

The SIM recognises that whilst the survey results are likely to represent normal operating conditions, there may be occasions of exceptional demand that may result in drivers of vehicles queueing on Alderley Road, whilst waiting to access the site. This would normally raise highway safety concerns, however, Alderley Road has a wide carriageway which would allow vehicles to pass queuing vehicles and the applicant has submitted evidence to demonstrate that there is adequate forward visibility for drivers of vehicles on Alderley Road approaching the tail of a queue (see SCP drawing number SCP/16425/F03).

Whilst the concerns raised by local residents and Wilmslow Town Council are understood it is nevertheless the case that in order to resist this application, the Highway Authority would have to prove that there is “severe” harm arising from the increase in traffic on the local highway network resulting from the development proposal. The SIM considers that given the modest level of traffic generation and queueing predicted to impact on the local highway network cannot be considered to be “severe”.

The SIM is satisfied that the traffic generation associated with development proposals can be safely accommodated on the local and wider highway network; accordingly, the SIM has no objection to the planning application.

#### **Amenity**



Although the site is located within a predominantly residential area, the Kings Arms Public House, Phanthong Thai Restaurant and associated car parking lies to the north and the Travis Perkins Builders yard adjoins the western and southern site boundaries. The site fronts onto Alderley Road which is a main route into Wilmslow.

As a result the nearest residential properties to the site lie on the eastern side of Alderley Road (off Paxford Place). However, these dwellings do not front onto Alderley Road and are screened by 2m high boundary walls/fences and mature trees.

The Council's Environmental Protection Officer has assessed the impact of the proposals on nearby residential properties in terms of noise generation; particularly in relation to the vacuum cleaners and jet-washing operations, and also potential over-spray and general disruption.

A noise impact assessment (NIA) has accompanied the application. It incorporates a noise survey which was carried out at an existing Shines car wash adjacent to Monks Heath petrol filling station, to establish source noise levels associated with proposed equipment and activities at the application site (NIA, section 3.7). This enables an assessment of predicted noise levels arising from the proposed carwash at this location against the background noise levels.

The Environmental Protection Officer concurs with the findings of the noise impact assessment (NIA) that noise levels arising from the operation of the proposed facilities will be below existing background noise levels arising from road traffic, and therefore would not result in any unacceptable noise impact at the nearest dwellings.

This is subject conditions being imposed requiring the implementation of the noise mitigation measure set out in the NIA concerning the management of the site and the provision of a 2.3m high by 14m long free standing clear Perspex/acrylic screen being erected alongside site boundary with Alderley Road. This screen will provide effective acoustic screening of the noisiest activities to the nearest dwellings on Paxford Place and also be an effective barrier to carwash overspray.

The Environmental Protection Officer also suggests that a condition be imposed limiting the hours of operation from Monday to Saturday use, but the site should not operate on Sundays and Bank Holidays to further protect residential amenity. However the nature of the proposed business is one which would not be viable if it did not open on Sundays or bank holidays and it is typically the case that such facilities operate at these times. Furthermore conditions have been imposed on similar facilities elsewhere which restrict their operation on Sundays/bank holidays to the hours of 09:00 to 12.30.

The following hours of operation are thereof recommended;

Mondays – Saturdays	09:00 – 18:00
Sunday/Bank holidays	09:00 – 12:30

Given the concerns raised by the Environmental Protection Officer as regards the operation of the facilities on Sundays, a temporary permission would enable the LPA to monitor and re

assess the impact of the hand car wash on neighbouring amenity after two years of the development being operational.

In summary , given existing noise background levels coupled with the implementation of noise mitigation measures, it is considered that the proposals will not adversely affect the amenities of nearby properties. However, to further assess the impact of operations at the premises on neighbouring amenity, it is considered that a 2 year temporary permission, along with a condition to control hours of operation will allow for this to issue to be considered further.

## **Drainage**

Whilst the site is located in Flood Zone 1, the Council's Flood Risk Officer has advised that there are some areas of significant areas of surface water risk to the east of the site and to the west on Knutsford Road. The surface water drains in this area run south towards an area of known flooding. The foul/combined sewer appears to run north around the Kings Arms then south down Alderley Road.

The applicant has provided details of on-site drainage arrangements. These indicate that discharges from the vehicle wash down areas will drain through an interceptor and then into the foul sewer in accordance with the requirements united utilities. In addition the drainage system to deal with surface water from other hardstanding's within the site will use on-site storage methods and soakaway arrangements.

The Council's Flood Risk Officer and United Utilities have raised no objections to the proposals, subject to a condition requiring full details of a drainage scheme to be submitted prior to commencement of development. In addition United Utilities require a condition to be imposed stating that foul and surface water must be drained on separate systems.

## **Conclusion – The Planning Balance**

The proposals are of a siting and design which would not represent a discordant or unacceptable feature within the street scene of this part of Alderley Road, particularly as the development would be viewed against the backdrop of existing commercial uses and buildings. As a result the development is not considered to result in adverse impacts upon the character and appearance of the locality. It is also considered that the proposed operation of the premises will not have significantly detrimental impact on neighbouring amenity subset to conditions.

Whilst it is recognised that Alderley Road is a busy main route, the Strategic infrastructure Manager considers that the level and nature of traffic movements arising from the proposed reuse and operation of the site will not have a detrimental impact on highway safety or traffic conditions.

It is therefore considered that proposed development of this former petrol filling station site within the Wilmslow urban area represents a sustainable form of development supported by

local policy and the NPPF, and that the planning balance weighs in favour of supporting the development subject to conditions.

## **RECOMMENDATIONS**

**APPROVE** subject the following conditions:

- 1. Temporary 2 year**
- 2. Plans**
- 3. Materials as proposed**
- 4. Drainage scheme**
- 5. Hours of operation**
- 6. Site to operate in accordance with noise mitigation measures**
- 7. Provision of overspray screens**
- 8. Details of external lighting**
- 9. Remediation of Contamination if found to present**

***In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning Regulation has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.***

