

Application No: 17/5999C

Location: 79, UNION STREET, SANDBACH, CHESHIRE, CW11 4BG

Proposal: Retrospective application for change of use from garage services to hand car wash and valeting facility.

Applicant: Mr Artan Kertolli

Expiry Date: 06-Apr-2018

## Summary

The site comprises a former car repair garage within the Settlement Zone Line and Town Centre Boundary of Sandbach where there is a presumption in favour of development.

From an economic sustainability perspective, the scheme will bring economic benefits to Sandbach town centre by virtue of employment and economic activity it generates

Whilst there are no social impacts, it can be argued that the occupation of the premises will protect it from future deterioration/ anti social behaviour given its period of prior vacancy.

From an environmental perspective, given the nature of the use and the availability of another hand car washes in Sandbach, the proposal is considered to be unlikely to generate the level of activity that would be detrimental to local amenities and highway safety at the end of the dead end street.

The use has commenced during this application's determination period and so this proposal is retrospective. It is acknowledged that, whilst the premises are located at the end of a cul-de-sac and that jet washing takes place inside the building, the neighbouring occupiers are mainly sheltered bungalows and during busy times at the weekend there may be queuing outside the premises waiting to be served.

The proposals are considered to be a sustainable form of development which would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy.

Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

**RECOMMENDATION: Approve subject to conditions**

**Approve subject to conditions**

## **CALL IN**

The application has been called in to Committee by Cllr Sam Corcoran on the following grounds:

*The location is inappropriate and would disturb the amenity of the area. Union Street is a quiet street with sheltered accommodation for the elderly. The increase in traffic generated by the car wash would change the character of the area as would the extra noise and queues of cars waiting to use the car wash.*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is a former vehicle repair workshop building with associated hardstanding area located at the east end of Union Street in Sandbach, to the south of the town centre. The site is within the settlement zone line as designated in the Congleton Borough Local Plan First Review (2005).

The site is bordered to the east by the Homebase store and on all other sides by residential properties. Bungalows along Union Street are occupied by elderly residents. The road is a dead end.

## **DETAILS OF PROPOSAL**

The application is for retrospective planning permission to change the use of the site for use as a hand car wash and valeting business, and install a container unit site cabin at the south edge of the site. Hand car-washing would be undertaken inside the main building, with valeting work undertaken to cars on the hardstanding area. The application indicates that customer cars would queue on the property before being serviced. The application notes intended hours of operation as Monday-Saturday 9-5pm and Sundays and Bank Holidays 11-4pm.

The hand car-wash business was previously in operation on the adjacent car park of the Homebase store. The use of the current site commenced on 15<sup>th</sup> November 2017. This application is therefore retrospective

## **RELEVANT HISTORY**

17/6000C – Advertisement consent for 1 fascia sign. Currently under determination.

13714/3 - PROPOSED WORKSHOP FOR THE REPAIR OF MOTOR VEHICLES. Approved with conditions, 09-Feb-1982

## **POLICIES**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development

18-22 - Building a strong, competitive economy

23 - Ensuring the vitality of town centres

56-68 - Requiring good design

123 – Noise and amenity

### **Local Plan Policy**

GR6-7 - Amenity and Health  
GR9 - Accessibility, Servicing and Provision of Parking  
GR17 - Car Parking  
GR18 - Traffic Generation  
DP2 - Housing Sites

### **Cheshire East Local Plan Strategy**

MP1 - Presumption in favour of sustainable development  
PG2 - Settlement Hierarchy  
SD1 - Sustainable Development in Cheshire East,  
SD2 - Sustainable Development Principles,  
EG1 - Economic Prosperity  
EG3 – Existing and Allocated Employment Sites  
EG5 - Promoting a Town Centre First Approach to Retail and Commerce  
SE1 – Design

### **CONSULTATIONS (External to Planning)**

**Strategic Highways Manager** - At busy times there may be some queuing taking place on Union St but this does not make it unsafe or the impact severe. The site was also previously used for car servicing and there therefore exists an existing land use which would have a vehicle trip generation rate associated with it. Given this and the highways impact of the existing use, the net highways implications will be minimal and no objection is raised with the informative that a S184 licence to create the new vehicle crossing will be required.

**Flood Risk Management** – No objection. Advised that run-off should be collected and disposed of to prevent pollution. Recommended that the applicant contact United Utilities to agree a connection to the wastewater sewer network within the vicinity of the site.

### **Environmental Health**

#### Noise

The noise mitigation measures set out in the noise impact assessment would make the development acceptable with respect to the impact of noise. No objection in terms of noise impact, subject to submission of a detailed acoustic mitigation scheme within one month of permission and implementation and retention.

#### Other issues

Following a site visit the environmental protection advised that no odour or water spray issues (which objectors had noted) were observed, but noted that any water spray arising may also be addressed by the noise screening proposed.

Separate permission should be sought for any external lighting.

Opening hours should be limited to M-F 0830-1800, Saturday 0900-1700, Sunday and Bank Holidays 1000-1600.

**Sandbach Town Council - Object** - will affect the amenities of a vulnerable section of the population living in close proximity to the proposed facility. The applicant documented the concerns of neighbours but did not address them within the application. The intermittent noise generated by the cleaning and valeting process, as well as the potential parking and traffic issues for existing

neighbours which could be caused on this narrow section of Union Street. As a result, this application is in contravention of policies GR6 and GR7 within the retained policies of the Congleton Borough Council Local Plan.

**United Utilities** – provided advisory comments on surface water drainage and water supply, no objections.

## **OTHER REPRESENTATIONS**

35 public comments were received, comprising three supporting comments with the remaining 33 in objection, including 23 duplicate letters from residents of Union Street. A petition signed by 22 residents of Union Street was also received. A letter of objection was also received from the MP Fiona Bruce.

A traffic report was produced and submitted by the Sandbach PCSO, recording vehicle movements on Union Street measured between 19/02/2018 and 27/02/2018. This report was reviewed by the Strategic Highways Manager, as noted in their consultation response.

**Objections and Observations related to:** Almost all objections, including those noted on the residents' petition, related to concerns about congestion, pedestrian safety and noise and pollution arising from additional vehicles accessing the site and forming queues along Union Street, particularly with reference to the elderly and vulnerable nature of residents along the street and the frequency of ambulances and care visitors arriving at properties along the street, and the use of Flat Lane as a popular pedestrian route into the town centre.

Concerns were also raised about the amenity effect of the operation of the car wash equipment, arising from noise, smells, water spray and cleaning chemicals, and washing run-off into the mains drains. Objectors also noted existing issues with car parking and vehicle movements on Union Street. An adjoining neighbour to the immediate south of the site raised concerns about the effect of the site cabin and site flood lights (the latter is not included in the application) on their amenity.

**Supporting notes:** Supporting comments noted the view that Union Street can accommodate the additional vehicles associated with the car wash.

In addition, the applicant submitted around 340 supportive comments from customers. None of the comments related to the planning merits of the scheme.

## **SUSTAINABILITY**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

## **ENVIRONMENTAL ROLE**

### **Principal of Development**

The site is located within the Settlement Zone Line of Sandbach, where there is a presumption in favour of development. The existing use is well established, and proposed change of use is considered to be an appropriate re-use of the site and an appropriate commercial development within the settlement boundary. The principle of development is therefore considered to be acceptable, subject to other planning considerations.

### **Amenity**

Saved policy GR6 notes that development should not be permitted where it will have an unduly detrimental effect on residential amenity, including in terms of visual intrusion, environmental disturbance or pollution, or traffic generation, access and parking.

A noise impact assessment has been submitted which details the noise characteristics of the proposal in situ. This report measured noise arising from the operation of high-pressure water lances and vacuum cleaners on the site, and recommended that physical noise mitigation measures should be implemented to avoid an adverse noise impact, specifically the installation of a screen (e.g. Perspex) at the rear (south) boundary and extending the height of the existing wall at the west boundary adjoining Union Street.

While it is likely that visitor levels associated with the development would be higher than with the most recent use of the site, it does not appear that this increase will be so significant that, in itself, it would be unduly detrimental, in terms of noise, pollution or traffic generation.

In the light of the Noise Impact assessment, Environmental Protection have raised no objection in terms of noise, vibration or other nuisance issues, subject to the approval and implementation of

noise mitigation measures. It should also be borne in mind that the lawful use of the commercial premises is a car repair garage which itself would be uncontrolled in terms of hours of operation or potential queuing of traffic on the street at busy times.

It is therefore considered, subject to the suggested mitigation the proposed development would not result in any harm to amenity in terms of visual intrusion, loss of light, overshadowing or loss of privacy.

The site cabin placed adjacent to the boundary with residences to the south, and the proposed noise screening, would not be of a scale that they would cause harmful visual intrusion or overshadowing. A neighbouring occupant has made reference to intrusive lighting in use at the site, however no lighting details were submitted with the application and should permission be granted such details would need further approval.

### **Highways Implications**

The Strategic Highways Manager has considered the traffic data submitted by the area PCSO and residents and advises that he has no concerns in terms of the capacity of the site to accommodate customer vehicles or resulting queueing off-site, or in terms of congestion or highways safety arising from the change of use of the site.

### **Drainage**

United Utilities have advised that vehicle washes should be equipped with run-off interceptors in order to comply with the surface water disposal hierarchy set out in the NPPG. CEC Flood Risk Management likewise advised that run-off should be collected and disposed of to prevent pollution, should permission be granted this guidance would be attached as an informative. The application notes that water will be collected by an ACO drain and water interceptor.

### **Design**

Given the minimal new physical development proposed, the proposal is not considered to raise significant design issues. The site cabin, and the spray screen and extended boundary wall proposed as noise mitigation measures (subject to design details to be approved by condition) are considered to be appropriate in appearance given the commercial nature of the site and its existing character. The new fascia signs are included in this application but will be subject to separate advertisement consent approval.

### **Environmental Role Conclusion**

For the reasons noted above, the proposed development, subject to the suggested conditions would not cause a loss of amenity to neighbours in terms of noise and disturbance. Furthermore the proposal is not considered to have any adverse highways impact.

### **ECONOMIC ROLE**

The proposed development would protect existing local employment opportunities by allowing for the continued operation of an existing business providing 11 full-time equivalent jobs.

As such, it is considered that the proposed development would be economically sustainable.

### **SOCIAL ROLE**

The proposal is considered neutral in social terms.

## **PLANNING BALANCE**

The site is within the Settlement Zone Line of Sandbach, where there is a presumption in favour of development. From an economic sustainability perspective, the scheme will allow for the retention of an existing business, protecting the Sandbach local economy.

From an environmental and social perspective, it is considered that proposal would be acceptable in its impact upon local amenity, highway safety, and traffic generation.

The proposal is considered to be a sustainable form of development which, subject to provision of noise mitigation measures as recommended by the Environmental Health Officer, would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy.

Therefore there is a presumption in favour of the development and accordingly it is recommended for approval, subject to conditions.

## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions:

- 1. Approved Plans**
- 2. Hours of operation**
- 3. Details of acoustic mitigation scheme to be submitted within one month of approval**
- 4. Acoustic mitigation scheme implemented within two months of approval of details, and retained for the duration of the use**
- 5. Submission and approval of lighting details**

**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 Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

