

Committee Report

Application No:	DC/18/00610/COU
Case Officer	David Morton
Date Application Valid	25 June 2018
Applicant	Mr Satiar Arif
Site:	Storage Land Forge Road Dunston Gateshead NE8 2QU
Ward:	Dunston And Teams
Proposal:	Change of use from amenity land to car wash and erection of canopy, portakabins and fencing
Recommendation:	REFUSE
Application Type	Change of Use

1.0 The Application:**1.1 DESCRIPTION OF THE SITE**

The application site is located on Forge Road, close to the roundabout with Derwentwater Road. The application site shares a boundary with Jennings Harley-Davidson to the north, the site is bound by highway to the south and east and by open space and the Teams Cycleway to the west.

1.2 Until recently the application site was covered in vegetation, the majority of which has been removed from the site.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for a change of use to a car wash including the erection of a canopy, portacabins and fencing.

1.4 The application proposes that there would be four parking spaces to the east of the site and three to the west; there would be a separate access and egress onto Forge Road to the south.

1.5 The application provides limited information regarding the equipment to be used on the application site and the application does not set out proposed operating hours.

1.6 The applicant indicates within their submission that the proposal would create six full-time jobs.

1.7 RELEVANT PLANNING HISTORY

The relevant planning history is set out as follows:

- 528/81; Planning permission granted for 'Demolition of existing joinery workshop and erection of a single-storey factory unit (amended plan).' Date; 12 August 1981.

- 01327/83; Planning permission granted for 'Change of use from warehouse to light industrial (manufacture and storage and distribution of furniture) and showroom.' Date; 02 December 1983.
- 00163/90; Planning permission refused for 'Construction of two-storey bus depot building, installation of diesel storage tank, provision of hard surfacing for parking of 51 buses and 36 space staff car park and erection of 2.1m high chainlink fence adjacent to north and east perimeter'. Date; 29 March 1990.

2.0 Consultation Responses:

Northumbrian Water No objection subject to conditions

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of 63 letters of objection were received including two from Ward Councillors (Councillors Gary Haley and Brenda Clelland). A single letter of support was also received.

3.2 These are summarised below:

- The portacabins would be unacceptable in such a prominent location;
- The proposal would lead to highway safety issues given the proximity to a local school;
- There is no need for another carwash;
- Water will flow onto the highway and cause accident;
- Car washes are a high risk for mistreatment of workers;
- The carwash would make an already busy roundabout busier;
- The carwash would interfere with parents dropping off children at school;
- The proposal would impact on other similar businesses within the area;
- Works were undertaken on the application without planning permission;
- The proposal would impact on people's ability to work at nearby businesses and;
- The chemical uses in the vehicle cleaning would cause harm to drains.

3.3 The letter of support states that the contributor supports the proposed development.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

DC1H Pollution

DC2 Residential Amenity

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

5.0 Assessment:

5.1 The main planning issues to be considered are the principle of the proposed development, design, residential amenity, surface water/flooding and highway.

5.2 PRINCIPLE

The proposed use comprises the creation of a car wash business. The application site is not allocated for a particular use in the Local Plan for Gateshead nor are there specific policies relating to the type of use proposed. On this basis, it is considered that there is no reason to withhold planning permission in land use terms subject to satisfying all other material planning considerations.

5.3 VISUAL AMENITY

While there is evidence that the application site has previously been developed the site has been vacant for a significant period and has the appearance of an undeveloped site. It is considered that the proposed development would significantly change the character and appearance of the application site.

5.4 Given the prominence of the site and its role as a gateway into Dunston on a busy roundabout, it is considered that the proposal would have an unacceptable visual impact on both the site and the wider area. While the proposed development would be located within a commercial area, the use of portacabins and canopies (all of which have a temporary appearance) on a tarmac surface would result in a very stark appearance. The application proposes fencing, while also proposing to install clear splash guards. It is considered the installation of splash guards would add to the visual impact of the proposed development.

5.5 The application fails to comply with the requirements of the NPPF (Paragraph 130) which states;

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions..."

5.6 Officers consider that the proposed development would be harmful to the visual amenity of the application site and the wider area. The application would fail to

comply with the aims and objectives of the NPPF, policy CS15 of the CSUCP and saved policy ENV3 of the UDP.

5.7 AMENITY

The NPPF states that planning decisions should *"avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development"* and that decisions should *"mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions."*

5.8 It gives guidance to local authorities on the use of their planning powers to minimise the adverse impact of noise and outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which will generate noise.

5.9 As a reflection of the national planning policies and specific guidance of noise generating development, UDP policy ENV61 (new noise-generating development) states that new noise generating development will not be permitted if it causes an unacceptable increase in noise levels.

5.10 It is considered that the proposed use has the potential to produce noise both from the comings and goings associated with the use as well as the use itself (namely the use of vehicle cleaning equipment). In this case, the nearest existing noise sensitive receptors (the offices associated with Jennings Harley-Davidson) beyond the site boundary are located on the northern boundary of the site. This minimal separation distance when considered alongside the levels of noise which are likely to be produced has the potential to result in significant amenity concerns.

5.11 While it is acknowledged a business premises cannot be afforded the same level of protection as a residential property, British Standard 8233:2014 identifies that an "executive office" should be between 35-40dB LAeq, T. The Council's Environmental Health Service have indicated that based on the information provide it is likely that complaints would be made by the occupier of this office due to an intrusion of external noise from the car wash, given the orientation of their offices i.e. being immediately adjacent to the proposed site with no buffer.

5.12 It is considered that the applicant should have provided a satisfactory noise assessment for the development of a car valeting business in this location, which would likely require mitigation to prevent any adverse effect on both the operation of Jennings Harley-Davidson. In this case the applicant has not provided any noise mitigation information or any details of the equipment proposed for use. Officers consider that such information is crucial to the assessment of the application and hence it is unacceptable without it.

5.13 Therefore, on that basis, the proposal is considered to be contrary to the aims and objectives of the NPPF, saved policy ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

5.14 HIGHWAY SAFETY

The submitted plans appear to indicate that both of the vehicle access/exit points are existing, however only one access appears to be in situ on site (and has an appropriate dropped kerb). The western access is not existing and this would be considered as a new access to the site.

5.15 While broadly there is no objection to the use of two site accesses, due to the number of movements which could be expected at a car wash both the new and existing access should be constructed with fully kerbed radii with associated crossing points. These details are not included on the submitted plans.

5.16 Further to the above, the level of visibility which could be achieved at the proposed exit from the site is not clear due to the planting which exists to the east and the location of the access. On this basis, final details of this site access (including the achievable visibility splay) would need to be submitted to and approved by officers, this could be done through an appropriately worded condition.

5.17 Forge Road in the vicinity of the site is known to be well used for parking, particularly during the school drop off and collection times due to the proximity to St Philip Neri School. As such to ensure that a suitable level of visibility is retained for drivers emerging from the site it would be necessary for the applicant to fund the installation of double yellow 'no waiting at any time' restrictions on the north side of Forge Road from the roundabout to the western access to the development site.

5.18 Sufficient parking is proposed within the site for both staff and customers and the proposed one-way system would allow vehicles to pass through the site in an orderly manner.

5.19 It is considered that final details of the site entrance(s) (including visibility splay), drainage, parking restrictions, drainage and highway signage could be controlled through appropriately worded planning conditions.

5.20 Therefore, subject to conditions, it is considered that the proposal would comply with the requirements of the NPPF and policy CS13 of the CSUCP.

5.21 DRAINAGE/SURFACE WATER

The applicant has indicated their intention to provide drainage channels, which will connect to a drainage tank and subsequently to a petrol/oil interceptor. Limited information (beyond the above) has been provided by the applicant regarding the drainage system. Northumbrian Water have indicated they have no objection to the proposal subject to conditions requiring the final drainage design to be approved.

5.22 Officers are of the view that conditions pertaining to drainage could be attached to make the acceptable in drainage terms, therefore, it is considered that the proposal complies with the NPPF, policy CS17 of the CSUCP and saved policy DC1(h).

5.23 ECOLOGY

The application site is located approximately 150m west of the River Team and is situated entirely within a Wildlife Corridor. Prior to the submission of the current planning application the site was stripped of vegetation resulting in the loss of an area of mosaic of ephemeral/short perennial grassland and scrub. Given the vegetation clearance took place prior to the submission of the application no weight can be afforded to its loss in deciding this application.

5.24 OTHER MATTERS

Issues of competition and the fact that works (site clearance and earth moving) have commenced without planning permission are not material planning considerations, as such they have not been afforded weight.

5.25 It considered that matters of highway safety, drainage, visual and general amenity have been addressed within the main body of the report.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning permission be refused as it would have a detrimental impact visually on the site and the wider area. In addition, insufficient information has been submitted to assess the impact of the proposal in terms of noise.

6.2 The applicant has failed to submit any supporting information that would outweigh officers' concerns. It is considered that the proposed development does not accord with national and local planning policies and as a result it is recommended that planning permission be refused. The recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 Recommendation:

That permission be REFUSED for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary

1

By virtue of its location and design, the proposed development would cause an unacceptable visual impact on the application site and wider area. As a result the development is contrary to the National Planning Policy Framework, policy CS15 of the Core Strategy and Urban Core Plan and saved policy ENV3 of the Unitary Development Plan.

2

A carwash business in this location is considered likely to require mitigation to prevent any adverse effect on nearby operations. The applicant has not provided any form of noise assessment, noise mitigation information or any details of the equipment proposed for use. Therefore, it is considered that insufficient information has been submitted to say that the development would safeguard amenity and

thus it is contrary to the NPPF, saved policy ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan.



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