

Committee Report

Application No:	DC/19/00150/COU
Case Officer	David Morton
Date Application Valid	22 February 2019
Applicant	Mr Satiar Arif
Site:	Storage Land Forge Road Gateshead
Ward:	Dunston And Teams
Proposal:	Proposed change of use from amenity land to car wash, erection of canopy, portakabins, screen fencing and underground oil interceptor tank.
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 DESCRIPTION OF THE APPLICATION

The current application follows previously refused application DC/18/00610/COU; the application proposed the change of use of the land including the erection of a canopy, modular buildings and fencing. The application was refused based upon its visual impact on the application site and wider area and, its potential impact on the amenity of a neighbouring commercial property.

1.3 The current application seeks to address the reasons for refusal cited above and is supported by a Design and Access Statement and a Noise Impact Assessment (NIA).

1.4 The current application still seeks planning permission for a change of use to a car wash including some physical development. The application proposes the erection of two modular buildings to the west of the application site and a palisade fencing (with screening) around the application site.

1.5 The application site proposes a single point of access (to Forge Road) and the submitted plan shows a total of five parking spaces (two for staff); it is indicated that the site can accommodate/service six vehicles at one time.

- 1.6 The application provides limited information regarding the equipment to be used (although noise assumptions of noise levels are set out within the NIA). The applicant proposes operating hours between 0900 and 1800 seven days a week.
- 1.7 The applicant indicates within their submission that the proposal would create four full-time jobs.
- 1.8 **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.
 - DC/18/00610/COU; Planning permission refused for 'Change of use from amenity land to car wash and erection of canopy, portakabins and fencing.' Date; 29 August 2018. The application was refused based upon its impact on the visual amenity of the site and the wider area, and it's potential noise impact on a neighbouring commercial premises.

2.0 Consultation Responses:

Northumbrian Water No objection

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 41 letters of objection (including two from Ward Councillors (Councillors Gary Haley and Brenda Clelland)) were received in addition to two petitions opposing the proposal (of nine and 78 signatures respectively). Three letters of support were also received.
- 3.2 The objections were summarised as follows;
- There are already a number of carwashes within the local vicinity and the carwash is not necessary;
 - The proposal would impact on highway safety;
 - The use of the road for a carwash would impact on Appleton and Thornhill Close;
 - The proposed screening, temporary structures and canopy would have an unacceptable visual impact;

- The proposal would cause highway safety issues during school pick up and drop off times;
- The proposal would impact on air quality;
- Water running onto the highway could freeze and cause highway safety issues;
- The proposed development is too close to a busy junction with Clockmill Road;
- The proposal would undo a lot of the visual improvements made in the area; and
- The site has already been destroyed by the applicant.

3.3 The letters of support are summarised as follows;

- The proposal would introduce a 'trusted car wash'; and
- Small businesses should be supported.

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

GPGSPD Gateshead Placemaking Guide SPG

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 safety.

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

The NPPF at Paragraph 124 makes it clear that *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.'* It goes on to make clear that *'good design is a key aspect of sustainable development...'*

5.4 Further, Paragraph 130 states that;

"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, taking into account any local design standards or style guides in plans or supplementary planning documents."

5.5 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.

5.6 It is considered that the proposed development would significantly change the character and appearance of the application site.

5.7 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 (which have a temporary appearance) on a tarmac surface would result in a very stark appearance. The application proposes the re-provision of 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.

5.8 While it is accepted that development offers some level of improvement when considered alongside the refused application (DC/18/00610/COU), these changes are not so significant to make the application acceptable.

5.9 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.

5.10 AMENITY

The NPPF (Paragraph 170) states that decisions should contribute to and enhance the local environment by;

"preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by,

unacceptable levels of soil, air, water or noise pollution or land instability..."

- 5.11 The NPPG (Paragraph: 008 Reference ID: 30-008-20140306) sets out the broad areas of potential mitigation against noise impacts including the use of planning conditions '*... to restrict activities allowed on the site at certain times and/or specifying permissible noise levels...*'
- 5.12 As a reflection of the national planning policies and specific guidance on 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.
- 5.13 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.
- 5.14 The applicant has submitted their application with a Noise Impact Assessment (NIA). The NIA has identified the nearest noise sensitive receptor as the Ropery Care Home approximately 100m to the north-east of the site and concentrated their monitoring/results to determine the impact of proposed development on this property and it is agreed that the impact to the residents at the care home would be negligible.
- 5.15 The NIA has failed to identify the neighbouring Harley Davidson Garage as a noise sensitive receptor and has failed to assess the impact of the proposed development on the garage.
- 5.16 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.
- 5.17 The garage's office windows are immediately adjacent to the proposed car wash bays; with the boundary of the site being close to the windows to the three ground floor private offices. The private offices are the most sensitive element of their business, with a need for an environment to concentrate, make phone calls and engage with customers without interruption. Based on discussions with the garage operators, it has been confirmed that the garage does not benefit from air conditioning and staff rely on having windows open during warmer weather for ventilation purposes.
- 5.18 The NIA has identified the dominant noise source as the pressure washers to be used for vehicle cleaning, which would be used at approximately four metres from the garage offices. There could potentially be three pressure washers used concurrently.

- 5.19 Based on the submitted NIA, The Council's Environmental Health Service have carried out calculations as to what the noise levels within the offices would be. These calculations indicate that the noise levels set out within British Standard 8233 will not be achievable; the internal noise within the office would equate to approximately 60.3dB(A) (while the power washers are in use) exceeding the standard of 35 - 40dB LAeq.
- 5.20 The applicant has failed to demonstrate that the proposed development is acceptable in terms of noise impact, specifically in regard to the garage adjacent to the application site. Officers have given consideration to the use of planning conditions in order to limit the impact of the proposal, however it is considered that conditions (either in regard operating hours or limiting noise levels) are either unlikely to be effective or would be unreasonable.
- 5.21 On the basis of the above, it is considered that the proposal is contrary to the aims and objectives of the NPPF, saved policy ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.
- 5.22 HIGHWAY SAFETY
The previous planning application on the site (DC/18/00610/COU), proposed a one-way system within the site with a point of access and a point of egress. It was concluded that this arrangement was acceptable (subject to planning conditions).
- 5.23 In designing the amended scheme, the applicant has chosen to amend the access arrangements. The proposed application shows a one-way system with a new single point of access, with the existing site access being extinguished. Officers have considered the proposed layout and concluded that a vehicle placed at the front of the car wash would be unable to turn within the site and exit in a forward manner. As such, it is considered that the proposed arrangement would inevitably cause backing up and congestion within the site and in turn on the highway network.
- 5.24 The NPPF is clear that application should only be '...refused on highways grounds if there would be an unacceptable impact on highway safety...'
- 5.25 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 it is considered that the creation of queueing and congestion on the highway will result in an unacceptable highway safety impact.
- 5.26 Therefore, it is considered that the proposal would fail to comply with the requirements of the NPPF and policy CS13 of the CSUCP.
- 5.27 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.

5.28 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).

5.29 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.

5.30 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related.

5.31 OTHER MATTERS

A number of objectors have stated that the proposed development would result in an over proliferation of carwashes within the local vicinity. It is considered by officers that this matter isn't material to the decision-making process and as such the application has been considered on its individual merit.

5.32 It is considered all material planning consideration raised by objectors 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, would result in an unacceptable impact on neighbouring occupiers in terms of noise production and would lead to an unacceptable impact on highway safety.

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 Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the refusal reasons as necessary

1

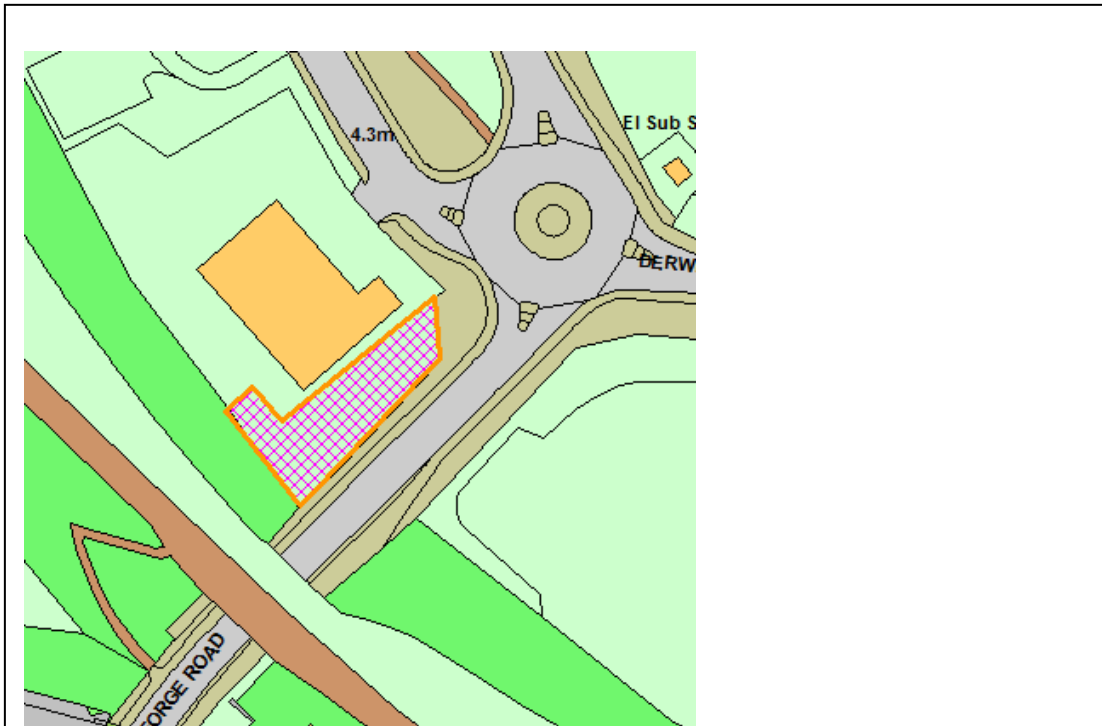
By virtue of its location and design, the proposed development would cause an unacceptable visual impact on the application site and wider area. As a result the development is contrary to the National Planning Policy Framework, policy CS15 of the Core Strategy and Urban Core Plan and saved policy ENV3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

2

The proposed use is considered to give rise to unacceptable levels of noise which would be determinantal to the amenity of staff and customers utilising the offices associated with Jennings Harley-Davidson (to the north). It is considered that the application would be contrary to the NPPF, saved policy ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan.

3

The proposed development is likely to lead to obstruction of the highway network (through queueing) as a result of the proposed internal layout and access arrangement. It is therefore considered that the proposed development would lead to highway conflicts and would be contrary to the NPPF and policy CS13 of the CSUCP.



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