

- a) **DOV/16/00875 – Change of use from car sales forecourt to hand car wash with the erection of new office building, 3-metre high screens and 1.8-metre high boundary fence - Casino Garage, Canterbury Road, Wingham**

Reason for report: This Report was deferred by the Planning Committee on 23 February 2017 to undertake a Site Visit, which is scheduled to take place on 21 March 2017. The Planning Committee also sought further information about the proposal, which is provided in Section 2 of this Report. A few changes have also been made to the original Report.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1 – Prevents development on land outside urban boundaries and rural settlement confines unless if functionally requires such a location, or it is ancillary to existing development or uses.
- DM2 – Seeks to protect employment land or uses to ensure maintenance of supply.
- DM3 – New commercial development or the expansion of an existing business in the rural area will be granted if within a Rural Service Centre or Local Centre. In all cases, if outside the settlement confines it should be demonstrated that no suitable site exists or there is a functional requirement for it to be located elsewhere.
- DM15 – seeks to protect the countryside for its own sake

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- NPPF – is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Section 3 of NPPF supports a prosperous rural economy, the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

- d) **Relevant Planning History**

DOV/15/00269 – Withdrawn, for the change of use from car sales to car hand wash forecourt, erection of screens and siting of office.

e) **Consultee and Third Party Responses**

Parish Council: Raises no objections, but is concerned with the potential impact of queuing vehicles on the highway. The Parish Council also seeks assurance that appropriate drainage will be in place.

Environmental Health: The noise levels arising from the operation of the car wash would be unlikely to cause loss of residential amenity to nearby residents. Conditions are suggested to safeguard against the impact upon nearby residents.

Kent Highways: Adequate car parking has been provided within the site and the route for the car wash is acceptable. There is adequate space within the site to hold an adequate number of vehicles in a queue. Conditions are suggested to safeguard highway safety.

Environment Agency: Raises no objections subject to the imposition of a planning condition with regard to contamination and protecting vulnerable groundwater resources.

There have been 10 letters received as a result of the consultation of the application, which raise objections to the proposal. In summary, these letters of objection raise the following concerns:

- 1) The use would give rise to queuing and congestion which would harm highway safety along Canterbury Road and be prejudicial to the customers and pedestrians crossing the site and visiting the existing garage/use.
- 2) The use would give rise to noise and disturbance and comings and goings on the site that would harm residential amenity and introduce activity on the site at times when the existing/previous use has not operated (not always on Saturdays and not on Sundays).
- 3) The proposed use fails to address the existing drainage problems that are experienced by local residents and does not suitably address drainage concerns arising from the proposed use.
- 4) The proposal lacks suitable facilities for staff and customers.
- 5) There is concern that staff may live on site.
- 6) The cleaning products within the jet wash would cause harm to the operation of the body shop through air borne transference.
- 7) The buildings would prevent views of the body shop building to the rear of the site.

f) 1. **The Site and the Proposal**

Site

1.1 The application site forms part of a larger site that is in use as a petrol filling station with car sales, body shop, car repairs and servicing. There are three buildings on the larger part of the site. The first building comprises the petrol filling station building and its canopy (part of this building is used for car sales). The second and third buildings are linked industrial buildings in use for car repairs/servicing and are located immediately south of the application site.

The site, the subject of this application, was last in use for the sale of motor vehicles. It has an open forecourt and is located to the east of the petrol filling station and to the north of the car repairs/body shop buildings. There is a gated access to the site angled across part of the forecourt of the petrol filling station. The site has a shared access and is not served by its own access from Canterbury Road.

1.2
1.3 The site is visible from the A257 Canterbury Road and from nearby gardens of residential properties. It is also visible from the nearest dwelling (Actacon) which has windows in its western flank elevation. A car port also exists alongside this dwelling.

1.4 The application site and its surrounding land comprises the only commercial use within an enclave of residential properties. These residential properties are built in linear form along a short section of Canterbury Road (extending to the west and east). The residential properties are also built along Mill Road to the south of the application site.

1.5 The confines of Wingham Village are located some 1000m to the east of the site. A footway exists along the northern section of Canterbury Road, but only grass verges and driveways to residential properties exist along the southern section of Canterbury Road – leading towards Wingham.

Proposal

1.6 The proposal is to change the use of the forecourt from car sales to a car hand wash operation.

1.7 To supplement the change of use the proposal also includes the erection of an office building, a designated washing bay area with Perspex doors at each end and Perspex sides under a roof canopy, two small kiosks for accommodating pressure washers and vacuum cleaners, parking spaces for up to 8 vehicles, acoustic screens, boundary fence and a new drain run.

1.8 The existing access to the site would be retained and widened. The gates would be utilised to provide an “in-out” traffic flow.

1.9 The way the use would typically operate would include vehicles arriving onto the site and then remaining stationary between acoustic screens while the jet washers are used to clean the vehicle, the vehicle would then be “soaped” down with clothes/sponges etc, the vehicle will then be rinsed off with jet washers, the vehicle would then be hand dried/polished, the vehicle will then move to the far side of the screened area and inside will be vacuumed.

Not all vehicles will be vacuumed, but based upon observations from other similar operations the exterior cleaning takes some 5 minutes (of which the jet washers are active for 70% of the time) and the interior cleaning takes some 7 minutes (of which the vacuum cleaners are working for some 74% of the time).

- 1.10 The proposed hours of operation are 0830/0900 hours to 1800 hours in Summer and 0830/0900 hours to 1700 hours in the Winter and 1000 hours to 1600 hours on Sundays. Staff set up and set down would be 30 minutes either side of opening and closing times.
- 1.11 The vacuum units and jet washing process will be within the enclosed washing bay (and the motor and body of the vacuum unit will also be stored within an enclosure).
- 1.12 Daily vehicle movements are predicted to be some 50-60, with peak times just after opening, lunchtimes and late afternoon.
- 1.13 An Acoustic Noise Assessment has been submitted with the application. Further information with regard to screens a fence and materials and their acoustic capabilities has also been submitted. These have been taken into account by the Council's Senior Environmental Protection Officer.

2. Main Issues

Introduction

- 2.1 The Planning Committee deferred consideration of the application at its last meeting in February 2017 so that a site visit could be undertaken. The Committee also sought further information about the proposal with regard to highways, pollution, visual and noise impacts, and the impacts upon adjacent properties.
- 2.2 In response on highway matters, the entrance to the application site is from and uses the same access from Canterbury Road (A257) as the other operations that take place on the larger site of which the application site forms part. The entrance to the application site is proposed to be widened. There will be a separate entrance and a separate exit for vehicles using the car wash facility (at present only one entrance/exit exists). To address queuing and to avoid vehicles backing up onto the A257 the submitted drawing shows at least 6 spaces for customers on the site.
- 2.3 The Council's Environmental Pollution Officer considers that the issue of air borne chemicals being blown towards the body shop or other properties is principally a health and safety matter that is enforced by the Health & Safety Executive. Pollution from car washes are not a District Council issue, rather a Health & Safety Executive issue. The applicant considers that as the car wash bay will be enclosed there will be little or no spray beyond the bay area. Washing water will be contained within the booth/bay and will go into a silt trap before being discharged into the drain at a steady rate. The general drainage of the site is proposed to be addressed with through re-surfacing works and

the introduction of falls, which are proposed by the applicant to address the comments of the residents.

- 2.4 With regard to the visual and noise impacts, the applicant's response is that the bodyshop is at least 8m from the boundary with the site and there is one office window that faces the proposed car wash facility. The proposed office/enclosed car wash bay will partly screen the views of the body shop building from the highway, but it is not anticipated that this would give rise to undue harm to amenity. The access from the A257 and a separated entrance to the body shop are being retained.
- 2.5 The principal noise of the vacuums is from their motors – which are to be enclosed in soundproofed boxes or units as shown on the drawings to mitigate noise. The noise mitigation is supplemented by the acoustic fencing along the boundary of the site and the nearest dwelling "Actacon".
- 2.6 The likely general noise and disturbance caused by the comings and goings of customers and the banter between staff will be 'in the open'. I have no doubt that to some extent this will be audible to the occupiers of nearby dwellings. However, the operating hours and the acoustic fencing proposed would go some way in mitigating the impact of this. The existing car sales operation on the site is not controlled by planning conditions and therefore should this use be re-instated there would be uncontrolled opening hours and no acoustic fence along the boundary to what is a commercial activity on a commercial site.
- 2.7 With regard to external lighting, a planning condition imposed should ensure that the lighting of the site is controlled to turn on and off 30 minutes before and after the normal openings hours of the use. Details of the lighting to be used and located on the site can also be controlled by condition.
- 2.8 With regard to the issue about toilets for staff, the applicant has confirmed that these can be installed. It is suggested that the details of the layout of the office building could be submitted for the Council's approval and these details should include an area set aside as a staff toilet.
- 2.9 The previous report is set out as follows, with some minor changes.
- 2.10 The main issues are:
- The principle of the development
 - The impact upon the existing character and appearance of the area
 - The harm to residential amenity
 - Highway Safety

Principle of Development

2.11

An assessment is required as to the acceptability of the principle of the development on this site. The determination of the application should be considered within the context of development within the countryside, safeguarded by policies to protect the countryside and to restrain development within it.

- 2.12 The proposed use does not seek to expand an existing business or enterprise. However, the proposed use seeks to re-use an existing site that forms part of a wider commercial site for a new business purpose.
- 2.13 The proposal does not encroach further into the countryside – rather it reuses the existing hard surfaced area previously in use for car sales. As such, I consider that in principle the proposed change of use would not harm the character and appearance of the countryside.
- 2.14 The proposal seeks a change from one commercial business (car sales) which is a sui generis use and not a Class B business use, to another commercial business (car washing) which is also a sui generis use. It does not require additional land take and retains a quasi-employment use.
- 2.15 In effect, the proposal does not result in the loss of an existing employment use (Class B use), but retains an employment generating use of the land. As such, I do not consider that the proposal conflicts with Policy DM2.
- 2.16 For the above reasons, it is considered that in principle the proposed change of use is an acceptable form of development on the site making an efficient use of a vacant part of a commercial site for additional employment generating purposes. It is considered that the proposal meets the overarching objectives of the policies in the Core Strategy and paragraph 28 of the NPPF that seeks to promote the rural economy.

Character and Appearance

- 2.17 The existing use of the land is for the sale of vehicles. This is an open use of the land as the parking and storing of cars on it is usually only for short periods; before vehicles are moved, washed, sold and new cars are parked on the land.
- 2.18 The use of the land is also visually contained: with industrial buildings to the south, residential development to the east and the petrol filling station building and canopy to the west. The land does not form part of a continuous open landscape.
- 2.19 The proposal includes cars coming and going across the site (in an in-out direction) with an office building, and a steel framed bay area containing Perspex screens under a canopied area. Two units or kiosks would be located within this bay area. The buildings are modest in scale and located within the site close to existing buildings. They would not be prominent in the street scene and given their location and the context of the wider commercial activities and buildings they would not appear obtrusive.

- 2.20 Although the use of the land would appear different and more transient in character I do not consider that in its context the proposal would harm the existing character and appearance of the area.

Residential Amenity

- 2.21 There has been a series of exchanges of correspondence between the applicant and the senior Environmental Protection Officer with regard to the potential harm to residential amenity from the use of the site. This matter has now been resolved with conditions suggested by the Environmental Protection Officer which in his view would overcome his concerns.
- 2.22 As such, with safeguarding conditions on hours of operation, the use of jet washers and vacuums within enclosed/screened areas and storage of them within the store area identified it is considered that the use can take place without harm to residential amenity.
- 2.23 There is the further consideration of comings and goings close to existing residential properties and the operation taking place beyond the hours associated with the previous car sales use (not usually on the weekend). The site is located on a busy road and its former use would have been associated with comings and goings. The site also forms part of a wider commercial site which has car repairs, servicing and the petrol filling station with some other car sales taking place. As a result, it is not considered that the proposed use would give rise to undue harm to residential amenity over and above what already occurs. A further consideration is that the existing commercial uses are not restricted by planning conditions limiting hours of operation (neither was the previous car sales use). As such, the planning authority cannot control the future operation times of these uses and would not control the hours of operation should car sales continue on the application site.
- 2.24 A 1.8m high boundary fence is proposed along the eastern part of the site, which should provide further barriers to noise and disturbance and would help limit the visibility of the proposed use from the wide windows of the adjacent property.
- 2.25 With the safeguarding conditions being imposed, it is considered that the proposed use would not give rise to undue harm to those residents living close to the site.

Highway Safety

- 2.26 The concerns expressed about highway safety through the public consultation exercise have been considered. The Kent Highways officer has responded on the highway safety issues raising no objections, subject to conditions regarding parking and layout being provided in accordance with the submitted drawing.
- 2.27 The use will be able to accommodate some 6 vehicles queuing within the site (within the gated area). It is considered that room for this number of cars is sufficient. Up to 8 staff car parking spaces are provided on site.

- 2.28 There is additional space on the forecourt of the petrol filling station between the highway and the gated access to the site that would separate the queuing cars from Canterbury Road – this area would appear to act as a potential overflow waiting area should it be necessary.

Other Matters

- 2.29 The submitted drawings show how the surface water will be drained through gullies – to a drain located away from the nearest residential property. Details of the drainage is subject to a planning condition.
- 2.30 The proposal does not indicate any sleeping accommodation for staff. It is considered that other staff and customer facilities should be provided at the operator's discretion and the issue is not a planning matter.

Conclusion

- 2.31 The proposed use seeks to re-use an existing hardsurfaced area previously used for car sales, within a small group of other commercial uses on a larger site. The proposal does not encroach further into the surrounding countryside than the existing use.
- 2.32 The change of use does not involve the loss of Class B employment floorspace – but retains a quasi-employment generating use.
- 2.33 The site is visually well contained and the proposed use with the associated development would likewise be visually contained within the site and would not be seen to be within the open countryside. The proposal would preserve the character and appearance of the area.
- 2.34 Subject to safeguarding conditions it is considered that there would be suitable protection from noise and disturbance for local residents.
- 2.35 Whilst local residents have expressed concern with regard to highway safety impact, Kent Highways consider that the proposal, as set out and shown on the submitted drawing, would not give rise to highway safety concerns.
- 2.36 With regard to achieving sustainable development, the proposed use has an economic benefit in providing employment opportunities; it also provides a limited social benefit in providing a service to customers. The potential for social dis-benefits arising from the proposal will be addressed through the imposition of conditions to safeguard residential amenity. Finally, the impact on the environment is considered to be neutral.
- 2.37 In conclusion, on balance, the proposal is supported as a sustainable form of development in this location.
- 2.38 Conditions are suggested to enable the use and the operation around the use to be suitably controlled.

g)

Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to conditions set out in summary to include: i) commencement within 3 years, ii) carried out in accordance with the approved drawing, iii) hours of use to be limited to 8.30am to 5pm Mondays to Saturdays and 10am to 4pm on Sundays, iv) Details of surface water discharge to be submitted and approved v) The erection of the acoustic screen/fencing before the use commences vi) the jet washing and vacuuming shall only take place within the screened area vii) parking for staff and personnel to be provided and retained viii) details of construction vehicle delivery and turning areas to be submitted and approved ix) The layout of the site to conform to drawing 003/15A x) If contamination is found during construction development shall cease until a remediation strategy is submitted and approved xi) details of materials to be used in the external surfaces of the buildings and the hardsurfacing on the site shall be submitted and approved xii) The office building shall only be used for purposes ancillary to the use of the land as a car wash facility. Details of the layout of the office floor space, which shall include a staff toilet, shall be submitted for approval prior to the use commencing xiii) No outside storage shall take place unless otherwise agreed in writing xiv) There shall be no external lighting unless otherwise agreed in writing and operating details of any lighting shall be submitted for approval xv) The jet washers and vacuum units to be stored only within the building hereby approved
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer:

Vic Hester