

<b>Application Number:</b>	2012/0073	<b>Application Type:</b>	Full
<b>Proposal:</b>	Change of use of part of car park fronting Village Pine to car washing facility (retrospective).	<b>Location:</b>	Village Pine, Newchurch Road, Stacksteads,
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	17 April 2012
<b>Applicant:</b>	Ms Gill Brown	<b>Determination Expiry Date:</b>	03 May 2012
<b>Agent:</b>	Hartley Planning and Development Associates		

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REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<input checked="" type="checkbox"/> <b>Cllr Jackie Oakes</b> <b>So that Highway Issues can be discussed</b>
<b>3 or more objections received</b>	<input type="checkbox"/>
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That the application be refused for the reasons stated within Section 10 of the Report.

## APPLICATION DETAILS

### 2. SITE

The application relates to the forecourt of commercial premises to the north side of Newchurch Road (A681), immediately adjacent to The Glen. 'Village Pine' make use of the buildings on the

site, comprising of a detached traditional stone building with a more modern extension to the eastern side, as a manufacturing and sales warehouse.

The hardstanding to the front of the building has two access-points, with a low frontage wall between them, and until recently was available for cars and goods vehicles to park and manoeuvre clear of the highway. The majority of this area is now being used as a hand car wash area.

The residential property to the east side ('Glen Ville') is set back from Newchurch Road to approximately the same extent as the Village Pine buildings, partially screened from the forecourt by trees and a 1.4m high boundary wall.

The site is situated on a sharp bend of Newchurch Road opposite The Glen car sales and service centre and associated car wash 'The Big Wash'. There is no footway to this side of the carriageway of Newchurch Road at this point.

The site lies within Countryside designated as Green Belt.

### **3. RELEVANT PLANNING HISTORY**

Following an enforcement investigation retrospective permission was sought for the change of use of part of the car park area to the front of Village Pine and retention of the building to be used as Village Pine manufacturing and retail warehouse. Planning application 2011/0381 which was almost identical to the scheme now submitted was refused under delegated authority for the following reason:

*"The submitted scheme will result in the loss of an area for the parking and manoeuvring of vehicles required to serve the commercial buildings on the site, currently occupied by Village Pine. The Council concur with the view of the Highway Authority that this is likely to cause vehicle parking and manoeuvring movements on Newchurch Road. The development is therefore considered detrimental to highway safety on a busy classified road (A681) and contrary to the provisions of PPS4/PPG13, Policies RT2/RT4 of the Regional Spatial Strategy for the NW of England (2008) and Policies 8 & 9 of the Rossendale Borough Council Core Strategy DPD (2011)."*

The details of this retrospective application were as follows:

There would be 2 full-time employees at the car wash and it would be open Monday-Sunday 08:30am to 6:30pm. Within the centre of the forecourt a non-fixed work station (to store washing materials) adjacent the bay in which car washing will take place, with vehicles to enter the site by means of the most westerly access-point and exit via the easterly access-point, adjacent to which 2 parking bays are indicated as the 'valet area'. Water and electric is sourced from the Village Pine warehouse. There are no external alterations to the building.

There is no change to the access to the site with a separate entrance and exit point. Cars are washed towards the exit of the site.

There were 16 car parking spaces serving Village Pine originally. The car wash is positioned so that the remaining spaces are reduced to four along the western boundary of the site.

#### **Other relevant planning history:**

**2010/607 Change of Use from car park to car wash, for a period of 3 years**

**(Land between Glen Mill and 588 Newchurch Road, Stacksteads)**

Refused for the following reasons :

1. The proposal will result in the loss of a parking area which Planning Permission 14/93/484 required to serve the main complex of buildings at Waterbarn Mill. The Applicant has not demonstrated that loss of this car park will not be a constraint in obtain re-use for employment purposes of this large site or result in on-street parking to the detriment of highway safety. Furthermore, the Highway Authority is not satisfied that the submitted scheme provides protective measures to prevent over-splay of water onto Newchurch Road or a manoeuvring/turning area enabling vehicles to leave the site in forward gear. The proposed development is therefore considered detrimental to highway safety on a busy classified road (A681) and contrary to the provisions of PPS4/PPG13, Policies RT2/RT4 of the Regional Spatial Strategy for the NW of England (2008), Policy DC1 of the Rossendale District Local Plan.
2. The proposed development is considered likely to cause significant detriment to the amenities residents of 588 and 588a Newchurch Road could reasonably expect to enjoy, by reason of the noise, disturbance and general activity associated it will create, contrary to Policy DC1 of the Rossendale District Local Plan.

**2011/385**     Installation of advertisements signs (Retrospective)

Refused for the following reason:

1. By reason of their siting/size/form the advertisements contribute unacceptably to a clutter of signs in the street-scene and, additionally, Advertisement 4 is an unacceptable distraction and potential danger to drivers due to its location. Therefore, the signs are considered to detract unacceptably from public amenity and public safety, contrary to PPS1 / PPG13 / PPG19, Policies RT4 / EM1 of the Regional Spatial Strategy (2008) and Policies 23 / 24 of the Council's Core Strategy DPD (2011).

#### **4. THE PROPOSAL**

This retrospective application is for the same scheme as under 2011/0381. There are the following alterations to the original scheme:

- A total of 9 car parking spaces for Village Pine (4 at the entrance to the building and 5 along the western boundary)
- A total of 5 spaces for the washing and valeting business (located towards the eastern end of the site/exit to Newchurch Road)

The agent states that the previous application (2011/0381) used the whole forecourt whereas this proposal takes up a small area of the forecourt. In addition the agent contends that the 9 parking spaces are sufficient as there are normally only 2 visitors to the site.

The agent also states that the car wash has continued to operate without the benefit of planning permission and there has been no queuing onto the highway or parking issues.

## 5. POLICY CONTEXT

### National Planning Guidance

#### National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 3 Supporting a Prosperous and Rural Economy
- Section 4 Supporting Sustainable Transport
- Section 9 Protecting Green Belt Land

### Development Plan

#### Regional Spatial Strategy for the North-West of England (2008)

- DP1-9 Spatial Principles
- RDF1 Spatial Priorities
- RT2 Managing Travel Demand
- RT4 Management of the Highway Network
- EM1 Environmental Assets
- EM5 Integrated Water Management

#### RBC Core Strategy DPD (November 2011)

- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 10 Employment Provision
- Policy 13 Protecting Key Local Retail
- Policy 24 Planning Application Requirements

## 6. CONSULTATION RESPONSES

### RBC (Environmental Health)

No objections

### LCC (Highways)

Object with the following comments.

There is conflict between the operation of the existing business A1/B2 use and the proposed car washing business and this conflict has the potential to create a highway safety concern.

There is the potential for a collision to occur between vehicles travelling along Newchurch Road and vehicles that are stationary in the entrance to the car park due to the proximity of the bend in the road.

There is not enough space to manoeuvre within the parking area to accommodate a car washing operation and a parking & loading area for the existing Village Pine A1/B2 use shop/workshop. The 700 sqm of mixed use would require 25 spaces under LCCs parking standards and adequate loading areas for heavy goods vehicles.

### Environment Agency

No Objections but on the previous application (2011/0381) said :

*The application form states that works have already started for the proposed development and due to the close proximity of the development to the River Irwell there is a risk of pollution to the watercourse. We therefore have no objection in principle to the proposed development but recommend that any subsequent planning approval is conditioned as follows:-*

**CONDITION** *Within two weeks of the date of this permission, a scheme for the disposal of trade effluent shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.*

**REASON** *To prevent the risk of pollution to the water environment.*

*Drainage from the vehicle washing counts as trade effluent and needs to be disposed of in a safe manner to ensure it does not cause damage to the environment. The River Irwell is very close to the site and the scheme needs to ensure the site runoff cannot enter this surface water.*

*If any trade effluent is produced as a result of the development then a trade effluent consent will be required prior to any discharge to the foul sewerage system. The applicant should also be advised to commence discussions with United Utilities Plc (Trade Effluent Section) at an early date to ascertain whether a consent would be granted.*

*Only uncontaminated surface waters can be discharged to any watercourse. Vehicle wash waters must be conveyed to a foul sewer (with the permission of the water undertaker). If no foul sewer is available then the wash water must be conveyed to a sealed, recirculation system with no overflow, or to a sealed tank for off site disposal. Wash water must not be discharged to any watercourse or soakaway.*

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted on 8 March 2012 and 6 neighbours were notified by letter on 08/03/12.

No neighbour comments have been received. The last application (2011/0381) received two objections with the following concerns:

- Highway safety issues due to the location of the access to the car park particularly with queuing traffic into the car wash
- No room for village pine customers to park
- Concerns over drainage and water running into the nearby River Irwell
- Water washing into the highway with reference made to planning application 2010/607

## **8. REPORT**

The main considerations of the application are: 1) Principle; 2) Visual Amenity 3) Neighbour Amenity and 4) Highway Safety

### Principle

The site is situated in the Green Belt and a car wash is not appropriate development. However, as the area has a lawful use as a vehicle parking /manoeuvring area serving the existing Village Pine workshop and retail use, the car wash would not erode openness. Accordingly, the scheme is not considered unacceptable in principle.

### Visual Amenity

There would be no external alterations to the building. In the absence of any external alterations (and not including the associated signage) the scheme is considered acceptable in terms of visual amenity.

### Neighbour Amenity

The proposals would not impact upon the light, privacy or outlook currently enjoyed by any neighbours. It is not considered that the proposed use would cause noise nuisance to occupiers of Glen Ville or any other neighbouring properties.

### Highway Safety

The car wash is sited on the vehicle parking & manoeuvring area serving Village Pine workshop and shop. The Highway Authority object to the application on the basis that there is not enough space to accommodate a car washing operation and a parking area for the existing Village Pine. There is the potential for a collision to occur between vehicles travelling along Newchurch Road and vehicles that are stationary in the entrance to the car park due to the proximity of the bend in the road (The Glen).

I concur with its view that the car wash for which permission is sought will have an unacceptable impact on highway safety. In arriving at this view I have taken on board the agent's Design and Access Statement as well as the additional information on car parking management, with designated spaces for each business.

I consider LCC Highways concern regarding wash water running into the highway could be adequately addressed by way of a condition.

The car wash has continued to operate since the refusal of Application 2011/038. It fronts a heavily trafficked main road, taking-up a significant/central portion of the forecourt of Village Pine. The opening hours of Village Pine are Mon - Fri: 10am -5pm, Sat: 10am - 4pm and Sun: 12noon - 4pm and the opening hours of the car wash would be Monday-Sunday 08:30am to 6:30pm. On occasion HGVs have to access, park and manoeuvre on this site at hours the car wash has been operating, which makes for an unsuitable mix of uses. A HGV has been seen parked in the space closest to/partly obstructing the site access and with another HGV parked in the area shown as car wash spaces at the front of the building. In addition vehicles have been seen exiting from the designated access point due to cars being washed blocking the route through to the exit. This has only substantiated the previous highway safety concerns.

I do not consider my serious concerns with regard to the simultaneous use of the site as both a car wash and a manufacturing/retail site to have been addressed. I concur with the view of the Highway Authority that there is unacceptable potential for collisions and conflict between vehicles both on the highway and within the site. The scheme is therefore considered unacceptable in terms of highway safety.

## **10. RECOMMENDATION**

That the application be Refused for the following reason:

The submitted scheme will result in the loss of an area for the parking and manoeuvring of vehicles required to serve the commercial buildings on the site, currently occupied by Village Pine. The Council concur with the view of the Highway Authority that this is likely to cause vehicle parking and manoeuvring movements on Newchurch Road. The development is therefore considered detrimental to highway safety on a busy classified road (A681), contrary to Section 4 of the NPPF, Policies RT2/RT4 of the Regional Spatial Strategy for the NW of England (2008) and Policies 8 & 9 of the Rossendale Borough Council Core Strategy DPD (2011).