

PLANNING APPLICATION NUMBER: P16/0413

Type of approval sought	Full Planning Permission
Ward	Netherton Woodside and St Andrews
Applicant	Mr S. Kader
Location:	THE CAR LOT, 203 & 217, HALESOWEN ROAD, NETHERTON, DUDLEY, WEST MIDLANDS, DY2 9PU
Proposal	CHANGE OF USE OF EXISTING CAR SALES TO PART CAR SALES AND CAR HAND WASH AND VALETING (SUI GENERIS) WITH PROPOSED 2.7M HIGH FENCING (RESUBMISSION OF REFUSED APPLICATION P15/1693)
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

1. The rectangular shaped application site was originally occupied as a petrol filling station and service garage and is located some 500m to the south east of Netherton local centre. The site has an area of 1590 square metres and is located between residential dwellings at 203 and 217 Halesowen Road. A large industrial warehouse building is located to the rear of the site (accessed from Northfield Road) and further industrial and commercial premises are located on the opposite side of Halesowen Road. No on-street car parking restrictions operate in the vicinity of the site other than 'H' bars to protect the access points to dwellings in the vicinity. A bus stop is located outside the site.
2. The site has most recently operated as a car sales lot which appears to have accommodated up to three individual such businesses within the offices, portacabin and ancillary buildings located at the rear of the site. A canopy remaining from the original petrol filling station is located centrally within the site, which falls in level from the frontage to the rear.

PROPOSAL

3. Permission is sought to accommodate a mixed use of a car sales lot to continue to operate from approximately one third of the north-western section of the site (from the portacabin at the rear) and for the rest of the site to operate as a hand car wash.
4. Plans indicate that cars will be washed beneath the central canopy with a separate drying area towards the boundary with 217. A new 2.7m high close board fence is proposed 1 m away from the boundary with this property to screen activity from the dwelling. Valeting of cars is proposed within the buildings at the rear of the site and pressure washers are also to be accommodated in an adjacent building to contain noise. An office and wc is to be accommodated within a further existing building. Customer parking is to be provided at the site frontage with an in and out vehicular circulation system proposed. This is a resubmission of a previously refused planning application for an identical use albeit now proposing the use of a single phase jet wash rather than a three phase unit previously utilised for a short unauthorised period.

RELEVANT HISTORY

5.

APPLICATION No.	PROPOSAL	DECISION	DATE
99/51568	change of use of the former petrol filling and service station to use of the site for car sales, hire and repair	Approved	07/12/1999
P15/1693	Change of use of existing car sales to part car sales and car hand wash and valeting	Refused	03/02/16
P16/0086	Display 2 no. non illuminated free standing signs	Refused	16/03/16

6. Application P15/1693 was refused by the Development Control Committee for the reason;

The development, with noise and disturbance arising from water spraying activities gives rise to an unacceptable impact upon the amenities of the occupiers of adjacent residential properties which it is considered cannot be satisfactorily ameliorated by the use of conditions. The development also gives rise to concerns relating to the potential for poor air quality from congestion and overspill queuing on the highway, to the detriment of public safety, arising from operations that are not regulated by conditions. The development is therefore contrary to saved policies DD4 Development in Residential Areas and EP7 Noise Pollution of the Dudley Unitary Development Plan and Policy ENV8 Air Quality of the Black Country Core Strategy.

Application P16/0086 was refused under delegated powers for the reason;

The scale and extent of the signage is considered to represent an unduly dominant and incongruous feature in the forecourt and street scene which results in a visual clutter to the detriment of the amenities of the area, contrary to saved UDP Policy DD14

PUBLIC CONSULTATION

7. Direct notification was carried out to 18 surrounding properties as a result of which 8 letters of objection have been received on the grounds of congestion and highway dangers, overspill parking, overspill of vehicles for sale, noise, disturbance and potential overspray from the activities. Comments are also raised about the location of a bus stop outside the site. Additionally, a local Ward Councillor has also raised concerns relative to road safety and congestion issues in the vicinity of the site with reference to the location of bus stops on both sides of the road.
8. Four letters have been received in support of the application by the site owner, co-occupier, a local business and a resident. The supporters consider that less large vehicles, noise and congestion will arise than that associated with the previous car sales use.

OTHER CONSULTATION

9. Head of Environmental Health and Trading Standards: Recommends refusal and comments that ESH have previously commented on a near identical application P15/1693 on the 1st February 2016. The application site/car wash which was already operating was visited in response to noise complaints which had been received as part of the residents objections. The visit was intended to assess the noise levels from this establishment. It was concluded from observations within the residents rear garden and the internal dwelling areas that noise levels were excessive and would be detrimental to residential amenity of the nearby noise sensitive properties. In conclusion the application was subsequently recommended for refusal, as it could not be satisfied that satisfactory planning conditions could be recommended to adequately mitigate the effects of noise on surrounding noise sensitive properties.
10. In response to the committee decision to refuse the application, a meeting was requested by the applicant. The meeting which took place on 11th February re-stated the proposal that single phase jet washing equipment would be utilised, as opposed to the higher powered 3 phase jet washing machinery that was in operation during the determination of the original application. Additionally the applicant intended that a dual noise monitoring exercise be undertaken with an ESH officer responsible for commenting on the application, along with the applicants appointed noise consultant.
11. Email correspondence with the applicants appointed noise consultant confirmed that the assessment procedure for determination of the noise climate should be undertaken in accordance with the accepted standard *BS4142:2014 Methods for rating and assessing industrial and commercial sound*.
12. Following assessment of the report that has been submitted by I & E Solutions dated March 22nd, it is confirmed that the report falls significantly short of the necessary standard to satisfactorily demonstrate that sound levels from the car wash and the surrounding area have been measured correctly. In summary the

report fails to provide sufficient confidence in demonstrating that there will not be an unreasonable level of detriment caused to the surrounding residential properties arising from the proposed development.

13. Highway Engineer: Fundamental concerns are raised that the area marked car sales to the west of the site should be converted to accommodate waiting vehicles to reduce the risk of vehicles queuing back onto Halesowen Road during busy periods and that this matter should be managed by the operators. Such information is lacking from the proposals.
14. Severn Trent Water: No objection raised.

RELEVANT PLANNING POLICY

15. National Planning Policy Framework (2012)
16. Black Country Core Strategy (2011)
 - CSP4 – Place Making
 - DEL1 - Infrastructure Provision
 - HOU1 - Delivering Sustainable Housing Growth
 - TRAN2 – Managing Transport Impacts of New Development
 - ENV3 – Design Quality
17. Saved UDP policies (2005)
 - DD4 Development in Residential Areas
 - EP3 Water Protection
 - EP7 Noise Pollution
18. Supplementary Planning Documents
 - Parking Standards (2012)

ASSESSMENT

19. The key issues in determination of this application are the impact upon;
- character and appearance
 - residential amenity
 - highway safety

Character and appearance

20. The application site has been utilised for motor vehicle related businesses for a number of years and consideration needs to be given to the activities the mixed use will bring, relative to the mixed use surroundings and former use of the site.
21. It is considered that the existing car sales use and portacabin are established features within the street scene and is considered that the hand car wash use proposed will not unduly change the character or appearance of the locality given the location of activities towards the rear of the site and within existing buildings. On this basis the proposed mixed use is considered to be appropriate in terms of its visual impact on the character of the area.

Residential amenity

22. Saved UDP Policy DD4 requires that new developments should not have any harmful effect on residential amenity.
23. The Head of Environmental Health and Trading Standards has considered the impacts of the use of the site and cannot agree that an appropriate assessment of noise impact has been undertaken by the applicants in conjunction with advice given. He therefore raises objection to the hand car wash operation at the above premises given the indicated layout and operation of the premises, even with screen fencing and location of more noisy elements within an existing building. On this basis the proposed hand car wash use is considered to materially impact upon the amenity of neighbouring residents, contrary to Saved UDP Policies DD4 or EP7.

Highway Safety

24. The Highway Engineer has commented that details relating to the car parking layout and access arrangements are unacceptable with impacts likely to arise upon highway safety due to the queuing of vehicles onto the highway in conjunction with the associated car sales use. This conclusion has been reached with consideration of the location of the bus stop outside the premises and the number of vehicles likely to be attracted to the site and able to be accommodated with overspill onto the highway. The development is therefore contrary to the requirements of TRAN2 – Managing Transport Impacts of New Development.

CONCLUSION

25. Given the nature of the existing and proposed uses there would be no adverse impact on the appearance or mixed character of the area, however, the development, with noise and disturbance arising from water spraying activities gives rise to an unacceptable impact upon the amenities of the occupiers of adjacent residential properties which it is considered cannot be satisfactorily ameliorated by the use of conditions. The development also gives rise to concerns relating to the potential for poor air quality from congestion and overspill queuing on the highway, to the detriment of public safety, arising from operations that are not regulated by conditions. The development is therefore contrary to saved policies DD4 Development in Residential Areas and EP7 Noise Pollution of the Dudley Unitary Development Plan, Policy ENV8 Air Quality of the Black Country Core Strategy and TRAN2 – Managing Transport Impacts of New Development.
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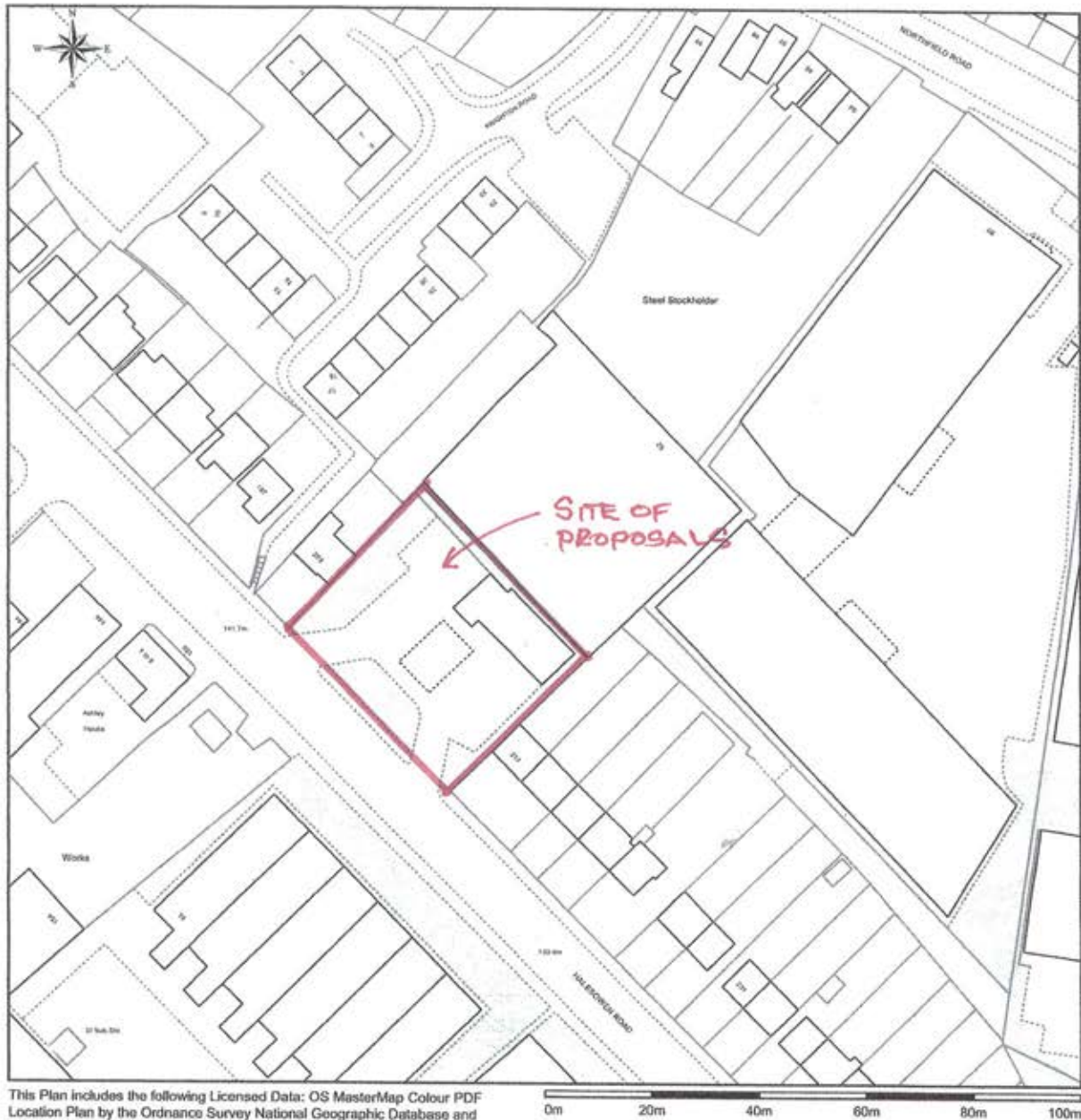
RECOMMENDATION

26. It is recommended that this application be REFUSED for the following reason:
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Conditions and/or reasons:

1. The development, with noise and disturbance arising from water spraying activities gives rise to an unacceptable impact upon the amenities of the occupiers of adjacent residential properties which it is considered cannot be satisfactorily ameliorated by the use of conditions. The development also gives rise to concerns relating to the potential for poor air quality from congestion and overspill queuing on the highway, to the detriment of public safety, arising from operations that are not regulated by conditions. The development is therefore contrary to saved policies DD4 Development in Residential Areas and EP7 Noise Pollution of the Dudley Unitary Development Plan and Policy ENV8 Air Quality of the Black Country Core Strategy.

Location Plan



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Scale: 1:1250, paper size: A4

Land between 203-217 Halesowen Road, Netherton DY2 9PU

23 MAR 2015

