

# PLANNING APPLICATION NUMBER:P05/2517

Type of approval sought	Full Planning Permission
Ward	Gornal
Applicant	Jet-Set Car Wash Centres Ltd
Location:	<b>FORMER HIMLEY ROAD SERVICE STATION, HIMLEY ROAD, LOWER GORNAL, WEST MIDLANDS</b>
Proposal	<b>DEMOLITION OF EXISTING SERVICE STATION AND PROVISION OF UNMANNED CAR WASH (RESUBMISSION OF WITHDRAWN APPLICATION P05/1937)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

## SITE AND SURROUNDINGS

1. The site is currently occupied by a derelict petrol station. It occupies a prominent location on the southern side of the Himley Road. The nearest residential property, No. 484 Himley Road, is approximately 22m from the boundary of the application site but is on the opposite side of this road. Woodland exists to the south and west of the site. No 491 Himley Road abuts the site to the east, although this has a large side garden and is approximately 48.7m from the site and the garden is heavily wooded.
2. The site is situated within the green belt as defined by the adopted Dudley Borough Unitary Development Plan.

## PROPOSAL

3. The application involves the demolition of the existing service station and the construction of an unmanned car wash facility. This comprises one building which would be made of a steel frame with a pressed steel fascia. The roof and the end panels of the building would be made of clear polycarbonate steel.

4. The building would be 15m long, 5m wide and 4m high. There would be three bays for washing cars and an equipment cabinet. Each bay would have an arched polycarbon roof.
5. The structure would run from north to south through the site and would be grey and white in appearance.

## HISTORY

6.

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/1937	Demolition of existing structures and erection of unmanned car wash	Withdrawn	<b>18/10/2005</b>

## PUBLIC CONSULTATION

7. 110 letters of objection have been received from local residents, a list of 99 objectors' names and addresses and one letter from Ian Austin, MP for Dudley North which make the following observations:

- . question the need for the facility;
- . the development will be less than 20m from the walls of the nearest property and will be in earshot of a number of properties, there will be jet washes with compressors creating high pressure water and there is car valeting intended and no doubt there will be powerful vacuums, as a result there will be unacceptable noise levels, particularly at night, from the machinery and from loud music playing in cars;
- . a single vacuum cleaner was removed from the former petrol station due to noise level and disruption that it caused to local residents;
- . unmanned, open 24 hours a day, seven days a week, it will generate anti-social behaviour – there have been many instances of anti-social

behaviour in the past on this site, and being unmanned it will be a place for people to gather, take drugs and create personal safety problems when walking past the site;

- . unmanned, people may steal the money on site,
- . increase in noisy/speedy traffic;
- . at peak times traffic will queue on the Himley Road and they will exit adding to the potential for accidents on this already hazardous stretch of road;
- . speed camera opposite site is regularly vandalised;
- . lack of drainage, no foul sewer, detergents and oil will pollute nearby stream;
- . Litter will be deposited when cars are cleared out;
- . not in keeping with the green belt, more suitable for a commercial vehicle or trading estate;
- . lighting of site through hours of darkness will create light pollution;
- . exhaust emissions from queuing cars

## OTHER CONSULTATION

8. **Head of Environmental Protection** – a noise survey submitted by the applicant indicates that complaints of noise will be likely if the car wash is operated at night. The report suggests building a noise barrier but the agent has verbally indicated that the applicant would prefer to limit the hours of operation. This will reduce both the machinery noise and also noise from persons congregating on the site. It is suggested therefore that conditions regarding the hours of operation of machinery and limit on noise levels be applied. With regard to the comments from the Environment Agency, all of the recommended conditions should be included in order to ensure that their concerns are sufficiently addressed.
9. **Head of Traffic and Road Safety** – no objections subject to the details of the fence and gates being submitted for approval.

10. Environment Agency – as the site has been used as a petrol station there is potential for contamination. Concern also as to how the site surface water and foul drainage will be dealt with on the site. Conclude that if, following consultation with the council's Environmental Protection section, the risk from pollution is at an acceptable level, there are a number of conditions which should be added to any approval.

## RELEVANT PLANNING POLICY

### 11. **Adopted Dudley Borough Unitary Development Plan**

Policy DD1 – Urban Design

Policy S01 - Green Belt

Policy EP7 - Noise Pollution

Policy UR9 - Contaminated Land

Planning Policy Guidance Note 2 : Green Belts

## ASSESSMENT

12. Policy – The proposal site already has buildings and vehicle hardstandings. It is considered that the openness of the green belt in this location would not be adversely affected or harmed as a result of this development. Furthermore, the visual amenities of the green belt would not be injured or harmed.
13. The development is situated in the green belt. It would however replace the existing development on the site which consists of a brick built kiosk, a large canopy and hardstandings. The new build would be smaller in terms of scale than the existing development and the canopy would be removed. On balance therefore, given the existence of structures and hard surfacing on the site it is considered that this scheme is visually acceptable and that it would not adversely affect the openness of the green belt in this location. As such it is in accordance with Policy S01 of the adopted Dudley Borough Unitary Development Plan and Planning Policy Guidance Note 2 : Green Belts.

14. The structure has a contemporary appearance, made of steel and polycarbonate. The design with three parking bays for car washing reflects the function of the site. The design is considered to be acceptable with regard to Policy DD1 of the adopted Dudley Borough UDP.
15. There is however considerable concern regarding the unmanned nature of the site and its operation 24 hours a day, 7 days a week and the potential for noise. A Noise Impact Assessment submitted by the applicant indicates that at present the most significant noise in the vicinity of the site is associated with traffic on the Himley Road. The development would introduce three wash bays and two vacuum units on the site with the potential to generate noise. The Noise Impact Assessment indicates that the noise generated from this machinery during the day would be below the background level of noise from traffic however, during the night (when less traffic reduces the background noise) the noise of the machinery is likely to generate noise and complaints from neighbours. To overcome these concerns the applicant has therefore agreed to a restriction on the opening hours of the site. This would be acceptable in the context of Policies DD4 and EP7 of the adopted Dudley Borough UDP. The details would be agreed by the Head of Traffic and Road Safety prior to implementation.
16. There are also concerns regarding the unlimited accessibility of the site and the potential to attract gangs, drug users etc. The layout of the bays also provide potential for concealment from view to any anti-social behaviour. It is deemed necessary therefore that access to the site is also limited. To this end the applicant has agreed to fence the site and provide gates which will be locked at night. Again this is considered to be acceptable in the context of Policies DD4 and EP7 of the adopted Dudley Borough UDP.
17. The Environment Agency have raised a number of concerns regarding the possibility of contamination on the site and the disposal of foul and surface water. They have included a list of conditions which have been included below to ensure that these concerns are sufficiently addressed.

## CONCLUSION

18. The development is smaller than that which currently exists and its design is acceptable. A Noise Impact Assessment has indicated that because Himley Road is heavily trafficked it will generate a background noise above the proposed development during the day. However, with less traffic at night this would not be the case and the applicant has therefore agreed to conditions requiring fencing and gates to the front of the site and hours of operating restrictions. This should also reduce any potential for anti-social behaviour on the site. As such the application is considered to be acceptable in the context of Policies S01, DD1, DD4 and EP7 of the adopted Dudley Borough Unitary Development Plan and Planning Policy Guidance Note 2 : Green Belts.

## RECOMMENDATION

19. It is recommended that the application be approved subject to:
- a) The applicant entering into a Section 106 Legal Agreement for a contribution to off-site recreational public open space enhancement
  - b) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary
  - c) In the event that the Section 106 agreement has not been completed within *two* months of the resolution to grant approval, the application will be refused if appropriate.

### Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No machinery shall be operated on the premises before 07.30 hours on Mondays to Saturdays inclusive and 09.00 hours on Sundays and Bank Holidays nor after 22.00 hours Mondays to Saturdays inclusive and 18.00 hours on Sundays and Bank Holidays.

3. Development shall not begin until a scheme for fencing and lockable gates along the front boundary of the site indicating their appearance, design and precise location shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the car wash facilities on the site and retained for the life of the development.
4. The entrance gates shall not be unlocked before 07.30 hours on Mondays to Saturdays inclusive and 09.00 hours on Sundays and Bank Holidays and locked no later than 22.00 hours Mondays to Saturdays inclusive and 18.00 hours on Sundays and Bank Holidays.
5. The development shall not cause background noise levels to be increased by more than 5 d b(a) as measured under BS4142 (1990) and its subsequent amendments.
6. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
7. Development on the site shall not commence until :
  - a. a desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given these uses and other relevant information, and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors have been produced.
  - b. A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
    - . a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and
    - . refinement of the Conceptual Model, and
    - . the development of a Method Statement detailing the remediation requirements.
  - c. The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment undertaken.
  - d. A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the and approved in writing by the Local Planning Authority prior to remediation being carried out on the site.
8. The development of the site shall be carried out in accordance with the approved Method Statement.
9. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed by the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, for an addendum to the

Method Statement. This must detail how this unsuspected contamination shall be dealt with and from the date of the approval the addendum(s) shall form part of the Method Statement.

10. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
11. Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.
12. The approved scheme shall not commence unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.
13. Development shall not commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details.
14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.



