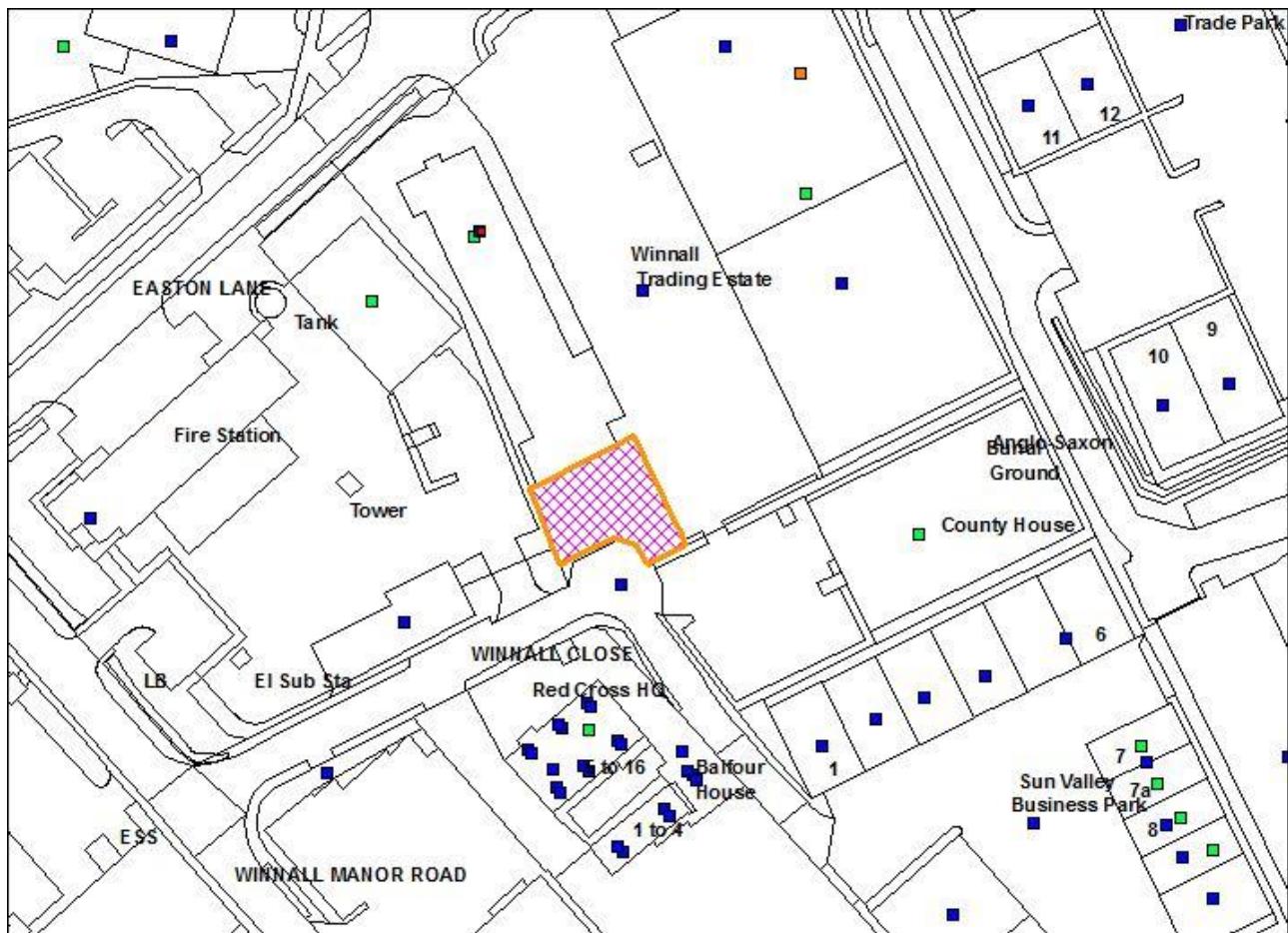


WINCHESTER CITY COUNCIL
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Case No: 19/01825/FUL
Proposal Description: Change of Use from 'Vacant Hardstanding' to 'Hand Car Wash'
(Retrospective)
Address: Unit 3 Easton Lane Winchester SO23 7RU
Parish, or Ward if within Winchester City: St Bartholomew
Applicants Name: Mr Fatmir Kotarja
Case Officer: Cameron Taylor
Date Valid: 23 August 2019
Recommendation: Permitted

Pre Application Advice: no



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General Comments

The application is reported to Committee due to the number of public representations received contrary to the Officer's recommendation.

Site Description

The site is located within the Winnall Industrial Estate off Easton Lane to the south and to the west side of the road which serves the site and a number of businesses.

The site prior to the development consisted of vacant hard standing set behind metal fencing with vegetation along the boundaries to the south and west. Surrounding buildings consist of Pine and Oak Furniture adjoining the site to the north, access and parking to Winchester Fire Station to the west, County Glass to the east across the road serving both sites along with Student accommodation located to the south of the site across Winnall Close and another building with Prior Approval for the conversion of B1(a) offices to C3 residential units.

The wider area consists of a number of warehouses and building of various sizes and appearances that offer the sale of good and services, with a small ground of buildings located to the south of site within the industrial area being used for residential units whilst the nearest residential street is over 200 metres to the southeast of the site.

Proposal

The application concerns the change of use of the vacant hardstanding to a hand car wash that will include the erection of two canopies over the washing and drying area, a waiting and storage area and restrooms.

Relevant Planning History

12/02284/FUL- Change of use from B8 to auction saleroom and storage (sui generis)-
Permitted
No pre application undertaken

Consultations

WCC Engineers: Drainage: no objection

- Need to know all water produced on site will drain to foul sewers and none will wash onto the public highway or into surface water drain.

HCC Engineers: Highways: - no objection

- The road accessing the trading estate is a classified road with a 30mph speed limit. The operational/internal arrangement of the car wash facility will not impact on the public highway and it is considered that the resultant increase in vehicle movements can be safely accommodated at the access junction with Easton Lane.
- On street parking restrictions are in place within the vicinity of the site in order to deter parking in inappropriate places.

WCC Environmental Protection:

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- Initial comments relate to concerns regarding the potential noise impact on the nearby residential dwellings, therefore refusal was recommended without a noise impact assessment
- Following submission of a noise impact assessment, the noise impact as a result of the operation of the car wash is relatively low because of other noise sources on the industrial estate; therefore should planning be granted the two mitigation measures stated in the assessment should be required (condition No.3).

Southern Water: no objection

- Should permission be granted an informative (No. 8) is attached with the consent.

Representations:

City of Winchester Trust: The trust supports Environmental Health's advice for refusal and the letters outlining the concerns about this application, noting the one regarding trading without permission.

14 letters received from 10 addresses objecting to the application for the following reasons:

- Shortage of turning spaces
- Concerns relating to highways in regards to parking in the area and increased traffic volume
- Concerned about proposed long trading hours
- Environmental Impacts, tree next to site and the chemicals from the car wash
- Erected signage on public highway
- The use of the business could lead to safety hazards
- Water pollution and chemicals used going into the drainage system without valid permission

Reasons aside not material to planning and therefore not addressed in this report

- There area already car washes in the area
- The legality of the business
- No trade effluent licence for waste water going into the drains
- They are trading without planning permission

17 letters of support received.

- The noise from the business will not lead to a significant increase to the area due to the surrounding businesses with the daily operational machines including glass breaking.
- The location of the business will not effect the traffic volume in the area and there is sufficient parking and space on site
- The car wash will help by bringing in additional footfall to the surrounding businesses.
- Small and local business should be supported by other local businesses in the area.
- The trade hours are no more or less than other companies.
- Doesn't get in the way of other vehicles sharing the site.

Relevant Planning Policy:

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Winchester Local Plan Part 1 – Joint Core Strategy

- CP8- Economic Growth and Diversification
- CP13 High Quality Design

Winchester Local Plan Part 2 – Development Management and Site Allocations

- WIN11.2- Winnall
- DM14- Masterplans
- DM16- Site Design Criteria
- DM17- Site Development Principles
- DM18- Access and Parking
- DM20- Development and Noise

National Planning Policy Guidance/Statements:

National Planning Policy Framework 2018

Supplementary Planning Document

High Quality Places SPD

Other Guidance

National Design Guide 2019

Planning Considerations

Principle of development

The development is situated in the settlement boundary of Winchester, where the principle of development is acceptable, provided it is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise.

The previously existing use of the site comprised of a *sui generis* use of an auction saleroom and storage in conjunction with the Pine and Oak Furniture shop. The proposal seeks retrospective planning permission to change the use of part of the site to *sui generis* for the use of a car wash.

Policy CP8 of LPP1 supports economic development and diversification across the whole district. This will be achieved through the retention of appropriate premises and, where feasible and consistent with the spatial strategy, new development to ensure that there is an adequate supply of land and premises, suitable to maintain a diverse and successful local economy. It is considered that the proposal is not contrary to this policy as it supports economic development.

Design/layout

The site is accessed from the road that serves the industrial estate, with the proposal including a new waiting area and store room to the raised access platform which can still serve the rear of the adjoining business to separate it from the main washing area. The layout of the site has the washing area set to the southwest corner of the site with a centrally located drain within the washing area. The ground is graded slightly to direct the water to the drain, whilst surface channel drains are located to the north and east to stop any water produced on site from reaching the highways. The indicated drying area is situated to the east of the washing area, with both the washing area and drying area having canopies above of a lightweight appearance. The layout of the site allows for the

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vehicles to both enter and exit the site in a forward gear onto the same road serving the site.

Impact on character of area and neighbouring property

The character of the surrounding area is very industrial with a number of large warehouses of various sizes and appearances with parking situated to the front of the buildings along the estate access road with businesses offering the sale of various goods and services.

It is not considered that the proposal leads to any significant change to the appearance of the site, with the main development comprising the installation of the canopies and small buildings to the north of the site which therefore still retaining an open appearance. From the public realm along Easton Lane, the proposal is not readily visible. Views from Winnall Close are screened by existing vegetation looking towards the acoustic walling to the site. Therefore in the context of the surrounding business in the area it is considered that the development will accord with the design policies of the Local Plan.

The nearest residential properties are located to the south at Balfour House which is over 20 metres away from the site; this includes student accommodation which the proposal will have an increased noise impact on. Due to the surrounding area being primarily industrial estates which have an operational noise louder than the operation of the carwash the impact is considered acceptable subject to the mitigation methods recommended in the noise impact report. This includes a higher fence installation and an acoustic enclosure around the vacuum. In addition operating hours will be restricted in the interest of protecting the amenity of the properties under condition No 2.

Landscape/Trees

There is an un-protected tree located to the south side of the site. The water produced on site will drain into the foul sewers and not onto the soil and therefore it is not considered to harm the health of the tree in the area.

Highways/Parking

The layout of the car wash has been assessed by HCC Highways Engineer who raises no objection. As a result of the layout of the site, it is not considered that the proposal will have a significant impact on the public highway and the resultant increase in vehicular movements are considered to be safely accommodated along the access from Easton Lane.

The site has ample space to accommodate at least 11 cars at various stages of the service that includes the washing, drying/valeting and waiting to be served. 5 additional cars can be accommodated just outside of the site as agreed with the Landlord , and it is not anticipated that any car will remain on site for more than 1 hour. Therefore it is considered there will be no significant adverse impacts on highways and parking as a result of the development in accordance with Local Plan policy DM18.

Drainage

Due to the nature of the development consideration needs to be given to the drainage across the site as to not lead to adverse impacts. The location of the washing area and location and orientation of the drainage on site ensures that the water produced on site in

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the process of washing the cars is contained, with the drains connecting to the foul sewer network with a silt trap under the primary drain to the washing area. Therefore the proposal is not considered to have any significant adverse impacts on drainage.

Other Matters

Signage was noted to have been erected, however this application is for planning permission for the change of use of the site, should signage need to be assessed then a separate consent may be required.

Recommendation

Approve subject to the following condition(s):

Conditions

01 The development hereby approved shall be constructed in accordance with the following plans: - Plans & Elevations AS EXISTING- Dwg No. 001-P-01 - Received 23.08.2019, - Drainage AS EXISTING- Dwg No. 001-P-02 - Received 20.10.2019, - Queuing Layout AS EXISTING- Dwg No. 001-P-03 - Received 24.10.2019

Reason: In the interests of proper planning and for the avoidance of doubt.

02 The use hereby permitted shall only be open to customers between the following times 0830 and 1830 Monday to Saturday; 0930 and 1630 on Sundays and at no time at all on Bank Holidays.

Reason: To protect the amenities of the occupiers of nearby properties.

03 Within one month of the date of this permission, details and drawings of noise mitigation methods to reduce the impact on the nearby residential properties, including 3m high acoustic walling and an acoustic enclosure for the vacuum cleaner, shall be submitted to and approved in writing by the Local Planning Authority. The approved noise mitigation measures shall be fully installed within 3 months from the date of their approval, and from thereon operated and maintained in accordance with the approved scheme, otherwise the use of the Car Wash facility hereby approved shall cease.

Reason: To protect the amenities of the occupiers of nearby residential properties.

04 If any external lighting is required, details shall be submitted to and approved in writing by the Local Planning Authority before their installation. The external lighting shall be installed, operated and maintained in accordance with the approved scheme.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

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Informatives:

1.

In accordance with paragraph 38 of the NPPF (July 2018) , Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2.

The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 - Joint Core Strategy: CP8

Local Plan Part 2 - Development Management and Site Allocations: WIN11.2, DM14, DM16, DM17, DM18, DM20

3.

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4.

All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

4.

During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6.

Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and
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noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practise

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

7.

Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

8.

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system
- b) A water course
- c) Where neither of the above is practicable: a sewer.

Areas used for vehicle washing should only be connected to the public foul sewer upon receipt of trade effluent discharge licence.

In order to apply for a discharge consent, you will need to engage a Water Retailer and submit the application through them. All charges for the trade effluent application and ongoing billing will be through the retailer. Trade Effluent application process for non-household (NHH) customers has changed since April 2017. This was a government decision to open the Market to competition.

Southern Water (SW) is still the owner of assets (Wholesaler), but all administrative or billing matters are conducted by the Retailer of your choice as SW did not enter the Retail market as this point in time. Attached is a link to the Open Water website that lists Retailers available. Please note that not all Retailers will provide a Trade Effluent service.
<http://www.open-water.org.uk/for-customers/find-a-retailer/suppliers/english-water-and-wastewater-retailers/>

Once we have received an application via your appointed water retailer, we have 2 months to issue a consent or refuse the application. Any permit/consent to the Environment e.g. lakes/riversstreams should be made by the discharger to the EA.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on the site.

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For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk.